

# PAST EU SEED MARKETING REFORM PROPOSAL in a glance

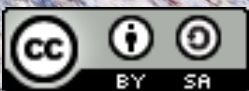
Fulya BATUR, Kybele



Webinar Workshop on the reform of EU

Seed marketing laws - January 2021

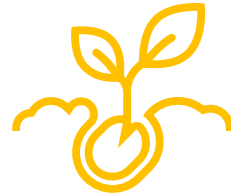
ARCHE NOAH Project "Gemeinsam Vielfalt befreien", with the  
kind support of the Software AG Stiftung



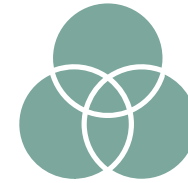
# ***PAST EU SEED MARKETING REFORM PROPOSAL IN A GLANCE***



***PAST REFORM  
PROCESS***



***COMMISSION  
PROPOSAL ANALYSIS***

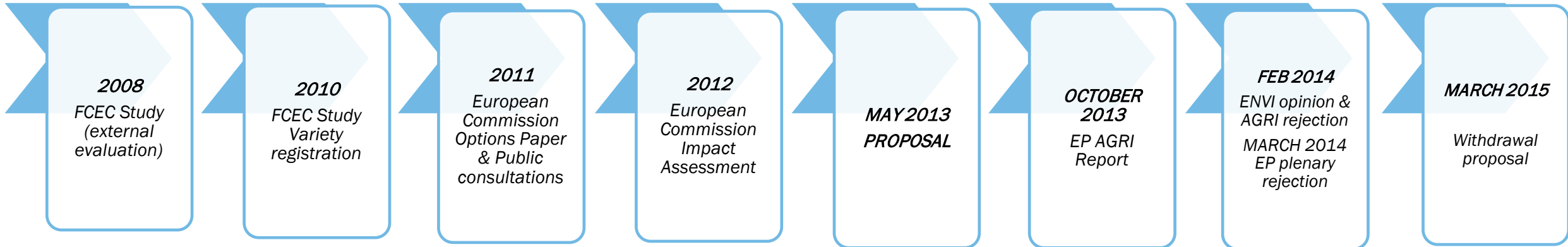


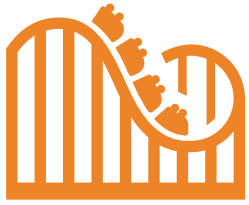
***DIFFERENT STATUS  
QUO?***



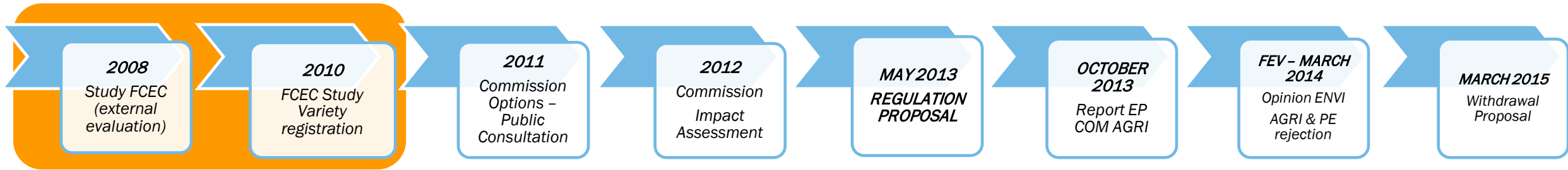
## ***PAST REFORM PROCESS***

### ***TIMELINE***





## PAST REFORM PROCESS

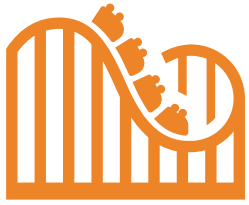


### EUROPEAN COMMISSION

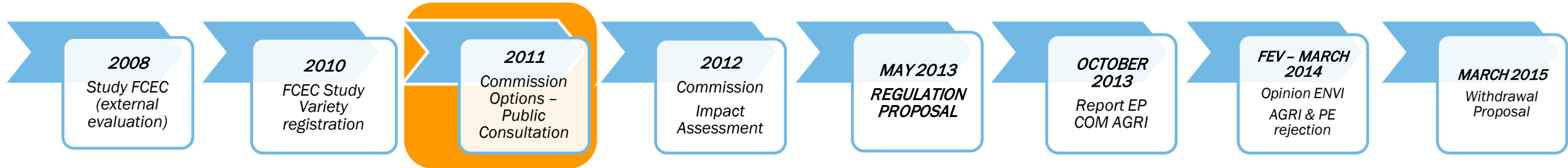


#### - Competence?

- DG SANCO (now SANTE), stand alone unit for Seeds (HoU Paivi MANNERKOPI, FI), now Plant Health (HoU Dorothée ANDRE, FR)
- 2007 - 2008: External Evaluation STUDY, 31.10.2008 (Food consultancy FCEC consortium, incl. Arcadia)
  - Focus on trade facilitation, level-playing field, administrative burden, discrepancies between VCU
  - Biodiversity mentioned 11 times in the 200 pages : only 19% of survey respondents think seed laws have detrimental effect, 53% positive.
- Study on Variety Registration, 2010 (FCEC consortium)

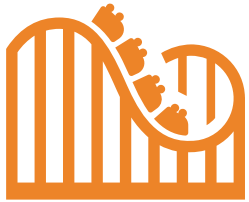


## PAST REFORM PROCESS

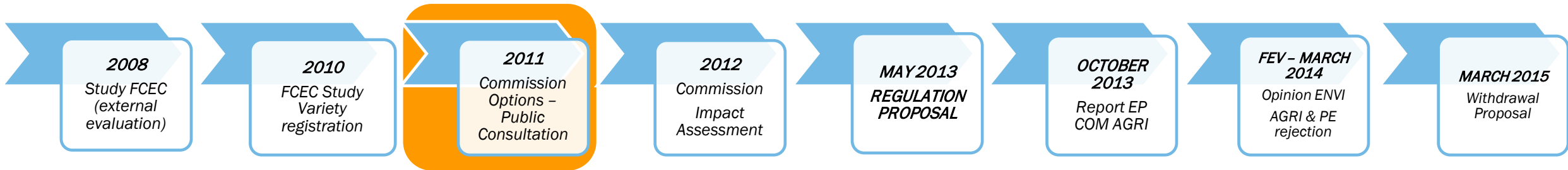


### EUROPEAN COMMISSION

- European Commission: Options & Analysis Paper, 2011
  - 5 Scenarios developed : FOCUS ON PROCEDURE
  - Approach to conservation & niche varieties unchanged : through specific provisions in all scenarios except enhanced flexibility where liberalised (marketed as “non tested varieties” through supplier description)
- Public Consultation Paper (257 responses)



## PAST REFORM PROCESS

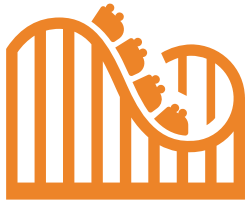


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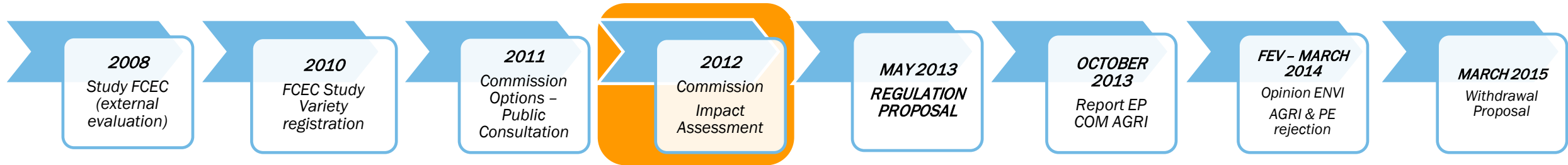
- European Commission: Options & Analysis Paper
  - 5 Scenarios developed : FOCUS ON PROCESSES
  - Approach to conservation & niche varieties
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For the following analysis, stakeholders were divided into categories:

- Competent authorities and ministries: 25% of responses;
- Breeders and PRM suppliers: 30%;
- Users of PRM;
  - non FRM: 13%;
  - Users of PRM emphasizing biodiversity issues: 12%;
- FRM : 15%



## PAST REFORM PROCESS



### EUROPEAN COMMISSION

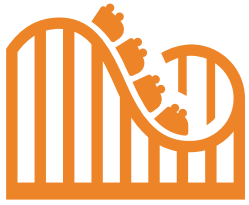


#### - IMPACT ASSESSMENT,

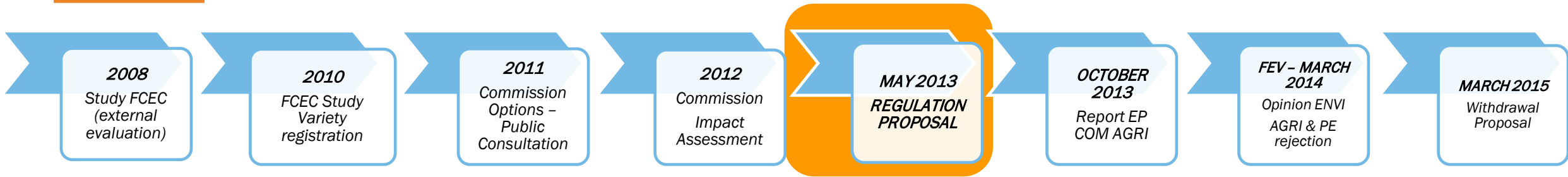
- Submitted by DG SANCO internally on 14.11.2011, revised & published 06.05.2013
- 5 Policy options (cost recovery, co-system, deregulation, enhanced flexibility & centralisation)

Elements from Options 2 & 4 : flexibility for operators – biodiversity

Elements from Options 2 & 5 : rigour in health & quality requirements



## PAST REFORM PROCESS

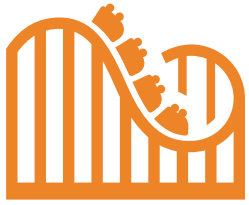


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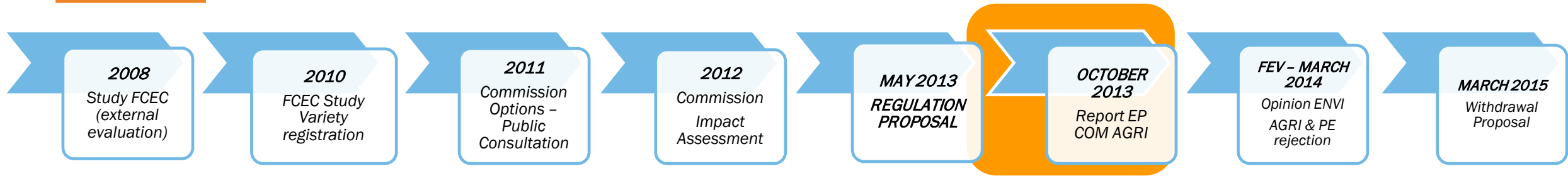


- Communication COM on package of proposals (plant health, animal health, official controls, seed marketing)





## PAST REFORM PROCESS



### EUROPEAN COMMISSION

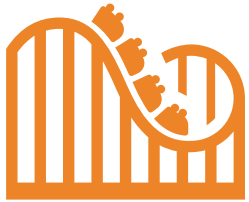


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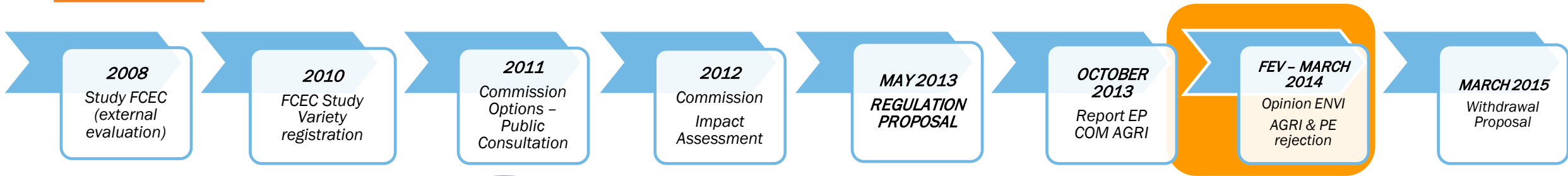
### EUROPEAN PARLIAMENT



- Competence?
  - Not ENVI, but AGRI Committee
  - Rapporteur EPP, Sergio SILVESTRIS, proposed 90 amendments (Draft report 28.10.2013)
    - 12.12.2013 : 841 amendments proposed by COMAGRI MEPs



## PAST REFORM PROCESS



### EUROPEAN PARLIAMENT

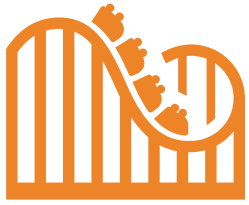
**P7\_TA(2014)0185**

#### **Production and making available on the market of plant reproductive material (plant reproductive material law) \*\*\*I**

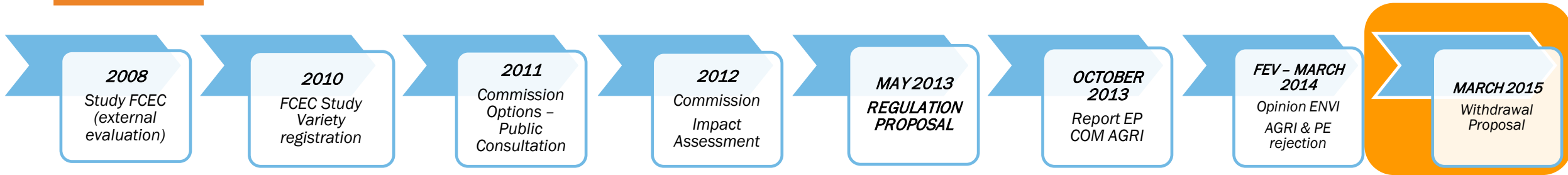
**European Parliament legislative resolution of 11 March 2014 on the proposal for a regulation of the European Parliament and of the Council on the production and making available on the market of plant reproductive material (plant reproductive material law) (COM(2013)0262 – C7-0121/2013 – 2013/0137(COD))**

**(Ordinary legislative procedure: first reading)**

1. Rejects the Commission proposal;
2. Calls on the Commission to withdraw its proposal and submit a new one;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.



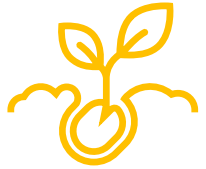
## ***PAST REFORM PROCESS***



**EUROPEAN COMMISSION**



- March 2015 : Formal Withdrawal Proposal



## **PAST COMMISSION PROPOSAL ANALYSIS**

EUROPEAN COMMISSION

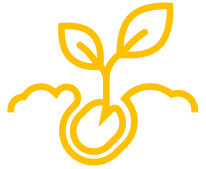


- **May 2013 PROPOSAL (2013/0137):** Plant reproductive material, production & making available on the market

**MATERIAL SCOPE**

**“Marketing”**

- **No more reference to ‘commercial exploitation’**
- **Scope:** “production, with a view of making available on the market” & “making available on the market” of PRM
- **Formal exceptions :**
  - solely for testing/scientific purposes,
  - breeding,
  - solely for and maintained by gene banks, organisations and networks of conservation of genetic resources, or persons belonging to these organisations



## ***PAST COMMISSION PROPOSAL ANALYSIS***

EUROPEAN COMMISSION

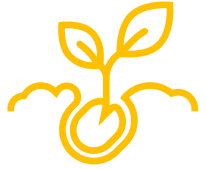


- ***May 2013 PROPOSAL (2013/0137):*** Plant reproductive material, production & making available on the market

***MATERIAL SCOPE***

***Regulated  
species***

- ***Not just listed in an Annex (like today)***
- **Formal criteria:** significant area & value of production, number of operators involved, or regulated substances (GM)
- **Listed in Annex, with COM delegated powers to amend**
- **Not just seeds,** but also rootstocks & other parts of plants



## **PAST COMMISSION PROPOSAL ANALYSIS**

EUROPEAN COMMISSION



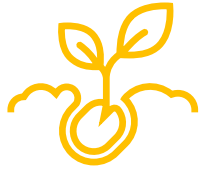
- *May 2013 PROPOSAL (2013/0137):* Plant reproductive material, production & making available on the market

### **REGISTRATION**

*Mandatory Registration for all professional operators*

*Variety registration the norm for ALL species (except for rootstocks)*

- Reference to Plant Health Proposal (now Reg 2016/2031)
- Principle of *official description based on DUS tests*
- For “valuable” species for EU agriculture , *satisfactory VCU*
  - Except for varieties with “officially recognised description”
- For “valuable” species for sustainable development, *sustainable VCU*
- Testing “under official supervision ”

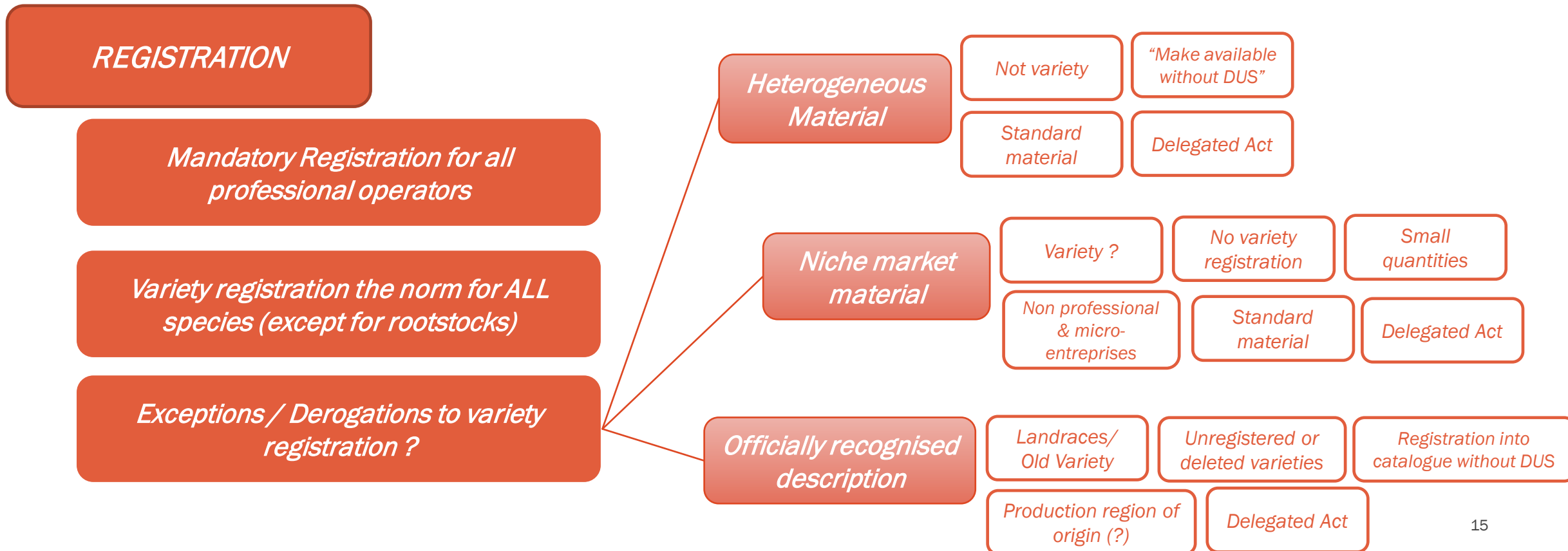


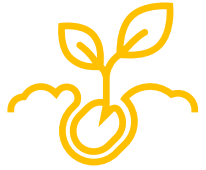
# PAST COMMISSION PROPOSAL ANALYSIS

EUROPEAN COMMISSION



- *May 2013 PROPOSAL (2013/0137):* Plant reproductive material, production & making available on the market





# PAST COMMISSION PROPOSAL ANALYSIS

EUROPEAN COMMISSION



- *May 2013 PROPOSAL (2013/0137):* Plant reproductive material, production & making available on the market

## PRODUCTION RULES

*Uniform quality requirements*

*Annexes : Germination, moisture, purity, Sufficient distance, maintenance, weed presence, off-type control*

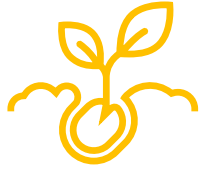
*Supplemented by Delegated Acts*

*Wider possibilities to produce & “make available” standard material*

*Delegated Act list species where standard material not allowed*

*All “diversity” derogations have to be marketed as standard material*





# PAST COMMISSION PROPOSAL ANALYSIS

EUROPEAN COMMISSION



- *May 2013 PROPOSAL (2013/0137)*: Plant reproductive material, production & making available on the market

## LABELLING & PACKAGING RULES

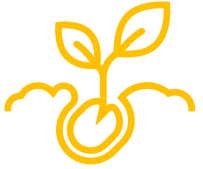
*Two types of labels*

*Official Label*

*Operators' label ("under official supervision" & also for standard material)*

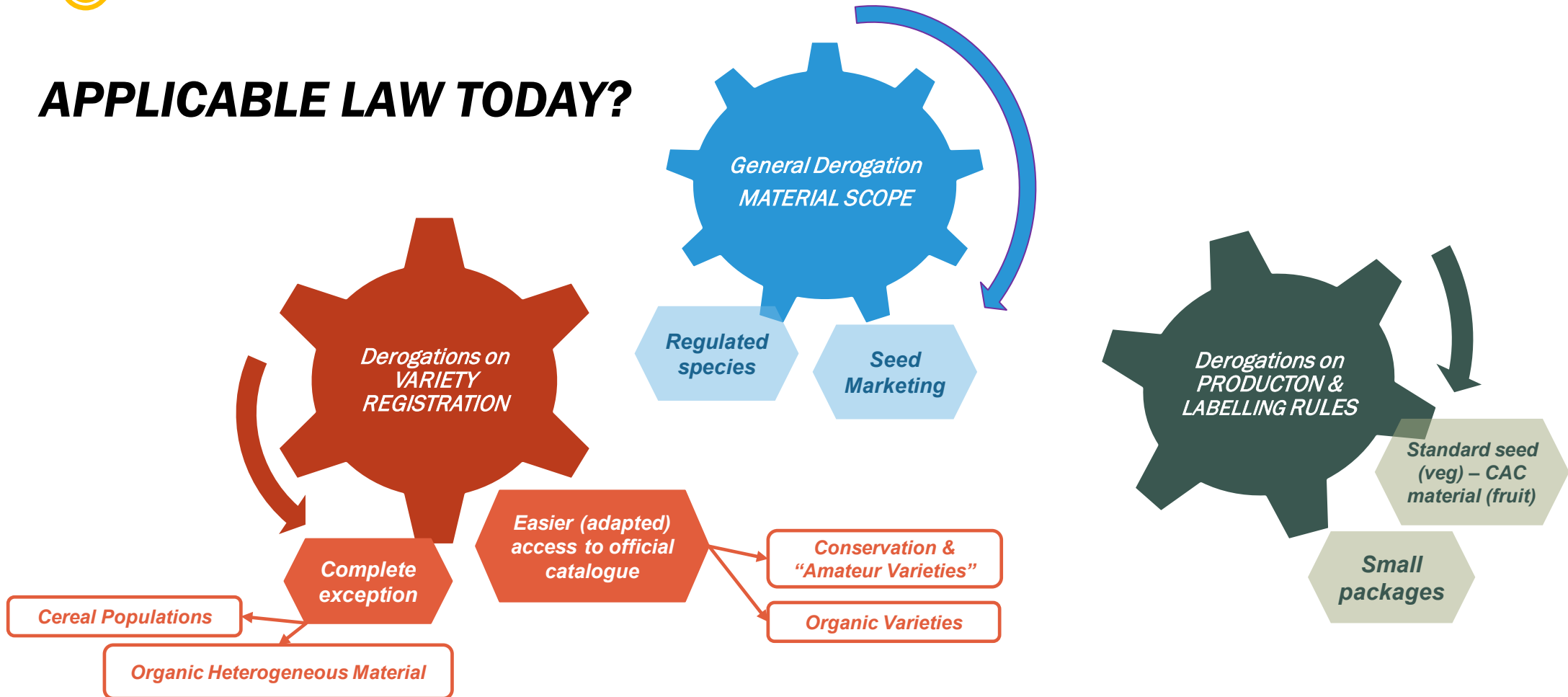
*Derogations small packages*

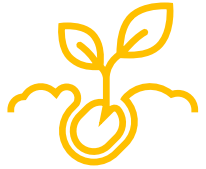
*Delegated Act can foresee specific rules*



# PAST COMMISSION PROPOSAL ANALYSIS

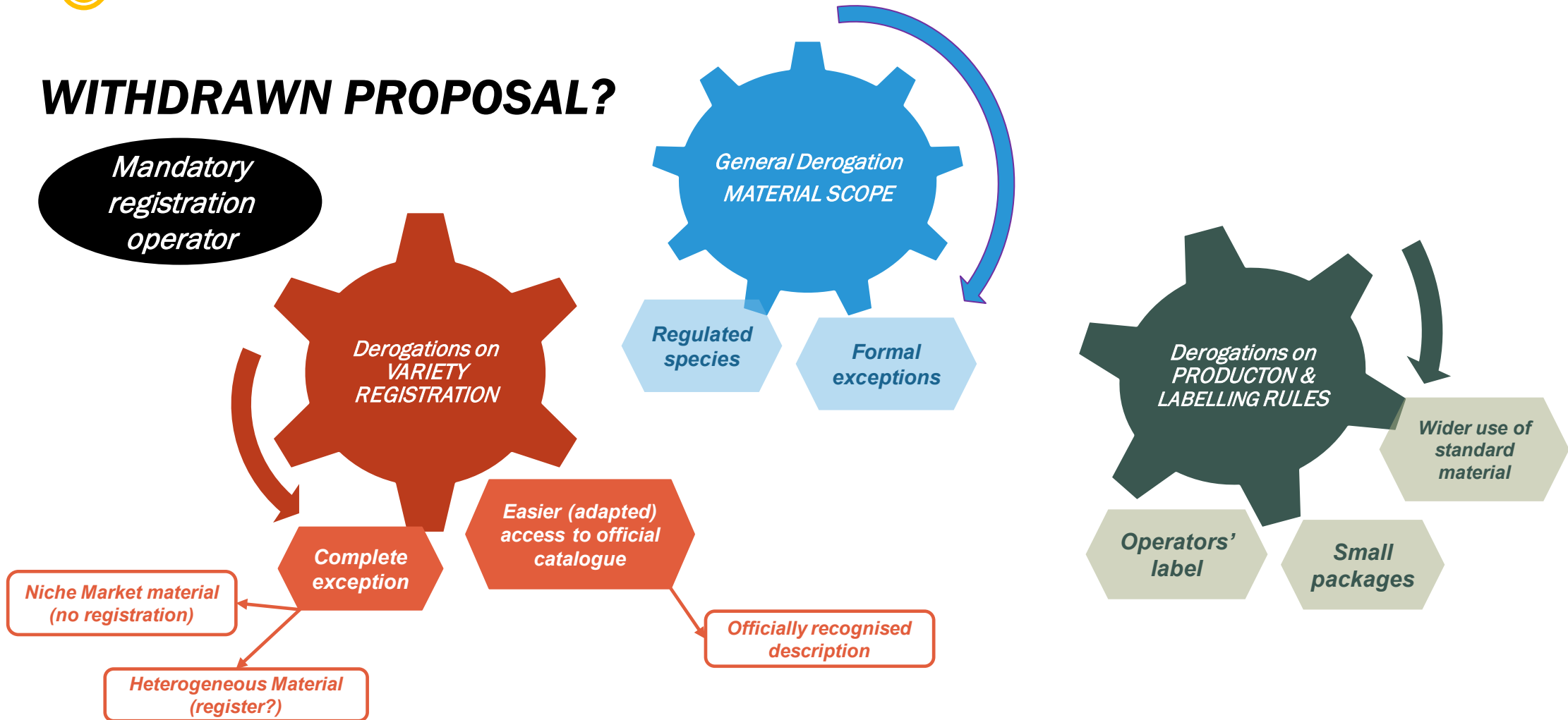
## APPLICABLE LAW TODAY?

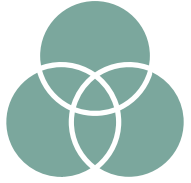




# PAST COMMISSION PROPOSAL ANALYSIS

## WITHDRAWN PROPOSAL?





## ***DIFFERENT STATUS QUO?***

***Decision COUNCIL of MINISTERS  
(Nov 2019)***

***Study on options by Commission  
Reform in 2021***

### ***DIFFERENT LEGAL CONTEXT***

- *UNDROP & right to seeds*
- *Experience with Conservation/Amateur varieties;  
Temporary Experiment Cereal Population*
- *Organic Regulation : OHM notification & Temporary  
experiment Organic Varieties*

### ***DIFFERENT SOCIO-ECONOMIC CONTEXT***

- *Consolidation Seed Industry (mega-merger)*
- *Creation / Strengthening Seed Networks & companies*
- *COVID crisis : importance of local & resilient food  
production; nutrition, health*

### ***DIFFERENT POLITICAL CONTEXT***

- *EU Green Deal, Climate objectives, EU Farm to Fork &  
Biodiversity Strategies*
- *Commission under pressure from past reform failure*
- *Conservative but greener European Parliament, with  
precedent for shared competence AGRI/ENVI (in CAP SP)*
  - *Conservative Council*

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