



ARCHE NOAH

Our Seeds in Danger

FAQ – Frequently asked Questions about the new EU Seed Law (“Revision of the EU Regulation on the Seed and Plant Propagating Material”)

>>> Summary

Currently, the EU directives on the marketing of seeds and plant propagating material are being revised. The new regulation threatens rare varieties and farmers’ varieties. Old varieties in particular are threatened with extinction as the new regulation foresees that free seed swaps will become illegal. This would harm small-scale farmers and local producers. On the other hand, industrial seed would buttress their dominance. ARCHE NOAH (Noah’s Ark), a seed savers’ organisation from Austria, and its 10.000 members, find the current draft of the new EU seed legislation unacceptable and call for a more sustainable and inclusive legislation in Europe.

For more information, visit <http://saatgutpolitik.arche-noah.at>

What are the EU directives on seeds and propagating material?

As the EU has a common market, the commercial production and distribution of seeds and other propagating material is regulated at EU level. The requirements are specified in various EU directives. Some of them are from the 1960s and 1970s. The basic principles of the guidelines are mandatory registration of varieties and the certification of propagating material by national authorities.

Why do the present directives harm the diversity in agriculture?

The mandatory official procedures for registering a variety are costly and complex. The criteria for registration – distinctness, stability, uniformity - are aimed primarily at high-yielding varieties. Old and rare varieties, which are based on genetic diversity, are biologically incapable of meeting these criteria. These restrictions exclude old and rare varieties from the market and lead to further industrialisation of agriculture, and subsequently cause a lot of harm to small farmers and local producers.

What is the revision of the EU seed marketing law ?

Since 2008, the EU Commission has been preparing a comprehensive review of the EU directives on seeds and propagating material. More than 12 EU directives shall now be merged into one single EU regulation. This means that the law will be unilaterally applied in all EU member states, and the room for national implementation will disappear.

What is the content of the draft for the new EU seed marketing law ?

The Commission's proposal has not yet been published. However, two unofficial draft regulations have been made public. The provisional outcome doesn't look optimistic for the rare and old varieties. The restrictive basic rules remain unchanged. The exemptions for rare

varieties remain restrictive and do not protect their diversity. Additionally, the marketing rules for fruit seedlings could become pervasively stringent. Furthermore, in the future, propagation material of all plant species – from anise to zinnia – shall be handed on only under certain strict conditions.

Will there be a ban on old and rare varieties?

Formally, No. But the rules for the marketing of seeds and other propagating material will become much more complex, costly and bureaucratic. Therefore, it is expected that for economic reasons, old and rare varieties will no longer be made available on the market. Also, many old and rare varieties cannot fulfil the registration criteria for biological reasons. In particular, old and rare crops have a very broad genetic basis – this would cause them to fail the registration criteria. De facto, old and rare varieties will be banned from the market.

Will seed swaps become illegal?

Many local and old varieties are conserved only in collections or upon private initiative; their propagating material is made available by seed savers (farmers, gardeners) in small quantities in swaps for an expense allowance. The new regulations, however, will abolish this practice. As an example, a farmer or gardener will no longer be allowed to pass on his farm-saved seeds to another person. If the farmer (or gardener) is not registered as an “operator” and if the varieties are not registered he risks having to pay a heavy fine.

Are there alternatives to official registration?

Yes. The comparison with other industries makes it clear: an official registration for all varieties of plants intended for propagation, prior to marketing, is disproportionate. In comparison, product groups, which have a high level of impact on our daily lives and on our health, such as food, construction, travel or software, are not subject to official tests BEFORE the marketing of the products provided. Here, the supplier is liable for compliance with the required standards and accurate labelling. Adequate requirements on labelling on the package would therefore be perfectly adequate to protect the consumers and ensure quality.

Would the new seed law restrict the consumers in their product choice?

Yes. The availability of specific seed and other plant propagating material for farmers and home gardens would further decrease. The registration procedures favour large companies and industrial varieties. Already today, 75% of the seed market is in the hands of ten international companies. The EU regulation would worsen the dependence of farmers on the industrial seed groups. But also, food grown from special varieties (tomatoes, potatoes, peppers, etc.) would no longer be available on the market.

Why do we need diversity at all?

Humans and nature need diversity. Especially in times of climate change, we need versatile plants that are able to adapt to extreme conditions. The diversity loss is dramatic: World Food Organisation studies demonstrate that, since 1900, about 75% of the crop diversity used in agriculture has been made permanently extinct.

When will the new EU regulation come into force?

The proposal is expected in the first quarter of 2013. By then, there will be still a long way to go. The EU Commission has to submit the proposal to the European Parliament and the Council. In order to enter into law, it needs the approval of the members of the European Parliament and the ministers from the member states. This will take several months at the very least.

Can the regulation be amended or improved?

Yes. The regulation is still in its initial phase. Both our MEPs and ministers have the ability to change the regulation proposal considerably. ARCHE NOAH plead for the revision to be used as an opportunity to make the seed legislation more sustainable.

What can I do?

Together with over 250 organisations across Europe, ARCHE NOAH has initiated an "open letter". It calls for a better EU seed legislation in terms of agricultural biodiversity and sustainability. [The Open Letter can be signed online.](#)

Additionally, you can contact the decision makers ([Members of the European Parliament](#), the minister for Agriculture in your country) and ask them to stand up for a better EU seed law. Last but not least, practical action is also a legitimate means. If you have the possibility of growing crops, do so. Take the future into your own hands instead of leaving it to the lobby groups of the seed industry.