



ARCHE NOAH

EU seed law reform - crop diversity rules to be renegotiated

Crop diversity is acutely endangered: According to the UN's Food and Agriculture Organisation (FAO), we have already lost 75 percent of agricultural diversity. The current EU rules on the production and marketing of seed ('EU seed legislation' for short) are partly responsible for this. Originally dating from the 1960s, the aim of the legislation was to increase productivity and create a competitive seed industry. In the meantime, however, completely different problems have arisen, and the new seed legislation should contribute to solving them. This is also the view of the EU Commission, which writes: The new EU legislation should ... "be more open to the integration of future developments, be more sustainable and support biodiversity, safeguard agriculture against climate change and ensure a high level of environmental protection ". ([click here](#))

The loss of plant genetic resources is a problem for several reasons: adaptation to agro-ecological conditions altered by climate change is becoming more difficult, dietary diversity is suffering, the cultural heritage of plant varieties is threatened and, last but not least, the loss of colours, shapes and tastes is a loss in itself.

The reason for this is an over-regulated system of variety approval that forces crop diversity into bureaucratic niches: as a general rule, only seed and planting material of approved varieties may be marketed. For approval, varieties are required to be 'distinct, uniform and stable' and this is proven in a costly and time-consuming process of official testing. In particular, the requirement that individual plants within the variety must show a high degree of uniformity excludes many old varieties and landraces. Instead, the provision of these varieties is limited to exchange, small quantities or a "region of origin". However, it is precisely these differences between individual plants that confer resilience and adaptability. The climate crisis makes these traits even more relevant.

In 2014, an attempt to further expand the industry standard for seeds and to severely restrict the transfer between farmers and from farmers to private individuals was defeated after a Europe-wide campaign. Now a new reform proposal is on the horizon and the preservation of crop diversity faces a major challenge.

Reform Options:

The EU Commission presents four reform options:

- Option 0 stands for maintaining the existing legislation.
- Option 1 provides for the alignment of definitions as well as structures to facilitate procedures and ad hoc measures to improve sustainability,

Options 2 and 3 include Option 1 and provide for very fundamental changes.

- Option 2 promises more space for diversity: the existing niche schemes for conservation and amateur varieties are to be expanded, conservation organisations and hobby gardeners are to be excluded from



the scope, and an ad-hoc regulation for the exchange of seeds between farmers is to be established.

- Option 3, on the other hand, proposes to regulate all these activities and further restrict the existing niches. This option would make large parts of the work on conservation and sustainable use of crop diversity impossible.

Options 0, 1 and 3 thus stand at best for a 'business as usual' and at worst for much more drastic losses of crop diversity. They cut the rules for industrial agriculture, which contributes to species loss, soil degradation and climate change, and miss the opportunities to use and promote agrobiodiversity. Only option 2 contains first good approaches, on which further work should be done.

Our demands

For **Arche Noah** it is clear: crop diversity in fields and gardens must be promoted decisively and consistently. It is not enough to secure a reservoir of genetic resources with crop diversity and to grant them small niches only for this purpose. Rather, it is important:

- Hobby gardeners and conservation networks must be excluded from the scope of seed law.
- The right of farmers to harvest, use, exchange and sell their own seeds must not be restricted.
- Equal market access for varietal varieties: instead of the severely restrictive regulations on amateur and conservation varieties, a new set of rules with simplified procedures, no quantity restrictions and no regional restrictions is needed.
- No mandatory technical hurdles, e.g. digital solutions, bio-molecular markers, etc.
- No mandatory organisational hurdles, e.g. compulsion to join an organisation or to register.

Also, in view of the strong industry lobbying for the deregulation of new genetic engineering, a seed law that promotes diversity is central. In contrast to the supposed problem-solver of new genetic engineering, agrobiodiversity actually helps in climate change adaptation and is at the same time the cornerstone for sustainable and resilient agriculture. However, only if seed law allows it.

More information:

Already before the publication of the two baseline studies by the EU Commission in April 2021 ([click here](#)), seed initiatives as well as farmers' and organic organisations from all over Europe described the cornerstones for a diversity-promoting seed law in a joint vision for crop diversity ([click here](#)).

Our more detailed feedback on the reform options is also available online ([click here](#)).

Next important steps in the process:

- Public consultation (for 3 months, from November or December 2021 to February 2022).
- Commission's draft legislation (December 2022)

We will stay tuned!

We will keep a close eye on developments, scrutinise new drafts to the letter and once again campaign with all our strength and concrete proposals to make diversity a real alternative. We will not retreat one step. No matter how difficult it is to finally implement the wish of hundreds of thousands of E