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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!](#)

UNDROP right to seeds in the EU

New Geneva Academy publication on the Implementation of the UNDROP Article 19 on the right to seeds in the EU.

The new [Practical Manual on the Right to Seeds in Europe](#), co-authored by Dr. Christophe GOLAY from the Geneva Academy, and Dr. Fulya BATUR from Kybele, outlines the steps that the European Union (EU) and the EU Member States shall take, via the implementation of the United Nations Declaration on the rights of peasants and other people working in rural areas (UNDROP), to better protect the right to seeds in Europe. Targeting representatives of EU institutions and EU Member States, peasant organizations, seed networks, academics and experts from Europe, it discusses how UNDROP's article 19, which recognizes the right to seeds, shall be taken into account in the future revision of EU rules on seeds, with concrete examples on the path forward. Indeed, 'UNDROP's implementation represents a unique opportunity to rebalance the lack of support given to peasant seed systems in Europe, compared to the support given to industrial seed systems in recent decades. As a result, the EU and its Member States need to ensure the full and meaningful participation of peasants in decision-making on matters

relating to seeds; guarantee the right of peasants to maintain, control, protect and develop their own seeds and traditional knowledge; and make sure that agricultural research and development is oriented towards peasants' needs'.



Update on Organic Heterogeneous Material

Delegated Act on Organic Heterogeneous material in translation with Commission services, before its communication to European Parliament and Council prior to its adoption by the European Commission.

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. DG SANTE presented the latest draft to the **Expert Group on Organics** during its virtual meeting on the [27th January 2021](#).

After undergoing minor (unknown) corrections, the Act is now being

translated by the Commission services. It will be sent to the EU Council and the EU Parliament by mid-April, 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.



Insight on Seed Marketing Reform

Publication of the study on options to reform EU seed marketing laws foreseen in April 2021, with looming uncertainty over the scale of the future reform.

While presenting the study on options to reform the seeds marketing legislation during DG AGRICULTURE's Civil Dialogue Group on [5th March 2021](#), DG SANTE services were extremely cautious not to hint to the existence or even the scale of the reform. They expect the internal Commission work on the study to be finished by mid-April and will be transferred to the European Council. A presentation is likely to happen in the beginning of May before the Council's Special Committee on Agriculture (which is the preparatory body of the AGRIFISH configuration of the Council). DG SANTE has reiterated that the study will be published and open for comments in parallel to its transfer to the Council. Depending on the outcomes of the study, the reactions of the Council and also stakeholders,

the impact assessment procedure will be launched, likely leading to the publication of a proposal in Autumn 2021 at the earliest.

On the other hand, another member of the same DG SANTE Services, Paivi Mannerkorpi, Team Leader for Plant Reproductive Material in the Directorate's Plant Health Unit, has provided valuable insight to her personal perspective on the work ahead with regards to seeds marketing, in a article for the seed industry magazine, [EuropeanSeed: Quality Seed for Professional Use](#). She does not shy away from stating her preference for targeted amendments to the existing species-specific Directives, rather than a single Regulation. Hinting that the main objectives pursued by the failed reform attempt in 2013 are still valid, i.e. the creation of a common and simplified framework for all seed sectors, with more responsibility and flexibility for operators, cost recovery for public authorities. With regards to biodiversity, the Commission official states that it needs to be "enhanced", and that seed laws need to provide "opportunities for niche markets and for small producers, [making] the rules more compatible with policy aims such as sustainable intensification of agriculture and the conservation of biodiversity". She also adds in that seven years later, we do have general policy frameworks such as the Sustainable Development Goals, the European Green Deal and the Farm to Fork Strategies, which require action, failing to mention the Biodiversity Strategy, along with the United Nations' Declaration on the Rights of Peasants ("UNDROP"). In her opinion, the biggest challenges of the new

legislation will be to rise to the challenges of climate change and globalisation, which shall be done by using "better and continually developing tools than ever before, supporting innovation, such as bio-molecular techniques, big data and bio-informatics, or digitalisation". Recognising that the dominant approach of currently applicable rules dating back to the 1960's, needs an urgent facelift to become more flexible and risk-based, it will be interesting to see how exactly this reform, where the Commission wants "to think big", could be achieved through specific amendments to existing legislation. It should also be noted that the primary goal of the Commission Team Leader remains to "foster a modern and effective regulatory environment in plant breeding and seed production, under which innovation can thrive".

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, with animated discussions on the role of new genetic engineering in achieving the Strategy's goals.

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. The draft report received a staggering number of 2297 amendments, where notable disagreements have emerged on the role of “breeding innovation”, more specifically genetic engineering and genome editing tools, could play in the pursuit of the Strategy’s ambitious targets. As compromise agreements are currently being negotiated by the different political groups of the European Parliament, it is still to be seen whether they manage to reach an agreement on the issue, which is proving to be quite divisive.



EGE Report on Genome Editing

As the publication of the European Commission study on new genomic techniques looms in the horizon, its Groups on Ethics publishes its opinion on Genome Editing.

Back in November 2019, [Member States](#) had 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 has different elements, from

a state of play of GMO legislation’s implementation in EU Member States, to the status and use of “new genomic techniques” for agri-food, industrial and pharmaceutical applications, to risk assessment methodologies (carried out by the European Food Safety Authority EFSA), and the current scientific and technological developments (carried out by the Joint Research Centre).

To feed the general study, the [European Group on Ethics in Science and New Technologies](#) has published its report on the [Ethics of Genome Editing](#). The 112 pages long document touches upon some cross-cutting ethical aspects such as humanness, diversity, safety and governance, before delving into the specificities of genome editing in humans, animals, and last but not least, plants. In its general conclusions, the report calls for a wide-ranging and inclusive societal debate on genome editing, for efforts towards joint monitoring and learning from regulatory and scientific developments, and for international engagement towards global governance.

It goes into much more detail in its recommendations for genome editing in plants, the Group’s first sentence is surprising one acknowledging that the “introduction of new genome edited plants into the agricultural environment may be beneficial in providing products for an increasing population and in facing the impact of climate change”. The authors recommend a careful assessment of potentials and risks of genome edited plants for agriculture, the development of an (eco)systems approach for the evaluation of costs and benefits of genome edited crops, the development of mechanisms to ensure corporate responsibility, the

investigation of mechanisms for traceability and labelling, measures to support small actors, and more attention to public debates about genome edited agricultural products. This stance has been criticised by the Institute for Independent Impact Assessment of Biotechnology [TestBiotech](#), and watchdog [GMWatch](#).



EU Commission Consultation on Plant Passports

Consultations on the plant passport regime still open until 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 reports 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](#), 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).