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This newsletter is produced by Fulya BATUR (Kybele) for the European Coordination Let's Liberate Diversity in the Pro Specie Rara project on seed policy

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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!](#)

Seed Marketing Study launches Surveys

Consultancy carrying out the study on options to reform launches different surveys

The consultancy (ICF Consulting) chosen by the European Commission (DG SANTE, Plant Health Unit) to undertake the background work for the [study requested by Member States](#) on the options to reform European seeds marketing rules has speeded up the work, although we can only expect the study's publication in February 2021.

Besides desk research and scoping interviews carried out with selected stakeholders, the consultancy has also launched different surveys that will feed into the study. While one survey targets stakeholders involved in forest reproductive material, the other two target amateur and niche markets. The "[maintainers survey](#)" targets organisations that have formally registered and/or that maintain varieties mainly targeting the amateur market, and is only available in English. The "home gardeners survey" targets individual gardeners and seed savers who buy seeds or other plant reproductive material for their gardens, and is available in most EU official languages: [Bulgarian](#), [Croatian](#), [Czech](#), [Danish](#), [Dutch](#), [Estonian](#), [Finnish](#), [French](#), [German](#), [Greek](#), [Hungarian](#),

[Italian](#), [Latvian](#), [Lithuanian](#), [Polish](#), [Portuguese](#), [Romanian](#), [Slovak](#), [Slovenian](#), [Spanish](#), [Swedish](#), and lastly, [English](#). All surveys will remain open until 20th November 2020.



DA on Organic Heterogeneous Material opened to Consultation

The much-awaited Delegated Act on Organic Heterogeneous material is open for public consultation until the 27th November.

First presented to the **Expert Group on Organics** which negotiates the Delegated Act (DA) has last met virtually on the 27th October 2020, the latest DA on OHM is now open for [public consultation](#) by any and all individual or moral person interested in the subject, until the 27th November 2020.

The text, which regulates the rules to be followed for the production and marketing of diverse seed populations, has been considerably revised during the "Inter-Service Consultation", where inter alia the European Commission's DG Environment and its Legal Service

have gone through the text. The restrictions that were put on the historical development of such populations (or heterogeneous material) have been taken out of the text, which allows the marketing of different types of diversity produced “for at least one generation, or, in the case of perennial crops, for at least one generation during two growing seasons”. The new draft also contains relaxed labelling and packaging requirements for the marketing of small packages of OHM, and the possibility to market seeds with lower germination rates as long as the information is given to the purchaser.



Council conclusions on Farm to Fork Strategy

The European Council conclusions on the Farm to Fork Strategy include positive wording for the future of crop diversity policy, while the European Parliament works on its own report

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. Even though it is only a Strategy and not a concrete legislative proposal, since it has wide-reaching

implications on several EU policies, all European institutions are intensely working on their responses to this Strategy.

The European Parliament is working on its Initiative Report, where the competence is shared between the Agriculture and Environment Committees. A public hearing is planned in November for the draft report which shall probably be published in December 2020. After translation, the report will be open to amendments and be followed by a joint AGRI & ENVI vote, before being carried out to the European Parliament Plenary, envisaged in April 2021. As the Strategy specifically mentions the importance of crop diversity and seed security, and that the Commission has ensured that it will take measures to ensure easier market access for traditional and locally adapted varieties, it is important that this aspect of the Strategy is also highlighted in the European Parliament report.

The European Council of Ministers, in its Agriculture configuration, has published its “[Conclusions](#)” on 19th October 2020, which is essentially a position paper on the Commission Strategy. With regards to crop diversity, the Council “calls on the Commission to take concrete actions for ensuring the protection, restoration and sustainable use of plant and animal genetic resources, invites the Commission to present a EU strategy for genetic resources for aquaculture, forests and agriculture that is based on the work of the Commission on Genetic Resources for Food and Agriculture of the FAO. As a result, primary producers should benefit from easier market access to cultural, climate and locally adapted varieties and breeds”. The European Council therefore welcomes “the

Commission’s objective of facilitating the registration of seed varieties, including varieties used for organic farming”. With regards to new genetic engineering techniques, which are the subject of a study by the European Commission to be published in April 2021, the conclusions adopt a worryingly positive yet cautious stance. States indeed “welcome that new innovative ingredients and techniques may play a role in increasing sustainability, provided that they are safe for humans, animals and the environment, while bringing benefits for the society as a whole”.



EP Agreement on the Common Agricultural Policy

European Parliament voted its report on the future of the Common Agricultural Policy

Last reformed in 2013, the Common Agricultural Policy (“CAP”), which accounts for 34,5 % of the EU budget, expires on 31st December 2020, and will apply transitionally until the new rules are adopted. The European Commission had published its proposal in 2018, proposing a different approach around the so-called “CAP Strategic Plans” to be drafted by national authorities and controlled by the European Commission. Although the proposal contained a number of high

standards to be upheld to qualify for direct payments, it did not reinvent the wheel of one of the most criticised European policies, but rather allowed more flexibility for Member State implementation, and switches to a result and project-based approach to achieve (mostly unquantified) targets. After a tumultuous process, where its Committees of Agriculture and Environment have fought over competence over the important file, the European Parliament (“EP”) has adopted its position on the main procedural files relating to the new Common Agricultural Policy on 23rd October 2020. The deal was brokered between the three main political groups sitting at the EP, namely the European People’s Party (Christian center right), the Socialists & Democrats (center left), and Renew Europe (liberal center right). The deal puts all the innovative approaches of the reform, especially so-called “eco-schemes”, on hold, and completely misses the opportunity to align with the ambitious targets set out in both the Farm to Fork and Biodiversity Strategies. Just as most environment-friendly measures, especially those targeting biodiversity, have been watered down in the EP deal, ring-fencing proposals made by civil society in favour of environmental projects have actually been turned into a ring-fencing of eco-schemes for “economic objectives”.



The vote has fuelled significant engagement from civil society actors across the board to ensure policy coherence and a more ambitious reform. An [open letter](#) by young

activists is gathering support, asking for a withdrawal of the CAP. More than twenty non-governmental organisations and coalitions active in environmental conservation, animal welfare, health and agroecological farming have also sent a [collective letter](#) to the European Commission, stating that “*the only way to maintain a higher environmental ambition in line with the European Green Deal is to withdraw the proposal presented by the previous Commission and table a new one that is based on supporting farmers in the transition away from industrial agriculture, to a Green Deal-compatible CAP, investing the hundreds of billions available in farming practices that work with nature and within ecological limits, support citizens’ health and wellbeing, and thus safeguard our ability to produce food into the future*”. The EP deal has also been criticised by the [European Coordination Via Campesina](#), as they also believe that the new reform “*will not lead to a fairer distribution of support, as redistributive payments and payment capping become optional for Member States*”, while questioning the focus on environmentally friendly practices, rather than production systems as a whole. Although [IFOAM Organics Europe](#) welcomed the small steps to green the CAP, especially the new requirement to include an analysis of the organic sector in national Strategic Plans, more is needed “*to bring the CAP in line with the EU Green Deal, Farm to Fork and Biodiversity strategies in the upcoming negotiations*”.

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).