



April 2021

Issue 11

This newsletter is produced by Fulya BATUR (Kybele) for the European Coordination Let's Liberate Diversity

INSIDE THIS ISSUE

1

ECLLD Seed Policy Dialogue

2

Organic Regulation

3

Seed Marketing Reform

4

Farm to Fork Strategy (EP INI Report)

5

EC work on "New techniques in Biotechnology"

6

Plant Health Consultation

SPROUTS FROM BRUSSELS

Seeds & Crop Biodiversity in European Policy

Welcome to *Sprouts from Brussels*! This newsletter wishes to inform the seeds and crop biodiversity movement across Europe on the policy developments which may have an impact on their activities. If you wish to be part of the conversation, and receive this briefing every month, subscribe [here](#)! If you wish to read previous issues, click [here](#)!

ECLLD Seed Policy Dialogue

Register to the ECLLD Seed Policy Dialogue on new techniques of genetic modification on 29th April at 5pm!

In order to discuss policy developments that affect crop diversity movements, the European Coordination Let's Liberate Diversity (ECLLD) is launching a **series of virtual Seed Policy Dialogues**. These monthly meetings will be a place to exchange on the different policy updates compiled in the Sprouts newsletter and dig deeper into a specific topic brought forward by the ECLLD Members.

This month's dialogue will be held on **Thursday 29th April from 17:00 – 18:30 CET**, with the participation of the French organisation Inf'OGM, as it will tackle the topic of new techniques of genetic modification, including genome editing. The webinar will be held in French and English. You can register [here](#) to attend the event.



Update on the Organic Regulation

Delegated Act on Organic Heterogeneous material still on the legislative train, consultation on record-keeping obligations, and adoption of the European Organic Action Plan.

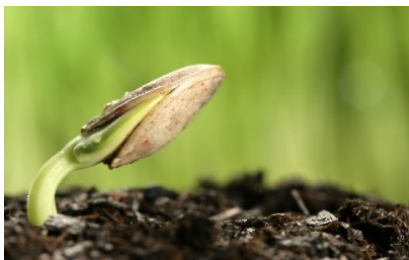
The draft Delegated Act (DA) on **Organic Heterogeneous Material** (OHM), regulates the rules to be followed for the production and marketing of diverse seed populations. The Act, although ready, is still with the EU Commission translation services and has not yet been sent to the EU Council and the EU Parliament for a feedback and comment period of two months. Just like the Organic Regulation, the Delegated Act will enter into force on 1st January 2022.

Based on the new Organic Regulation, organic producers and groups of organic producers in the EU need to **keep records** to show their compliance with EU rules. A Draft Delegated Act adds to the information that needs to be recorded, according to that Regulation and is [Open for public consultation](#) until 11th May.

On the 25th March, the European Commission has published the [European Organic Action Plan 2021-2027](#), with sizeable space dedicated to seeds. The **Action Plan's** third axis, aiming to "improve the contribution of organic farming to sustainability",

contains a section dedicated to “enhancing genetic biodiversity and increasing yields”. Amongst the measures cited in the section, the Commission states that it “will revise the Seeds Marketing Directives to facilitate the registration of seed varieties, including those used for organic farming, and develop actions to conserve genetic resources and develop seeds with a higher genetic variability and broader biodiversity potential”. In addition, starting in 2022, funding under Horizon Europe will be earmarked “to support the preservation and use of genetic resources, pre-breeding and breeding activities, and the availability of organic seeds, and to contribute to the development of organic heterogeneous material and organic varieties”.

[IFOAM Organics Europe has welcomed the Action Plan](#), especially the “allocation of at least 30% of the Horizon Europe funding for agriculture, forestry and rural areas to topics relevant for the organic sector, as well as carrying out a study on the real price of food and the role of taxation”.



Upcoming Seed Marketing Reform

Study on options to reform EU seed marketing laws to be discussed by

Council in May, Inception Impact Assessment in preparation by the Commission, and Common vision letter sent by civil society.

Mandated in November 2019 by the European Council to carry out a study on the options to reform the EU seeds marketing rules, the European Commission will **publish** the study carried out by an external consultancy in the coming days (probably the 30th April). The work will be presented to the representatives of EU Member States that sit in the Special Committee on Agriculture, which prepares the work of the Agriculture and Fisheries Council, on 10th May. It is now clear that the study will be accompanied by an **Inception Impact Assessment**, which is a detailed Roadmap for further legislative work, and precedes official impact assessments that need to be carried out by the European Commission given the potential impact of a law or policy on the economy, environment or society. This inception impact assessment will be open for public consultation on the official Have Your Say website for a length of three weeks after its publication. The European Commission will then start working on the full impact assessment and the legislative proposal, which will be open for public consultation for a duration of three months.

In the meantime, a **common vision letter** was [sent to the European Commission](#) by different actors of crop diversity, “representing seed savers, gardeners, farmers, breeders, seed suppliers, food producers, and civil society organisations that value and work with the genetic diversity of cultivated plants”. Outlining the shortcomings of the currently

applicable legislative framework on the marketing of seeds, the organizations also outline key demands for the future system, which should “support, rather than discriminate against, intra-specific and intra-varietal diversity, thereby supporting adaptation to climate change, the transition to a more climate and environmentally friendly agriculture, local seed and food production, farmers’ rights, and healthier diets”. To that end, the organizations argue that the definition of seeds marketing should be limited to commercial activities targeting professional seed users, the legislation provides freedom of choice for farmers and growers with regards to seeds and their production standards, transparency about breeding methods, in a system where the distinction between intellectual property rights systems and seeds marketing are clearer.



EP Report on the Farm to Fork Strategy

Compromise amendments are being negotiated on the INI Report of the European Parliament on the Farm to Fork Strategy, civil society letter on priorities for the Strategy.

Presented by the European Commission in May 2020, the [Farm to Fork Strategy](#) is an overarching policy framework which is part of the European Green Deal, addressing changes needed throughout the entire food value chain, from production to transformation to consumption. The **European Parliament** has been working on its **Initiative Report on the Strategy**, where the competence is shared between the Agriculture and Environment Committees. Compromise agreements are currently still being negotiated by the different political groups of the European Parliament.

In order to influence the process, numerous **civil society organisations**, amongst them ARC 2020, Arche Noah, European Coordination Via Campesina, Consumer Organisation BEUC, the European Environmental Bureau, Ifoam Organics Europe, Pesticide Action Network and Urgenci (the Community Supported Agriculture movement), all members of the [EU Food Policy Coalition](#), have sent a [strong letter](#) to the MEP's listing seven priorities for the Farm to Fork Strategy. In relevance to crop diversity, they ask for recognition of the need for urgent and bold action, endorsement of the Farm to Fork targets, unlocking the transition to agroecology for nature and climate-friendly farming, and the promotion of precaution and farmers' rights before technological innovation.



EC Work on “New Techniques in Biotechnology”

As the publication of the European Commission study on new genomic techniques looms in the horizon, advocacy campaigns are getting louder.

Back in November 2019, [Member States](#) mandated the European Commission to carry out a [study on “new genomic techniques”](#). The study, was kicked off with a targeted stakeholder consultation, in a process [criticised by civil society](#) for the heavy and disproportionate involvement of the biotechnology industry in the process. The **study** will be **published** on the 30th April, and will be presented to Member State officials on 10th May, and during an ad hoc meeting of the ‘Joint Working Group on new genomic techniques’.

Actors from the biotechnology and seed industry, along with umbrella organizations regrouping scientists from a plant science and molecular biology background, such as the [EU-SAGE network](#), the [European Plant Science Organisation](#), and the [Re-imagine Europe task force](#) call for a **deregulation** of certain techniques of genetic modification. Intriguing links have been uncovered through extensive research carried out by lobby watchgroup Corporate Europe Observatory in their [“Crispr-files”](#), which unveil the **tactics** used by the biotech industry to prepare the ground for such deregulation. In the meantime, a group of **161 organizations from civil society, farmer and peasant groups, and the organic movement** have sent a [letter to the European Commission](#) calling them to not

deregulate a new wave of GMOs, and demanding the protection of the rights of farmers and consumers to choose what they plant and eat. This means GM food must be risk-assessed, traceable and labelled.



EU Commission Consultation on Plant Passport Regime

Consultations on the plant passport regime still open until 9th May 2021, the outcomes of which will be presented to the EP and Council by December 2021.

Required by EU Regulation 2016/2031 (and analysed in more detail in [Issue 9](#) of the Sprouts), the Commission's needs to publish **reports** that will analyse the impact of the extension of the plant passport systems to all plants (and seeds), and be accompanied by a legislative proposal if deemed necessary by the cost-benefit analysis. DG SANTE, which holds the file, has prepared a [dedicated website](#) to the process, where different questionnaires can be found, according to your status (private citizen, operator or association). The **questionnaires are open until 9th May 2021**. The process is a good chance to show the potential detrimental effects of the new regime on the conservation of biodiversity, but also peasants' rights to seeds.

SPROUTS FROM BRUSSELS Glossary

This Glossary is intended to provide some guidance to better understand the institutional structure of European policymaking. Please get in touch if you wish to see additional terms defined here.

European Institutions

The **EUROPEAN COMMISSION** is the executive branch of the European Union. Different Commissioners, supported by 30'000 bureaucrats, have the power to submit legislative proposals, and are tasked with following the implementation of European law. The Commission is divided into different **DIRECTORATE GENERALS (“DG”)**, which are akin to national Ministries. Due to the multi-disciplinary nature of crop diversity, a few DG's are responsible for policy portfolios that impact seeds. DG SANTE is responsible for plant health, seeds marketing, the authorisation of phytosanitary products and the regulatory framework for genetically modified organisms. DG AGRI is responsible for agricultural policy and rural development, while DG ENV is responsible for the Union's environmental policy, including biodiversity and soil quality frameworks.

The **EUROPEAN PARLIAMENT** is one of the two institutions making up the legislative branch of the European Union, with its directly elected 705 Members of Parliament (“MEP”) from all EU Member States. Its powers have been quite reinforced since the Treaty of Lisbon, and now the Parliament has a say in all policy files linked to crop diversity. It works in different **COMMITTEES** (ENVI and AGRI are both competent for matters related to crop diversity), but all texts need to be adopted in so-called **PLENARY**, which regroups all MEP's. Even though European elections are carried out on the basis of national lists, MEP's then congregate into European-level political groups : the European People's Party (EPP), Socialists & Democrats (S&D), liberals Renew Europe (RE), Identity & Democracy (ID), Greens/EFA, Conservatives (ECR), leftists GUE, and the non-affiliated few.

The **EUROPEAN COUNCIL** is the last institution of the legislative branch of the European Union, composed of heads of States and governments, in different configurations according to the topic at hand. For matters related to crop diversity, the main interlocutor is the AGRIFISH Council, but also the ENVI Council to a certain extent.

Instruments of European Law

There are two instruments in European law: a **REGULATION** (of the COUNCIL and the PARLIAMENT) is directly applicable in all Member States, without the need for a specific national law, which means that the rights and obligations of the Regulation can be indisputably invoked by citizens, and be applied by national judges. With regards to crop diversity, the new Organic production regime, as well as rules concerning plant health are both enshrined in Regulations.

A **DIRECTIVE** on the other hand, is not directly applicable in Member States, which need to transpose the European rules in national laws and/or decrees. This tool gives much more margin of manoeuvre to national authorities, which explains the wide differences that exist between national seed marketing regimes, the principles of which are set in 12 different European Directives.

In a **REGULATION** or a **DIRECTIVE**, the European Parliament and the European Council can decide to give the Commission the power to further specify certain aspects of the general rules, which will lead to a **COMMISSION REGULATION**. There are two types of Commission legislative action in this framework: **IMPLEMENTING ACTS** are adopted to ensure uniform conditions for the implementation of European law, while **DELEGATED ACTS** are adopted on the basis of a specific delegation of power in a **BASIC ACT** (i.e. either a **REGULATION** or **DIRECTIVE** of the European Council and Parliament), that defines the objectives, content and scope of the delegation of power. Both Implementing and Delegated Acts are prepared by the Commission with heavy involvement of national authorities, regrouped either in a Committee or an Expert Group. The European Parliament is involved only at the approval stage for Delegated Act, while stakeholders are consulted through the “Have Your Say” website of the European Commission once the drafts (of both Implementing and Delegated) Acts have been finalised, four weeks before their adoption by the competent structure(s).