



October 2021

Issue 15

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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!](#)



ECLLD Seed Policy Dialogue

Register to the ECLLD Seed Policy Dialogue on the right to seeds in the UNDROP, Thursday 21st October at 5pm!

In order to discuss policy developments that affect crop diversity movements, the European Coordination Let's Liberate Diversity (ECLLD) has launched a series of virtual Seed Policy Dialogues.

Following the summer break, this month's dialogue will be held on **Thursday 21st October from 17:00 – 18:30 CEST**. After a brief discussion on the content of this newsletter, the dialogue will focus on the right to seeds in the United Nations Declaration on the rights of peasants and people living in rural areas (UNDROP). It will be

enriched by presentations from *Christophe Golay, from the Geneva Academy* and *Guy Kastler, from the European Coordination Via Campesina*. The webinar will be held in English. You can register [here](#) to attend.

Plenary Vote - EP INI Report on the Farm to Fork Strategy

Following the joint vote of the AGRI and ENVI Committees on the INI Report of the European Parliament on the Farm to Fork Strategy, the report has been adopted in the Plenary session in Strasbourg, despite strong advocacy campaigns by the industry to water down the main targets set out in the 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. The **European Parliament** has been working on its **Initiative Report on the Strategy since June 2020**. The Parliament's Agriculture and Environment Committees had endorsed a long-negotiated report in September 2021, as noted in the [last edition of the Sprouts](#), but needed plenary approval from all 705 members of the European Parliament.

Ahead of the vote, a **well-coordinated and well-funded campaign was run by industry actors** to amend the EP position. Focusing on the concrete targets set out in the report on pesticide reduction, the limitation of the use of antibiotics or animal caging practices, and also food labelling. Neither the paragraph on seed diversity, nor new genomic techniques were targeted.

The lobby effort was translated into a common document signed by the likes of Copa-Cogeca (the EU farmers' and cooperatives lobby), CropLife (the EU biotechnology lobby), Euroseeds (the EU seed industry lobby) and Fertilizers Europe, which pointed that *"the current targets, if implemented as proposed, will come at a considerable cost for EU farmers & the viability of the entire European agribusiness sector."* These conclusions are drawn from reports from the United States Department of Agriculture, HFFA Research (sponsored by Euroseeds), the JRC (very limited exercise), & Wageningen University & Research (sponsored by CropLife), which all attempted to assess the impact of the Strategy, even though it has not yet been translated into concrete legislative proposals.



These lobbying efforts have been **denounced by civil society organisations** such as [Corporate Europe Observatory](#), and been picked up by specialised and mainstream media outlets such as [Politico](#), [Le Monde](#), [De Standard](#). A counter

statement was issued by [28 organisations members of the EU Food Policy Coalition](#), which requested the EP to stand with its Farm to Fork Strategy. The organisations note that *"aspirational targets are a vital element of the Strategy as they set the course for the transition towards sustainable food systems and will ensure that progress for getting there can be measured along the way"*.

Despite these last pushes to water down the targets contained in the report, the **text was adopted by the EP Plenary on 19th October 2021**, with 452 votes in favour, and 170 against. The text was adopted as is, with a minor addition in its preamble, referring to the need to conduct impact assessments for each legislative proposal linked to the Strategy. This would have already been the case through the Better Regulation norms of the EU.



New Genomic Techniques: Inception Impact Assessment for Deregulation

Following the publication of its controversial study on the status of new genomic techniques, the European Commission is set to "deregulate"

certain of these techniques, namely targeted mutagenesis and cisgenesis. Consultations on the inception impact assessment are opened until 22nd October 2021, with the Commission set to table a legislative proposal in 2023 after carrying out a full impact assessment.

Following the publication in April 2021 of the different documents that constitute the European Commission [study on "new genomic techniques"](#) (NGT), which was analysed in this newsletter's [April issue](#), the institution has now kicked off the **legislative process to "adapt [the GMO legislation] to scientific and technological progress** for some NGTs and their products". They base this action on the fact that "plants obtained from NGTs have the potential to contribute to the objectives of the European Green Deal and in particular to the Farm to Fork and Biodiversity Strategies and the United Nations' Sustainable Development Goals (SDGs) for a more resilient and sustainable agri-food system".

They have thus published an [inception impact assessment](#) proposing to explore a policy initiative **only for targeted mutagenesis and cisgenesis in plants (not animals and micro-organisms)**, which "can be used to produce alterations of the genetic material that can also be obtained by natural mutations or conventional breeding techniques" according to the Commission. A first **public consultation** on the new legal regime envisaged for these techniques, which include the infamous Crispr-Cas9 technology, is opened **until 22nd October 2021**.

According to the European Commission, these techniques "raise implementation and enforcement challenges, as it will be difficult or impossible to differentiate them from plants from conventional breeding", in

the absence of adequate protocols by the European Food Safety Authority, which have never been developed. The first objective of the initiative is still cited as the maintenance of a high level of protection of human and animal health and the environment, but it is seconded by innovation and sustainability objectives, and the competitiveness of the EU agri-food sector. Although the Commission explains that traceability and labelling requirements would be included in the future initiative, its contours remain undefined, as these should be “implementable”, while the risk assessment should be “proportionate”, including a “sustainability analysis”. The Commission plans “to assess the potential negative impacts for organic and GM-free agriculture”, “to ensure high levels of safety and the protection of consumer health”, and “maintain a high level of environmental protection”. Next up, an impact assessment of the new rules, which will derogate from currently applicable GMO legislation, supported by a study, in view of a proposal in 2023.

With the publication of the inception impact assessment, civil society organisations farmers’ organisations, stakeholders of the organic movement and GM-free food industry, as well as political groups have initiated **wide-scoped campaigns** to show the European Commission that its plans were met with intense criticism by public opinion. Organisations have thus set up mechanisms that allow EU citizen to submit their feedback to the document asking for the implementation of the current GMO legislative framework to both old and new techniques of genetic engineering. In **English**, these tools have been set up by [Corporate Europe Observatory](#), [GM Watch](#), [GMO-free regions](#), [Demeter International](#), [Save Our Seeds](#), [SlowFood Europe](#), and the [Greens/EFA](#). Citizens can submit their

feedback in **French** through pages set up by [Nature & Progrès Belgique](#), [Agir pour l'environnement](#), [Greenpeace France](#), or the [Greens/EFA](#). Submissions can be made in **Italian** through [Slowfood Europe](#), and the [Greens/EFA](#). In **Dutch**, the organisation [Velt](#) has set up a similar tool. Submissions in **Spanish** have been set up by [Demeter International](#), while the collective [Slovakia without GMO's](#) have prepared answers in **Slovak**, and in **Greek** by [Ekipizo](#). Feedback in **German** can be found from the [Abl](#) (Arbeitsgemeinschaft bäuerliche Landwirtschaft), [Aurelia](#) - Es lebe die Biene, the [Gen-ethisches Netzwerk](#), [Save Our Seeds](#), [Slowfood Europe and Germany](#), the [Umweltinstitut](#), [Demeter International](#), and lastly by the [Greens/EFA](#).

These campaigns have succeeded in accumulating an **astounding 50.000 feedbacks from EU citizens** at the time of writing. They are followed by submissions from non-EU citizens (1800 submissions), mostly critical of the Commission’s plans, especially from the United Kingdom, but also the United States or Argentina. Currently, research organisations are more numerous (61) than industry organisations (38), both of which are generally positive towards the plans. The consultation is **opened until 22nd October 2021**.

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).