



European Parliament

Brussels, 16 October 2018

## Seeds in the new Organic Regulation 2018/848

16th October 2018, 09.00–13.00

Room A1G-3, Altiero Spinelli Building,  
European Parliament, Brussels

**Supported by** the Greens/EFA Group, MEP's Martin Häusling (Greens/EFA), Eric Andrieu (S&D), Ivan Jakovčić (ALDE) and Norbert Lins (EPP), Artemisia Aisbl and ARCHE NOAH

**Translation** will be provided in DE, EN, ES, FR

**Registration online** by 09.10.2018: [tinyurl.com/ycpjpk8](https://tinyurl.com/ycpjpk8)



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# Historical background

- European commitments for Biodiversity in organic production
- Organic seeds for organic production ?
- Missed opportunities in the legislation

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« *Whereas the International Undertaking on Plant Genetic Resources (1983) establishes the principle that **plant genetic resources are a heritage of mankind and consequently should be available without restriction,** »*

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*“1. Scope*

*(a) Eligible activities*

*(...)*

*All types of material are eligible including **cultivars and domestic breeds, local breeds, breeders' material, genetic type collections**, and wild species. The programme covers material that is actively growing and material that is dormant (seeds, embryos, semen and pollen). Both ex-situ and in-situ collections are covered.”*

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- **1998 : Council Directive 98/95/EC of 14 December 1998** amending, in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources, Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species (OJ L 25, 1.2.1999, p. 1)
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« 32. Proposes to the Commission that in the distribution of tasks it should improve its interaction with the European cooperative programmes on crop and forestry genetic resources (ECPGR and Euforgen) and also on animal genetic resources (global programme for the conservation of farm animal diversity and its implementation at European level) and **concentrate on the conservation of genetic diversity through utilisation in practical agriculture and horticulture**, in order to be better prepared for the necessary integration of economic, environmental and social aspects in the framework of the reform of the CAP;”

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- **2002** : **European Parliament Resolution of 14 March 2002** on the communication from the Commission to the Council and the European Parliament on **biodiversity action plans** in the areas of conservation of natural resources, agriculture, fisheries, and development and economic cooperation (COM(2001) 162 - C5-0467/2001 - 2001/2189(COS))

*« **The CAP: a useful tool for promoting biodiversity***

*(...)*

*16. Hopes to see (as announced by the Commission in its action plan) the introduction in the near future of a reformed legal framework for plant-health and plant-protection products which will enable such products to be used on a sustainable basis, and calls for harmonisation of the rules in force in the Member States; also **wishes to see improved legislation relating to seeds and genetic resources which will provide farmers with a means of conserving local varieties and species.** »*

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- **2003 : European Parliament legislative Resolution of 10 April 2003** on the **proposal for a Council directive amending Directives** 66/401/EEC on the marketing of fodder plant seed, 66/402/EEC on the marketing of cereal seed, 68/193/EEC on the marketing of material for the vegetative propagation of the vine, 92/33/ EEC on the marketing of vegetable propagating and planting material, other than seed, 92/34/EEC on the marketing of propagating and planting material of fruit plants, 98/56/EC on the marketing of propagating material of ornamental plants, 2002/54/EC on the marketing of beet seed, 2002/55/ EC on the marketing of vegetable seed, 2002/56/EC on the marketing of seed potatoes and 2002/ 57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials.

*“(4c) Seed marketed for use in organic farming must be tested in an environment specific to that type of farming and be given more funding. Such seed must be free of all traces of GMOs and pesticides and therefore calls for special tests.”*

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*COMMUNITY PROGRAMME: ELIGIBLE ACTIONS AND AREAS*

## *1. Eligible actions and areas*

*The Community programme concerns the conservation, characterisation, evaluation, collection, documentation, development and utilisation of genetic resources that currently occur within the territory of the Community. Eligible organisms are plants (seed-bearing plants), animals (vertebrates and certain invertebrates) and micro-organisms.*

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*2. By way of derogation from paragraph 1 (b), seeds treated with products not included in Annex II and authorized in general agriculture in the Member State concerned may be used in so far as users of such seed can show to the satisfaction of the inspection body, that they were unable to obtain on the market non-treated seed of an appropriate variety of the species in question.*



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*3. (a) By way of derogation from paragraph 1 (c), seeds and vegetative propagating material not obtained by the organic production method may, during a transitional period expiring on 31 December 2000 and with the approval of the competent authority of the Member State, be used in so far as users of such propagating material can show to the satisfaction of the inspection body or authority of the Member State that they were unable to obtain on the market propagating material for an appropriate variety of the species in question and satisfying the requirements of paragraph 2. In that case, propagating material which is not treated with products not listed in Annex II, Section B must be used, if available on the Community market. Member States shall inform the other Member States and the Commission of any authorization granted under this paragraph.*

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 Official Journal 229 E , 26/09/2002 P. 0166 – 0166

*« The Commission finds that it is an important principle in organic farming to use seed produced organically. However the Commission is aware, that for most species grown in the Community, there are no adequate amounts of organically produced seeds available.*

*Article 6(3)(b) of Regulation (EEC) 2092/91 provides for the possibility for the Commission to maintain the possibility of using seed not produced organically and at the same time to introduce restrictions on the conditions for getting derogations to use such seed.*

**The Commission is therefore now preparing a proposal, which will stimulate the market for organically produced seed and at the same time will prevent situations where farmers can not obtain any appropriate seeds.** »

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- **2003** : **Commission Regulation** (EC) No 1452/2003 of 14 August 2003 **maintaining the derogation** provided for in Article 6(3)(a) of Council Regulation (EEC) No 2092/91 with regard to certain species of seed and vegetative propagating material and laying down procedural rules and criteria relating to that derogation

*Whereas:*

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*(3) Maintaining biodiversity is an important principle of organic farming and it should therefore be ensured that farmers have a big range of cultivars and varieties to choose among, including local cultivars and varieties.*

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- **2007 : Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91**

## *Article 12 - Plant production rules*

1. *In addition to the general farm production rules laid down in Article 11, the following rules shall apply to organic plant production:*
  - (i) *for the production of products other than seed and vegetative propagating material only organically produced seed and propagating material shall be used. To this end, the mother plant in the case of seeds and the parent plant in the case of vegetative propagating material shall have been produced in accordance with the rules laid down in this Regulation for at least one generation, or, in the case of perennial crops, two growing seasons;*

- **2018 ?**

# Organic seeds for Organic production ?

- **2007 : Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91**

## *Article 12 - Plant production rules*

1. *In addition to the general farm production rules laid down in Article 11, the following rules shall apply to organic plant production:*
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- **2018 ?**

# Historical background

- European commitments for Biodiversity in organic production
- Organic seeds for organic production ?
- Missed opportunities in the legislation

# Historical background

## *Missed opportunities*

- **Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed**

Article 22a

*“1. Specific conditions may be established in accordance with the procedure laid down in Article 21 to take account of developments in the areas of:*

*(...)*

*(c) conditions under which seed suitable for organic production may be marketed.”*

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- **Same provisions** in Article 30 of Council Directive 2002/54/EC of 13 June 2002 on the marketing of **beet seed**
- **Same provisions** in Article 48 of Council Directive 2002/55/EC of 13 June 2002 on the marketing of **vegetable seed**
- **Same provisions** in Article 27 of Council Directive 2002/56/EC of 13 June 2002 on the marketing of **seed potatoes**
- **Same provisions** in Article 27 of Council Directive 2002/57/EC of 13 June 2002 on the marketing of **seed of oil and fibre plants**

*What about recent derogatory regimes ?*

- *They don't consider organic production*

# *Recent derogatory regimes NOT considering organic production*

- **Commission Directive 2008/62/EC of 20 June 2008** providing for **certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion** and for marketing of seed and **seed potatoes** of those landraces and varieties (**“conservation varieties” of potatoes**)

*Nothing on seeds for organic production*

*An evaluation report was due by Commission for 31 December 2011 (Article 22).*

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# *Recent derogatory regimes NOT considering organic production*

- **Commission Directive 2009/145/EC of 26 November 2009** providing for certain derogations, for acceptance of **vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop** production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties (**“Conservation varieties » and “varieties with no intrinsic value” of vegetables**)

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# *Recent derogatory regimes NOT considering organic production*

- **Commission Directive 2010/60/EU of 30 August 2010** providing for **certain derogations** for marketing of **fodder plant seed mixtures intended for use in the preservation of the natural environment**

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*An evaluation report was due by Commission for 31 December 2014 (Article 15).*

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- **Commission Directive 2010/60/EU of 30 August 2010** providing for certain derogations for marketing of fodder plant seed mixtures intended for use in the preservation of the natural environment

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# *Recent derogatory regimes NOT considering organic production*

- **Commission Implementing Decision 2014/150/EU of 18 March 2014** on the **organisation of a temporary experiment providing for certain derogations for the marketing of populations of the plant species wheat, barley, oats and maize** pursuant to Council Directive 66/402/EEC.

Only reference to organic production in Recitals:

*“(2) However, new research in the Union on plant reproductive material that does not fulfil the variety definition as regards uniformity, shows that there could be benefits of using this diverse material, in particular with regards to organic production or in low input agriculture for example to reduce the spread of diseases. »*

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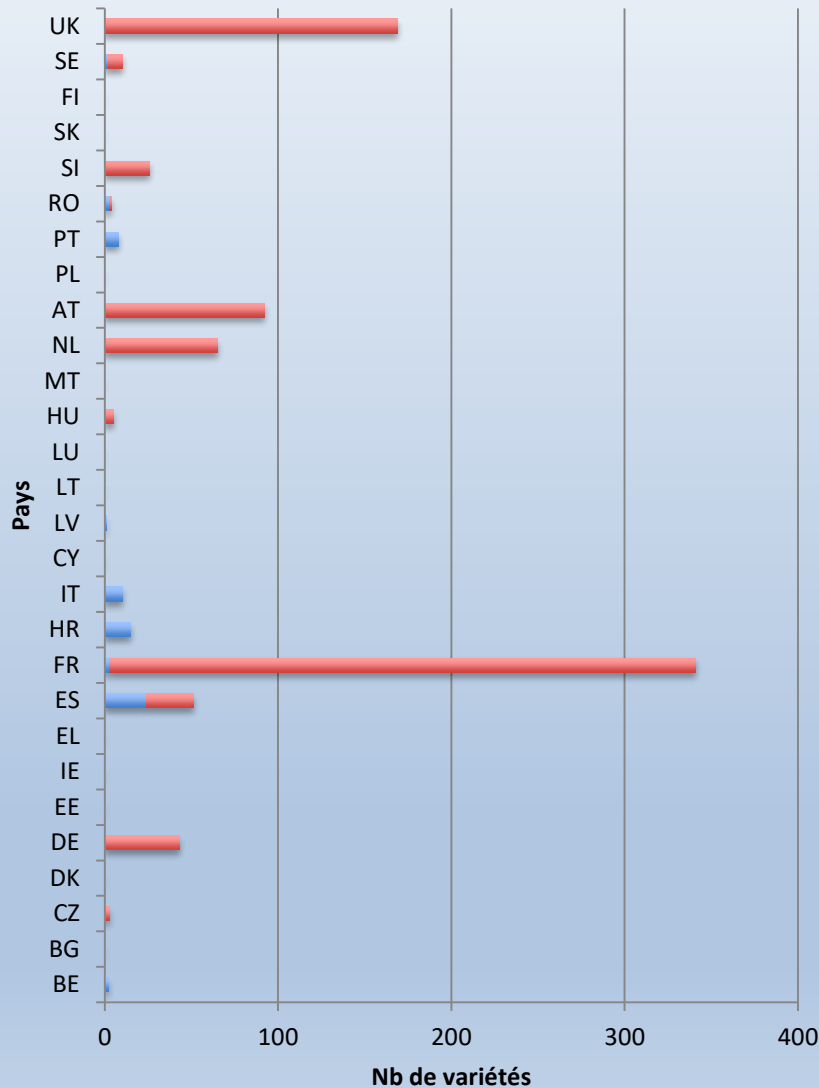
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# *Impossible derogations*

- « Conservation varieties » :
  - geographical restrictions : “region of origin”
  - quantitative restrictions
  - DUS applicable
  
- “Varieties with no intrinsic value for commercial exploitation but created in view of responding to particular cultivation conditions” :
  - quantitative restrictions
  - DUS applicable

## Vegetables

### Number of « conservation varieties » and « varieties with no intrinsic value »



■ Variétés de conservation  
■ Variétés sans valeur intrinsèque pour une exploitation commerciale

➤ TOTAL « varieties with no intrinsic value » in the EU : 774

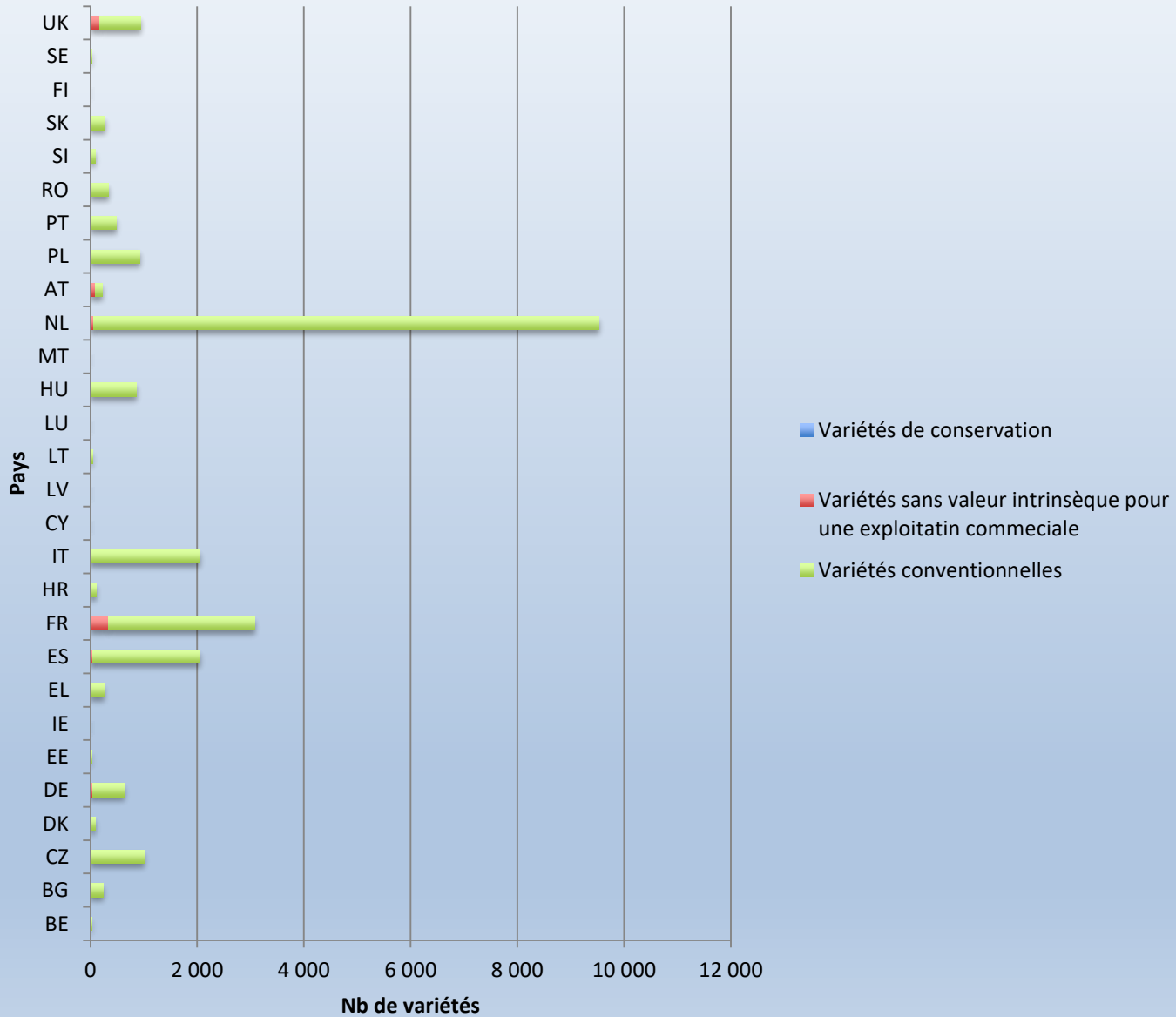
**✓ 27,6 varieties / Member State on average**

➤ TOTAL « conservation varieties » in the EU : 71

**✓ 2,5 varieties / Member State on average**

# Vegetables

## Number of varieties registered per EU Member States



# In conclusion

- Necessity to find a solution in the new organic Regulation



European Parliament

Brussels, 16 October 2018

Thank you for your attention

Hannes Lorenzen

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