Brussels, 30 October 2025

Joint letter on the EU PRM Proposal ahead of the Working Party on Genetic Resources & Innovation in Agriculture on 6-7 November

Dear Minister of Agriculture,

We, the undersigned organisations – ARCHE NOAH, IFOAM Organics Europe, European Coordination Via Campesina, Biodynamic Federation Demeter International, and ECO-PB – would like to share our suggestions for targeted amendments on the Articles that will be discussed in the Council Working Party on 6 and 7 November, in particular concerning (a) administrative burden, (b) conservation varieties, (c) variety denominations & avoiding misappropriation, and (d) VSCU, transparency and organic regulation with you. We are **concerned about the missing attention within the negotiations for the conservation and dynamic management of plant genetic resources, the survival of small, local seed producers and the needs for a diversity of cultivars for organic and agroecological farmers**.

Beyond the topics discussed in the next Working Party meeting, we urge you to critically revisit critical aspects of your draft position to ensure that PRM transfers for conservation, on-farm dynamic management and breeding purposes are exempted from the scope of the legislation, the circulation of a diversity of seeds is enabled and farmers' rights are respected to lay the foundation for a sustainable, resilient and diverse food system.[1]

ADMINISTRATIVE BURDEN

Articles 41, 41a, 41c and 42 Obligations of professional operators

Article 41a considerably broadens the information and updates that professional operators must communicate to competent authorities increasing the administrative burden, especially for small operators specialised in diversity.

Administrative requirements must be proportionate. The European Commission failed to assess fully the impact of its proposed new administrative requirements. To enable informed decision-making, an EU-wide survey was conducted to determine the impact on small operators. The survey results clearly show that a solution for the survival of nano-enterprises needs to be found. While those biodiversity champions sell on average 152 different varieties of 41 crop species per year – representing a greater diversity of crop species than some of the largest global producers – 30 % of respondents would reduce the number of species or varieties they offer and 13 % would be forced to cease operations entirely if the new administrative obligations would hit them. **Nano-enterprises with an annual turnover of less than 100,000 EUR, alongside conservation networks and small professional operators marketing PRM to non-professional users, should be exempt from the obligations set out in article 8 paragraph 3 (notification of standard seed production) and articles 41 and 42.** We would like to remind authorities that the Plant Health Regulation 2016/2031 has different triggers and would still apply for

[1] More information can be found on our previous joint letter: 20250924_Joint_letter_ahead_of_WP_of_1_2_October.pdf

most of the activities listed here in species where the marketing of PRM poses the highest threat in spreading pests and diseases.

Farmers that exchange PRM with other farmers, but do not market PRM must not be considered as professional operators and burdened with additional obligations.

Article 43 Notification of the production

To avoid unnecessary bureaucratic burden, there should be no obligation to declare the quantities per species of standard seed and material production, especially for nano-enterprises. This is particularly burdensome for small operators producing PRM of a high diversity of species and varieties.

Article 77 Reporting

Reporting requirements should be proportionate both for the operators and the competent authorities. The excessive reporting obligations in Article 77(1)(e, f, g) should be deleted. Instead, there should be reporting on the progress made in relation to the conservation and sustainable use of plant genetic resources.

CONSERVATION VARIETIES

Conservation varieties – i.e. traditionally grown and newly develop cultivars adapted to local conditions that are not GMO or NGT – are particularly important for many organic and agroecological farmers. It is essential that they can access the most suited cultivar for their farming system. **Therefore, it is crucial that new locally developed varieties can be registered for all crop species, not only for fruits and vegetables.** The establishment of **geographic limits for production or marketing would be counterproductive in the context of climate change and should be avoided**. A region of origin might not be the place where a variety thrives in the future.[2]

Article 8 Requirements for the production and marketing of standard seed and material

Operators need to have clarity over these provisions to give them legal certainty for their business. Owing to the general content of Annex III, there is no need to give the Commission next to its delegated powers also implementing powers with regards to production requirements related to standard PRM.

Article 53 Registration of Conservation variety

We strongly oppose the deletion of Article 53 and the scattered inclusion of the conservation variety registration regime in different articles across the Regulation. Instead, one clear dedicated section on conservation varieties should be introduced. Operators dealing with conservation varieties do not have access to legal expertise, nor are they members of industry associations that could provide such guidance.

Article 53 is needed to provide legal clarity to actors interested in conservation varieties, by derogating from the articles on variety registration based on an official description relying on DUS and VCU testing. A derogation only to the main registration and examination rules in articles 59a and 59b is insufficient

[2] In any case, PRM covered by a protected denomination of origin (PDO) or other controlled denomination must comply with the specifications of that denomination, in particular the prohibition to claim the denomination of the region of origin concerned when marketing products from crops cultivated outside the area of origin defined by the specifications of that PDO.

as it does not include derogations or specifically carved rules for the application process (art. 57 to 59) or the audits (art. 60). Article 56 actually adds requirements to applications for conservation varieties with regards to their region of origin. The very limited and incomplete new Article 65a on the examination of conservation varieties does not palliate the absence of Article 53.

The process for the registration of conservation varieties should reflect the needs of the typically small, artisanal seed producers who focus on seed diversity. Therefore:

- **All rules concerning the registration of conservation varieties** (including former "commonly known fruit varieties", "amateur varieties", and locally developed varieties) **should be consolidated within the dedicated Article 53**.
- Article 53 Paragraph 2 should provide, analogous to Article 55 Paragraph 1, that **any person can apply to register a conservation variety**, as farmers, agricultural cooperatives and seed saver networks who register varieties need to have a more practical, farmers' friendly and less bureaucratic system than the one of professional operators. Often networks register a variety and individual members produce and market them.
- Article 53 paragraph 3 should enable the registration of conservation varieties as soon as they are **no longer registered as DUS varieties** (i.e. delete 2 years waiting period).
- Article 53 Paragraph 1 should specify that the registration of conservation varieties is **free of charge for the operator, or at the very least subject to considerably lower fees as no DUS test is needed.** Conservation varieties are generally registered by individual farmers, conservation initiatives, public/research institutes or micro-enterprises with limited resources, and by their nature target a specific market, meaning the commercial opportunity to recoup variety registration fees are limited.
- **For fruit varieties the flexibility existing today should not be lost.** Article 53 Paragraph 1 should **mirror the established procedure of Article 7.4 of Directive 2008/90 for commonly known fruit varieties** by allowing that, in the case of fruit varieties, varieties may also be officially registered as conservation variety if their material has been already marketed before 30 September 2012 in the territory of the Member State concerned, provided that they have an officially recognised description.

Article 65a Examination of Conservation varieties

Allowing **growing trials, without any maximum duration,** during the examination of conservation varieties will create an **uneven playing field across the EU**, repeating the shortcomings of the current regime, where not a single conservation variety is registered in certain EU Member States due to the stringency of requirements.

Article 68 Varieties registered pursuant to current directives

Article 68 must provide that the over 1200 varieties developed for growing under particular conditions (varieties registered in accordance with Article 21(1) of Directive 2009/145/EC) and the nearly **16 000 commonly known fruit varieties** in the FRUMATIS database (varieties with an official description pursuant to Article 7(4) of Directive 2008/90/EC) will be **entered as conservation varieties in the new variety register, without further administrative requirements or evaluation**. Both remain at risk and are highly important for agro-biodiversity.

Article 69 Period of registration

The period of registration should be 30 years for conservation varieties of all genera and species to contribute to the conservation and sustainable use of plant genetic resources. A renewal requirement is an additional burden to the actors in this space, who have extremely limited resources, and could lead to a loss of genetic diversity.

Article 72 Maintenance

For conservation varieties there need to be proportionate rules for variety maintenance. It should be possible to notify that maintenance is carried out **by another person or entity without having to comply with the administratively heavy procedure to authorise said person or entity.** Mirroring the specificities of conservation varieties, their maintenance should be taking place in regions with **similar pedo-climatic conditions** to those where the variety has shown its characteristics or for which the variety has been bred.

VARIETY DENOMINATIONS & AVOIDING MISAPPROPRIATION

Article 48 Distinctness

Safeguards are still missing against the misappropriation of cultivars that are not in the formal seed market but rather circulate within seed conservation networks, gene banks or farmer seed systems. To avoid opening the doors to misappropriation, distinctness should be checked not only against varieties currently on the market, but also against documentation provided to the public authorities by any natural or legal persons, especially farmers or actors involved in the conservation and sustainable use of plant genetic resources.

Article 54 Suitability of variety denomination

Specific attention should be given to the **denomination of conservation varieties**. **Traditional (historical) names** should be accepted for conservation varieties, which can include the common name of the crop and an adjective describing its characteristics or referring to its geographical origin.

Thorough consideration should be given to **safeguarding against the misappropriation of cultivar denominations** used in seed conservation and informal (farmer) seed networks. As above, denominations should be checked not only against varieties currently on the market, but also against the existing denominations of seeds and PRM conserved in gene banks, seed conservation networks, or informal seed systems, in case the relevant information has been provided to the public authority.

The same denomination often covers many different ecotypes of the same unregistered cultivar. To prevent a ban on the use of this denomination, which is usually used to market the harvests of these different ecotypes, the denomination claimed for the registration of one of these ecotypes must be complemented, in addition to the name of the traditional cultivar, with a denomination concerning the ecotype.

Article 66 Examination of the denomination of a variety

Next to the CPVO, other Member States and relevant stakeholders should be consulted to avoid the misappropriation of variety denominations used in seed conservation and farmer seed networks. In accordance with the EU's international obligations (Convention on biological diversity and International Treaty on plant genetic resources for food and agriculture), they should verify, if relevant through consultation with the public, genetic resources centres, farmers' organisations, local

communities and national and territorial authorities, that a new denomination is not already in use for varieties that have already been developed, saved or cultivated by farmers, local communities or breeders marketing their products under that denomination without having registered it

VSCU, TRANSPARENCY & ORGANIC REGULATION

Articles 52 and 59b Value for Sustainable Cultivation and Use (incl. technical examination)

The non-extension of the VCU test for fruits and vegetables is very welcome, as well as the consideration of sustainability aspects. Yet, **sustainability cannot be reduced to single trait(s) or gene(s)**. Furthermore, with the proposed "sustainability" test the "value" of the variety is evaluated by considering the characteristics as a whole – a variety can thus still fulfil the test without performing better on any of the new "sustainability" criteria, opening the door to greenwashing.

To provide an incentive for firms to develop varieties that thrive without the high input of environmentally harmful synthetic pesticides and fertilisers and thus contribute to greater sustainability in agriculture, **VSCU testing should take place under organic or low-input conditions for all varieties, not only organic varieties.**

In addition, **VCU for organic varieties suitable for organic production *must* be conducted under organic conditions for all species and in all Member States**, as this is the target environment. Where competent authorities are not able to carry out an examination under organic conditions, testing should be carried out by organic professional operator(s) under official supervision. Organic farmers and farmer organisations can support national authorities in finding suitable fields for the conduction of organic VCU trials.

Finally, certain characteristics, such as the production of pesticides by plants and the tolerance to herbidicide resulting from genetic modification, should be considered a criterion of non-sustainability.

Article 56 Contents of the application for registration of a variety (transparency)

Article 56(1)(h) should be deleted to prevent legal uncertainty and avoid bureaucratic duplication, thereby providing a clearer legal framework that is easier to navigate.

To ensure **transparency**, applicants should be required to provide information not only on existing plant variety rights, but also on the breeding methods used for the development of the variety, and the existence of all types of intellectual property rights on the variety or its components under article 56. This information should be made publicly available in the official register under Annex VII.

Article 81 Amendment of Regulation (EU) 2018/848

We highly welcome the exclusion from the scope of Organic Heterogeneous Material (OHM). Indeed, OHM constitutes an important and promising tool for organic farmers, as it ensures more stable yields and stronger adaptation to variable climatic conditions. Since the Organic Regulation came into force in 2022, professionals have made long-term investments to develop and multiplicate OHM.

For consistency and coherency, it is now necessary to **delete article 81 to not amend the EU Organic Regulation (EU) 2018/848 and Commission Delegated Regulation (EU) 2021/1189 provisions on OHM**.

Yours sincerely,

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