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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!](#)

Organic Regulation

While work on the Delegated Act on Organic Heterogeneous Material is slowly moving behind closed doors, the entry into force of the Regulation may be delayed

While the lead for the [Organic Regulation](#) in the European Commission is with the Directorate General for Agriculture (DG AGRI, Unit Organic), which negotiates with experts from Member State authorities, the technical work related to seeds, especially the new notification regime for the marketing of organic heterogeneous material (“OHM”), is done by Directorate General for Health and Food Safety (DG SANTE, Unit Plant Health). The **Expert Group** on Organics last met on [2nd March 2020](#), and its next meeting focusing on horizontal issues of the Common Organisation of agricultural Markets scheduled for the 6th May. The [agenda](#) has little time devoted to seeds, but rather puts the emphasis on controls and includes a discussion on the labelling of fodder seed mixtures.

The lack of advancement on the OHM notification regime is not only explained by difficult remote working conditions, but also by a formal request from the European Parliament’s Agriculture Committee to the European Commission to halt all work on secondary and non-urgent files until the Parliament can convene again, especially controversial ones like the OHM notification regime. The

rappporteur of the file, MEP Martin Hausling, has also asked the Commission to delay the entry into force of the Regulation, following in the footsteps of IFOAM. It is thus likely that a transition period from 6 months up to a year will be granted for the new rules’ implementation in 2021.



Meanwhile, the draft Regulation of the European Commission on the use of in-conversion and non-organic seeds is still open for consultation until the 13th May on the European Commission’s [Have Your Say](#) portal. The draft notably harmonises the specific criteria and conditions for issuing authorisations to use non-organic plant reproductive material where organic and in-conversion plant reproductive material is not available in sufficient quality or quantity. It also enacts strict rules for the treatment of seeds with phytosanitary products, and most interestingly obliges Member States to establish a “positive official list” of species, subspecies or varieties for which it is established that organic or in-conversion seeds are available in sufficient quantities in their territory, and for which no derogations to use conventional seeds can be issued.

Seed Marketing Directives

European Commission is currently examining applications to its tender on the Study for possible reform

The procedure for the [study requested by Member States](#) to the European Commission by 31st December 2020 on the options to reform the seeds marketing rules has been quite delayed due to the workload of the European Commission (DG SANTE, Plant Health Unit), and also the current exceptional working circumstances. The Unit is now examining the applications to its **tender** for the preparation of the background report that will feed the official study. The data gathering and stakeholder consultation will thus likely only kick off in **June or even more probably July 2020**.

As mentioned in the last newsletters, interested stakeholders are invited to **signal their interest** to be included in the consultation to the relevant European Commission services. However, to be proactive given the limited timeframe, organisations should also prepare informative background documents that highlight the problems encountered vis-à-vis currently applicable seed marketing rules, supported by **facts and figures** (especially with regards to the registration of conservation and “amateur” varieties, but also with regards to the sale of seeds to final non-professional users).



Farm to Fork & Biodiversity Strategies

Overarching European Strategies are expected by 20th May 2020

Both the “EU Post-2020 Biodiversity Strategy” and the cross-cutting “Farm to Fork Strategy”, which were initially expected by the end of March, will officially be **announced on 20th May 2020**. Both Strategies are expected to disrupt the ongoing status quo of the Common Agricultural Policy in order to build more sustainable food systems, and to redress the loss of biodiversity in Europe.

The **Farm to Fork Strategy** is coordinated by DG SANTE (special cross-cutting unit). The first goal that relates to sustainable food production refers to “seeds contributing to agricultural biodiversity and climate resilience” in the first [leaked action plan](#) and hints to EU action to “facilitate variety registration and light market access of traditional and local adapted varieties” between 2020 and 2024. However, a newer draft has slightly less assertive language with regards to a future seeds reform, probably not to preclude the results of the study undertaken by the European Commission, but also under industry pressure to maintain the status quo. The draft also worryingly suggests new genetic engineering as a way forward in

achieving sustainability in the food chain and address the new plant health threats that come with climate change. The well-coordinated advocacy efforts of the seeds and biotechnology industries are apparent also in the responses to the Farm to Fork Consultation responses, where the role of research and development, new breeding techniques and precision farming were a recurring theme.



New Genetic Engineering Techniques

Stakeholder consultation on “new genomic techniques” open to registered stakeholders

The **targeted stakeholder consultation**, which kicks off the European Commission work on the study asked by [Member States](#) on “new genomic techniques”, is still **open until the 15th May 2020**. As the consultation is a targeted one, many national associations have been denied participation, even though the list of participating associations has been extended on account of successful advocacy efforts (you may find a full list [here](#)). Interested stakeholders should get in touch with one of these organisations as there are efforts to coordinate reactions to the Commission questionnaire within like-minded organisations.

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).