



September 2020

Issue 6

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 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 on options to reform underway*

The consultancy (ICF Consulting) chosen by the European Commission to undertake the background work for the [study requested by Member States](#) on the options to reform European seeds marketing rules has contacted a very limited number of stakeholders that had been chosen by the European Commission (DG SANTE, Plant Health Unit) for preliminary interviews on the study. It has become apparent that the consultancy will focus on desk research and rely mostly on information stemming from national seed authorities. That is why it is paramount that they gain knowledge on the actual experiences of companies, associations and individuals with the system, in order to truly start the law-making exercise from a strong foundation.

The publication of the study is expected during the first quarter of 2021 and 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, but will definitely address the registration and commercialisation of conservation and amateur varieties, as well as the sale of seeds to non-professional users.



## Farm to Fork Strategy

*European institutions are discussing the repercussions of the Farm to Fork Strategy*

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 preparing a so-called Initiative Report, where the lead is jointly with 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, is also currently preparing its reaction to the Commission's Strategy. At the time of writing, leaked draft Council conclusions expressly "call for the Commission, together with the Member States, to work on the issue of genetic diversity, e.g. with a European strategy for genetic resources for the agriculture and food sector". Should the conclusions be adopted, the inclusion of such a statement could be used in future advocacy for crop diversity.



## Organic Regulation Delayed to 2022

*Entry into force of the Regulation officially postponed by one year, as the Delegated Act on Organic Heterogeneous Material ("OHM") still remains open*

The European Commission announced on 4th September 2020, that, at the request of Member States and stakeholders, it has [proposed](#) to the Council of Ministers and the European Parliament to postpone the entry into force of the Organic Regulation 2018/848 by one year. This means that

the new notification system for Organic Heterogeneous Material will only be applicable from 1st January 2022 onwards. This gives more time to advocate for better implementing rules, but also pushes back the unique opportunity that was created to develop a business plan based on OHM.

**The Expert Group** on Organics which negotiates the Delegated Act (DA) has last met virtually on the 15th and 16th September 2020, and experts were given an update on the state of play of the DA on OHM. However, the revised text after the "Inter-Service Consultation" has still not been made public, nor communicated to stakeholders. The Act will be opened for public consultation for 4 weeks before its adoption, allowing for a last round of comments by stakeholders before its adoption by the Commission.



## Public Consultations

*The European Commission is carrying out different public consultations where the perspective of crop diversity could be included*

As part of the European Green Deal, the European Commission has launched a public [consultation](#), on the **Action Plan for the development of EU Organic Production**. Indeed, both the EU Biodiversity & Farm to Fork Strategies contain ambitious targets for organic farming, as 25% of the EU's

agricultural land should be under organic farming by 2030, similarly aiming for a significant increase in organic aquaculture. The consultation, open until 27th November, consists of a questionnaire available in all official EU languages. It wants to gather data on the current state of organic production, the means through which demand and consumer confidence could be stimulated, organic production promoted, and assess the contribution of such production to climate and environment. Crop diversity is not mentioned as such, but there is a possibility to submit additional text where the issue could be brought up.

As mentioned in the last Sprouts, in parallel to the ongoing Common Agricultural ('CAP') reform process, and the Farm to Fork Strategy, the European Commission's DG Environment is carrying out a comprehensive **evaluation of the effects of the CAP on Biodiversity Soil, and Water**. Building on a roadmap published in 2018 and on a [study](#) published in March 2020 on the "Evaluation of the impact of the CAP on habitats, landscapes and biodiversity", the [consultation](#) is open until 22th October 2020.

Another consultation, this time launched by the Commission's DG Agriculture, relates to "the **long-term vision for rural areas**", and will remain open until the 30th November. The [survey](#) aims to identify the needs of rural areas, what makes them attractive, opportunities for the future, and governance issues. Participation requires the creation of an EU login, but can be filled out as an EU (or non-EU) citizen, association or institution, anonymously, and it is possible to attach an additional statement to the questionnaire.

## 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).