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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!](#)



Impact Assessment of Seeds Marketing Reform & EP Conference

With the finalization of the upstream work for the Commission's Impact Assessment, the drafting of the proposal will begin.

Several stakeholder consultation activities have been rolled out by the European Commission DG SANTE, with the help of the ICF Consultancy in the past months. Along with a targeted survey, different focus groups, a case study on the approach to farmer seed exchange in France, and several interviews, the results of the Open Public Consultation (OPC) are now collated in the impact assessment of the EU seeds marketing reform.

The **Open Public Consultation (OPC)** on the future reform of the EU seed marketing rules ran from 21st December 2021 until 27th March 2022, and had gathered 2500 valid responses. The European Commission has made available several documents related to the OPC, including a summary report, the contributions to the consultation and documents annexed to them, which can all be downloaded [here](#). The **factual**

summary states that over three quarters (79%) of citizen respondents, and half (50%) of company/business organisation respondents were from Sweden, attributed to national press articles rather than an automated campaign tool. The only small-scale campaign identified came from Germany with 32 identical responses to the questionnaire. The report clearly reflects the **polarization** of positions regarding the success and efficiency of current rules, on the future scope of the legislation or the number of regulated species. There seems to be some **agreement** on the need to maintain separate policy instruments with aligned structures and definitions, removing ambiguity and complexity. It is also interesting to note that 80 % of respondents (and a majority of respondents from each stakeholder group) agreed that the marketing conditions for conservation and so-called amateur varieties should be lighter. The need for the legislation to contain general sustainability criteria to be applied by Member States also seems to be generally supported by respondents.

The Impact Assessment report will also include the results of the very short "[SME survey](#)" that was distributed through the "Enterprise Europe Network", and that closes on 12th July. Although the impact assessment consultations initially included a "validation survey" for the results of the activities, this exercise has been abandoned due to the very conflicting views gathered in the consultation process. Without clear conclusions as to the pathway to be taken in the road to reforming seed marketing rules, the European Commission estimate that

there were no clear results to validate or invalidate. The impact assessment report will nonetheless be communicated to other EU Commission services and needs to pass the internal test of the Regulatory Scrutiny Board, in charge of checking the quality of the work. The results of these different consultation tools will also be used by the Commission services when drafting the legislative proposal (either in the form of numerous or single Directives or Regulations), which is still expected by December 2022.

In the meantime, a **large-scale conference** was organized on the seed marketing reform in the European Parliament on 22nd June 2022, with cross-party support. Looking into “which seeds for organic, agroecology, low-input and peasant seed systems?”, the conference explored pathways for the inclusive implementation of the EU Farm to Fork and Biodiversity Strategies into the EU seeds marketing reform. Organised by Arche Noah, the Geneva Academy of International Humanitarian Law and Human Rights, IFOAM Organics Europe and the Biodynamic Federation Demeter International, it was hosted by several Members of the European Parliament: Martin Hausling (DE) from the Greens/EFA, Eric Andrieu (FR) from the Socialists and Democrats, Dacian Ciolos (RO) from Renew Europe, Norbert Lins (DE) from the EPP, and Anja Hazekamp (NL) from the Left.

Moderated by Hannes Lorenzen (ARC2020 and Seeds4all), the intense event covered not only the scope of the legislation, and the different pathways allowing the formal marketing of seeds, it also included contributions from the European Commission’s DG SANTE (in charge of the seeds file) and DG AGRI (in charge of the Organic Regulation), but also all MEP’s.



Open Public Consultation on New Genomic Techniques

The European Commission is looking to adopt a new legislative framework for certain new genomic techniques, namely targeted mutagenesis and cisgenesis. Although the policy options on the table are not yet completely clear, the European Commission has launched an open public consultation to gather stakeholders’ opinion on this initiative.

Following the publication in April 2021 of the different documents that constitute the European Commission [study on “new genomic techniques”](#) (NGT), 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”. The European Commission published an [inception impact assessment](#) in September 2021 proposing to explore a policy initiative only for targeted mutagenesis and cisgenesis (which includes the infamous Crispr Cas9 technology) 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.

The **formal open public consultation** linked to the initiative was launched on 29th April 2022, and will run until 22nd July 2022. The questionnaire can be answered by any citizen or legal entity in the EU or in the world, with a valid EU login (which can be obtained free of charge with a valid email address). It

has already gathered close to 1200 responses, mostly from EU citizen (76 %), followed by academic/research institutions (11%), companies (4%), and NGO’s 1,3%). Germany and Italy are the countries most represented currently, accounting for 60% of the responses, followed by France at 11%. These numbers are nonetheless subject to substantial changes since most of the responses from associations and businesses tend to be submitted close to the closing deadline of any consultation.

The **questionnaire** itself is divided into 3 categories: assessment of the current situation, looking into the future, and “other aspects”. The first section aims to gather evidence and opinions on the **“baseline scenario”**, if no changes were to be made to the current laws. The goal here is to see whether action is required, and what the costs/benefits of inaction or action would be. The second section explores views on what a **future new legislative framework** for cisgenesis and targeted mutagenesis could look like. Respondents are invited to give their opinion on the kind of risk assessment these techniques should be subject to, but also whether products developed by these techniques should be subject to (mostly environmental and economic) sustainability requirements. It also looks into potential information and/or labelling requirements that could accompany the new law. The last section of the questionnaire, coined **“other aspects”**, explores the main features that should accompany a new legislative framework, looking into possible mitigation and/or support measures. It also allows the submission of additional arguments or evidence in around 300 words.

The format of the consultation and its content have been **criticized** by certain organisations, who have announced that they will not participate in the exercise, such as the [European Coordination La Via Campesina](#). Other organisations will participate, and have outlined some **core demands**, such as [IFOAM](#)



[Organics Europe](#), or [ENGA](#) (the European non-GMO Industry Association).

Additional consultation activities will likely be launched in the coming months, traditionally including surveys, interviews and workshops. In parallel, the **large-scale petition** launched by a coalition of more than 35 organisations in 15 different countries across the EU, [“to keep new GM food strictly regulated and labelled”](#) is still running, and has gathered over 100.000 signatures.



Open Public Consultation on EU Framework for Sustainable Food Systems

Consultations on the flagship initiative of the EU Farm to Fork Strategy, the Framework on EU Sustainable Food Systems (FSFS) have sped up with the launch of the Open Public Consultation by the European Commission.

Foreseen to be adopted by the end of 2023, the proposal for a **legislative framework for sustainable food systems (FSFS)** is one of the flagship initiatives of the Farm to Fork Strategy. This complex legislative framework aims to accelerate the **transition** towards sustainable food systems, and contains several elements: from

sustainability principles and objectives, requirements for food products and operations, sustainability labelling, public procurement provisions, to those related to the food environment, governance and monitoring of the initiative.

The inception Impact Assessment of the FSFS was published for public feedback from 28th September until 26th October 2021, gathering 230 contributions. It has now been followed by a more general **Open Public Consultation (OPC)**, published on 28th April 2022, and which will run until 21st July.

The **questionnaire** contains 25 general questions that attempt to gather feedback from more general contextual elements, such as the existence of the problem, its importance and drivers, along with the role of different actors of the food systems (from business operators across the system, public authorities at different governance levels, knowledge providers or consumers). The OPC also seeks input on the different concrete policy measures envisaged by the initiative, and its future governance.



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, who 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).