

Wednesday, 5 July 2023, EU Commission publishes proposal on new seed law

Brussels, Vienna, Schiltern – On Wednesday, 5 July 2023, the EU Commission is expected to present the so-called "Food and Biodiversity Package". It contains four legislative proposals: New Genetic Engineering, Soil Health, Waste Framework Directive – and last but not least a reform of the outdated seed marketing legislation. "The seed law reform will set the rules of the game for the European seed market for decades to come," says Magdalena Prieler, policy officer at ARCHE NOAH in Brussels. ARCHE NOAH is an Austria-based association for the conservation, development and distribution of the diversity of cultivated plants. The association has one of the largest private collections of cultivated plants in Europe, with over 5.000 accessions in its seed archive in Schiltern bei Langenlois, near Vienna, "The EU Commission must initiate a change of course with the legislative proposal and free crop diversity from its legal shackles".

ARCHE NOAH – the only Community Seed Bank represented in Brussels – sees a need for reform. "The restrictive EU directives dating back to the 1960s have led to a drastic decline in crop diversity in our fields and on our plates, as well as to the dominance of a handful of global corporations," says Magdalena Prieler. In the meantime, half of our plant calories come from only three crops: rice, wheat and maize. Just four corporations control over 50 per cent of the global seed market: Bayer, Corteva, Syngenta and BASF. "Dependence on a few agrochemical giants and on a few crops makes our food production vulnerable to crises and external shocks and bad for the environment, agriculture and human health," says Prieler.

Current EU seed legislation favours hybrid varieties that are as genetically uniform as possible. The sale of varieties that are not sufficiently genetically uniform, such as regional breeds or old varieties, is currently severely restricted, e.g. to one region of origin or small quantities. Smaller actors, e.g. individual farmers or Community Seed Banks, are forced out of seed production. Crop diversity is endangered and innovation in the seed market is prevented.

The proposed law – concerns over the future of conservation

ARCHE NOAH fears that the proposal will lead to deteriorations in the conservation of the remaining diversity. The so-called "in situ" or "on farm" conservation of cultivated plants is currently carried out almost exclusively by gardeners and farmers. This type of conservation is particularly valuable because the varieties adapt to changing environmental conditions through regular cultivation. "Gardeners and farmers all over Europe are safeguarding valuable open-pollinated (i.e. non-hybrid) varieties for future generations. This important conservation work must not be made more difficult or even pushed into illegality by unjustified legal hurdles," warns Magdalena Prieler of ARCHE NOAH.

Currently, gardeners and farmers in Austria are allowed to pass on seeds in small quantities for the purpose of conservation. In other EU countries, e.g. Poland and Estonia, the private exchange

of seeds between farmers is prohibited. According to announcements by the responsible EU Directorate-General for Health and Food Safety (DG Sante), the Commission wants to take a middle course, which would lead to a deterioration of the legal situation in Member States such as Austria. ARCHE NOAH demands full implementation of the right of farmers to use, exchange and sell their own seeds, which has been enshrined in international law since 2018. In addition, according to ARCHE NOAH, the testing of new varieties must in future take place under organic conditions or with greatly reduced use of pesticides and synthetic chemical fertilisers in order to meet the requirements of truly sustainable, resilient agriculture.

ARCHE NOAH expects improvements in the area of variety registration, such as simplified registration and expanded marketing opportunities for locally adapted varieties. The mandatory official pre-marketing approval of varieties for the hobby sector should be abolished.

A turbulent history

As early as 2013, the Commission submitted a proposal that would have led to an expansion of the industry standard at the expense of diversity. This regulation was stopped by a Europe-wide civil society campaign. In Austria alone, ARCHE NOAH and Global 2000 collected more than 500,000 signatures under the slogan "Freedom for Diversity".

After the planned publication of the proposal on 5 July 2023, the political negotiations in the Agriculture Council and the EU Parliament will begin. In Austria, Agriculture Minister Totschnig is responsible. "We expect Agriculture Minister Totschnig to do everything in his power to promote an EU seed law that guarantees the preservation of crop diversity and equal market access for regional breeds and old varieties," calls Magdalena Prieler of ARCHE NOAH.

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