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SPROUTS FROM BRUSSELS

Seeds & Crop Biodiversity in European Policy

Welcome to Sprouts from Brussels! This monthly 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!](#)

Seed Marketing Directives

Study kicks off at the end of June 2020 as consultancy is chosen

The consultancy that will do the background work for the [study requested by Member States](#) to the European Commission on the options to reform the seeds marketing rules has been chosen by the European Commission (DG SANTE, Plant Health Unit).

The international consultancy company (which is not specialised on seed matters) will **gather data and consult stakeholders likely at the end of June 2020**. The publication of the study is expected during the first quarter of 2021. It will be followed by an impact assessment to be drafted by DG SANTE officials. The European Commission has already informally signalled that the reform process will not be a complete systemic overhaul, and is likely to be more targeted than the 2013 exercise.

As mentioned before, organisations should get in touch with their national authorities, coordinate their actions, and prepare **informative background documents** highlighting the problems encountered in current seed marketing rules, supported by facts and figures (especially with regards to the registration of conservation and “amateur” varieties, testing protocols, definitions in the legislation, and also with regards to the sale of seeds to final non-professional users).



Organic Regulation

Last Rounds for Organic Heterogeneous Material (“OHM”)

While the lead for the [Organic Regulation](#) in the European Commission is with the Directorate General for Agriculture (DG AGRI, Unit Organic), the technical work on the new notification regime for the marketing of OHM is done by Directorate General for Health and Food Safety (DG SANTE, Unit Plant Health).

The **Expert Group** on Organics which negotiates the Delegated Act will meet virtually on the [15th June 2020](#), and discuss the outcome of the “Inter-Service Consultation”, i.e. the feedback mechanism between the different Directorate Generals of the European Commission. There is thus **very little time left to influence** the content of the Delegated Act carving out the new notification regime, which contains positive aspects, but maintains quite a restrictive approach to the description and definition of OHM (especially with regards to historical material that needs to have been gone through on-farm management for at least six generations in different regions), and imposes burdensome maintenance obligations, amongst others.

Farm to Fork & EU Biodiversity Strategies

Relative success for crop biodiversity: Its value is recognised but little concrete action is envisaged!

The cross-cutting “**Farm to Fork Strategy**” & the **EU post-2020 Biodiversity Strategy**, which are both part of the European Green Deal, were officially **announced on 20th May 2020**.

The [EU Biodiversity Strategy](#) (lead DG ENV), which aims to cover the decade until 2030, recognises **farmers’ role in preserving biodiversity** as guardians of our land, while stating that “certain agricultural practices are a key driver of biodiversity decline”. The Biodiversity Strategy will thus greatly influence the Strategic Plans that will be adopted under the future Common Agricultural Policy, signalling a tough battle between DG ENV and DG AGRI on the topic. The Biodiversity Strategy also sets tangible **targets** for the reduction of the overall use of chemical pesticides use by 50% by 2030, at least 10% of agricultural area under high-diversity landscape features, and achieving to have at least 25% of the EU’s agricultural land under organic standards by 2030.

With specific regard to **seeds**, the Strategy recognises that “*the decline of genetic diversity must also be reversed, including by facilitating the use of traditional varieties of crops and breeds. This would also bring health benefits through more varied and nutritious diets. The Commission is considering the revision of marketing rules for traditional crop varieties in order to contribute to their conservation and sustainable use. The*

Commission will also take measures to facilitate the registration of seed varieties, including for organic farming, and to ensure easier market access for traditional and locally adapted varieties”.

In addition, the Strategy carves out a mandate for the negotiations at the level of the Convention on Biological Diversity, and the 15th Conference of Parties, which regroups all signatory States. The EU will partner up in a “high ambition coalition on biodiversity”, asking for stronger implementation, monitoring and review processes, forcing States to revise their National Biodiversity Strategies and Action Plans by the end of 2021. With regards to the Nagoya Protocol, the EU also wishes that the international framework ensures the “fair and equitable sharing of the benefits from the use of genetic resources”.



Within the [Farm to Fork Strategy](#) (lead DG SANTE), crop diversity is mentioned in measures linked to ensure more sustainable food production. In the only paragraph dedicated to **seeds** in the Strategy itself, the Commission states that “*sustainable food systems rely on **seed security and diversity**. Farmers need to have access to a range of quality seeds for plant varieties adapted to the pressures of climate change. The Commission will take measures to facilitate the registration of seed varieties, including for organic farming, and to ensure easier market access for traditional and locally adapted varieties”.*

Variety registration and market access will not be “light” (which was

the wording used in previous leaks), but rather made “easier”, hinting that a significant rethinking of the system is not likely, but rather pointing at adjustments. Disappointingly, no specific action and/or timeline is given for seed matters in the adopted strategy and its Annex, probably not to preclude the results of the ongoing study, or more probably even because the reform is considered to already be under way. Disappointingly as well, the role of seed diversity in sustainable food systems is viewed in the quite traditional sense, and does not imply systemic change or support for participatory plant breeding or dynamic management of biodiversity, as advocated by the [DYNAVERSITY](#) project.

The strategy still worryingly contains **reference to “new genomic techniques”**, which are presented as a possible tool to “*increase sustainability, provided they are safe for consumers and the environment while bringing benefits for society as a whole, [while] also accelerating the process of reducing dependency on pesticides”.* Given the large-scale advocacy efforts of the biotechnology and seed industries compared to civil society on the topic, the wording of the Commission remains cautious and less prominently positive than previous leaked versions of the Strategy, mentioning safety issues.

Other interesting actions to be taken in the short term include the review of the framework on the sustainable use of **pesticides**, support for agroecological and **organic** farming (with the aforementioned 25% target), primary producers’ position in the **food chain**, and an EU promotion programme for sustainable food. In the longer term, a legislative framework for **sustainable food systems** will be proposed, along with some actions on food labelling.

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).