



ARCHE NOAH

EU Seed Law

(“Revision of the EU Law on the Marketing of Seeds and Plant Propagating Material”)

FAQ – frequently asked questions and answers from a diversity perspective

>>> Summary

On 11 March 2014, the European Parliament rejected the proposed EU seed regulation. On the 25th of February, 2015 the Commission officially withdrew this proposal. Towards the end of March, 2015, the Commission announced it will work on a new proposal and is considering two options; a reform which would renew some of the articles or the development of a new concept. As it was drafted, the withdrawn proposal threatened rare varieties of vegetables, grains and fruit. ARCHE NOAH (Noah’s Ark), a Brussels and Austria based seed savers’ organisation, demands a fundamental revision of the EU seed law: seed diversity must not be limited to exceptions and bureaucratic niches. Seed diversity has to be legally recognized and free of any restrictions.

What is the EU seed regulation?

The EU Commission published the regulation’s draft in May 2013. This new EU seed regulation is to replace the existing directives on seed and propagating material. ARCHE NOAH analysed the proposed regulation draft and came to the conclusion that the regulation is unacceptable. It threatens the survival of local varieties, ignores consumers’ freedom of choice and advances the interests of agribusiness. The new seed marketing regulation would have abrogated existing national rules, leading to extreme disadvantages for EU Member States. Luckily this draft has been officially withdrawn by the Commission, meaning there is the possibility that a new draft will be written. This is a new chance to design a regulation that protects agricultural biodiversity.

Why is there an EU seed legislation anyway?

As the EU has a common market, the commercial production and distribution of seeds and other propagating material is regulated at the EU level. The requirements are specified in various EU directives. Right now, the directives are open to a wide range of interpretation. These can be used to enact laws that are appropriate to the national context. The new EU seed regulation is supposed to replace the current directives.

Did the EU seed regulation now finally fail?

Yes. On March 11, 2014 the EU Parliament rejected the new EU seed regulation. On the 25th of February, 2015 the Commission formally withdrew the proposal.

Will the EU Commission continue the reform and come up with a new proposal?

On the 23rd of February, 2015, EU Commissioner Andriukaitis stated that the reform will be continued. It is not yet clear whether only “a few articles” from the withdrawn proposal will be changed or if instead “a new concept” will be developed. The commissioner has claimed having spoken already with all NGOs that support a new concept. Now he wants to meet with all other interested parties. Should a new concept be developed, Andriukaitis expects it to take two and a half years before the new proposal is on the table.

Where should a sustainable reform go?

The fundamental idea behind the seed regulation and also the existing seed legislation is that rare varieties should be restricted to a limited usage: the amount of rare seeds that can be sold is constrained by rules dictating small quantities or small packaging or through a so-called “region of origin” rule. A forward-looking legislation must abandon this “niche” mentality. Variety must be allowed to become mainstream. A political turn in this direction would offer an alternative to the dominance of agri-business and would benefit agricultural biodiversity, especially in those countries which suffer from even stronger limitations than does Austria. The positive impact would reach beyond EU borders: the global South would suffer from less external pressure to enact repressive EU-inspired laws that criminalize traditional seeds.

What were the aims of the failed EU seed regulation?

The draft’s writers’ priority was increasing productivity and intensifying industrialized, export-oriented agriculture. Biodiversity was far from being a seriously-addressed aim, as the exceptions for “niche markets” and “old varieties” in the new regulation would not have helped to stop the loss of biological diversity.

Did the EU Commission intend to ban “traditional” and rare seeds?

Theoretically: no. But in practice the rules for providing seeds and plant propagating material would have become so complex and costly that it would be impracticable if not impossible for any but the largest of suppliers (i.e. the big industrial businesses that dominate the market) to satisfy the bureaucracy and therefore be able to legally offer their seeds in the market. As a result, old and rare varieties would no longer be able to be made available for economic gain, which would lead to their gradual decline and potential extinction. The draft’s proposed solution to this problem is anything but a solution: Because of the proposed bureaucratic qualification processes and limitations for “niches”, acting as obstacles for old and rare varieties, non-industrial varieties of vegetables, fruits and grains would be highly discriminated against.

Would the exchange of seeds have become illegal?

In many cases: Yes. According to the Commission, a farmer, for example, would have been able to pass seeds from her/his own production exclusively under strict and burdensome bureaucratic conditions. Even giving away seeds for free would have been banned for farmers. Should a farmer not fulfil the bureaucratic requirements, an administration punishment would be issued. Private individuals would still be able to swap and give away non-authorized varieties. But to give or receive a donation for the seeds would also be illegal. This is unreasonable: everyone has the right to organize a garage sale.

Would consumers be restricted in their product choice?

Yes. The availability of special seed and plant varieties for farmers and gardeners would have decreased due to the bureaucratic obstacles. Special varieties (for example of tomato, potato, pepper and other) would have disappeared from the stores’ shelves and from markets. Already today, 95 percent of the vegetable seeds in Europe are produced by only five companies.

Why does the official registration of varieties harm agricultural biodiversity?

The mandatory official registration is expensive and time-consuming. The admission criteria – distinctiveness, uniformity and stability (DUS) – privilege high-yielding varieties. Varieties that are based on genetic diversity are not able to fit these uniformity criteria. Therefore, official registration and uniformity criteria should be optional, not mandatory.

Is it progressive that authorities decide which kind of vegetable, fruit and grain are offered in the market?

No. Gardeners, farmers and consumers should decide which varieties they want to plant and eat. Quality can be guaranteed by innovation, by competition and by diversity of varieties and actors on the market. Information about the product would be guaranteed through labelling, while safety would be guaranteed for seed-users through the manufacturer's warranty and through random inspections of products.

Why is agro-biodiversity so important?

Humans and nature need diversity. Especially in times of climate change, we need resilient plants that are able to adapt to extreme conditions. Seeds lose their germination capacity within a few years. This is why, even in a seed bank, seeds can be stored and preserved only to a certain extent and only for a certain amount of time. Plants can only adapt to changing environmental conditions if used and cultivated. That's why laws that restrict diversity are a threat to food security.

What do citizens think about restricting biodiversity?

All over Europe about 900,000 people signed petitions. In Austria, ARCHE NOAH and GLOBAL 2000 launched the [petition „Freiheit für die Vielfalt“](#) (“Freedom for Diversity”) in April 2013. Within a year, 500,000 people signed. Thousands of people send e-mails and self-produced seeds to members of the EU Parliament in order to express their wish for the protection of diversity.

How can I stay informed?

We would be delighted if you [sign up](#) for our newsletter and [visit our website](#) on seed policies. Or write directly to saatgutpolitik@arche-noah.at