



ARCHE NOAH

## Explanatory note questionnaire on plant passports

ARCHE NOAH – COMMUNITY SEEDBANK AND SEED SAVER ORGANISATION

Dear Dorothee André,  
Dear Roman Vagner,

We would like to thank you for the opportunity to provide input on the extension of the plant passport system via the questionnaire. With this explanatory note, we would like to further put a spotlight on the particular situation that conservation organisations find themselves in concerning plant health. Please do not hesitate to get back to us with any questions.

We are very pleased to see that the European Commission, through its European Green Deal, Biodiversity and Farm to Fork Strategies and the latest study on options to update the legislation on the production and marketing of plant reproductive material, stresses the importance of the conservation and sustainable use of plant genetic resources not only as a reservoir for plant breeding, but also as an inherent element of seed and food security, sustainable agri-food production, and protecting biodiversity.

As Arche Noah, we have been conserving and dynamically managing crop diversity since 1990. Today we have the responsibility to manage one of Europe's biggest private collections of cultivated plants, maintaining about 5,500 accessions of mostly crops and crop wild relatives. As our primary aim is to conserve plant genetic resources, plant health is in our utmost interest. Diseases and pests can critically endanger our conservation work as they can lead to the eradication of varieties. Therefore, we see plant and seed health as a basis of our work and critical for our success. Nevertheless, in its current form, Regulation 2016/2031 endangers our conservation work as well as the work of many other community seed banks and seed saver organisations. We write you to explore together solutions that would ensure that the conservation of plant genetic resources and adequate precautions for plant health go hand in hand.

Conservation organisations are regional networks based on the decentralized propagation and exchange of seeds and plants between network participants (private individuals and farmers), at times coupled with a central ex-situ collection. Propagation and conservation of plant genetic resources are, hereby, not geared towards profit; seeds are exchanged for free or on a cost-recovery basis. The exchanges are often organised via an online directory (a simple database of sources of supply and identification) and postal services. These activities could fall under the requirements of Regulation 2016/2031 as it stands today, even though its provisions are primarily geared towards intra-EU trade of seeds and plants. The current plant passport requirements hinder the conservation work and are not proportionate to the risks entailed by these local or regional activities that provide public goods, and are not akin to the commercial exploitation of seeds and plants. The increased obligations with regards to traceability push for the centralisation of the production in the hands of the association itself, instead of conserving plant material in different agroecological and climatic conditions. Furthermore, the Regulation creates further barriers for participatory plant breeding and limits farmer's access to germplasm. We want to urge you to think of a regime that is fit for purpose to protect plant health while safeguarding the conservation of plant genetic resources.



This could, for example, be built on an exemption for the aim of conserving plant genetic resources, similar to the one in Switzerland ([https://www.fedlex.admin.ch/eli/cc/2018/682/de#art\\_62](https://www.fedlex.admin.ch/eli/cc/2018/682/de#art_62)), which is granted to individuals or organisations. The Regulation could thereby allow national authorities to issue, upon request, an exemption (or an authorisation to be excluded) from the plant passport requirements for conservation organisations or individuals engaged in conservation work that are active in their territory. For this purpose, those engaged in conservation work should submit an action plan to the national authorities explaining how they will ensure seed and plant health in a proportional and adequate manner. Based on trust to be built between authorised entities or individuals and national authorities, this solution would attenuate the detrimental effects of the Regulation 2016/2031 on crop diversity conservation, but still protect seed and plant health. It would further raise ownership of seed and plant health issues in the crop diversity conservation community.

For many small farmers and conservation organisations the enforcement of the provisions of Art 81(1)(a) (Regulation 2016/2031), in respect of ‘means of sales through distance contracts’ causes challenges. Associations or operators engaged in electronic commerce would currently evidently fall within the realm of the Regulation, but its scope should not extend further. We believe that, for the supply of seeds and plants to final users, there should be no obligation to register or issue a plant passport for non-professionals, non-commercial exchanges, exchanges without an organized sales system, and when using online directories without direct ordering and payment options, even if those activities entail the movement of seeds through postal services. The exception of Article 81 referring to ‘sales through distance contracts’ would thus benefit from further clarification at the EU level, referring rather to “sales contracts concluded by electronic means with an established service provider” under the terms of Directive 2000/31.

In the past year, the Covid-19 pandemic led to a sharp increase in online communication and online shopping. Due to these developments, entrepreneurs who produce goods for regional and direct sales have set up online information tools and web shops as supplementary communication and sales channels. This development was not foreseeable when Regulation 2016/2031 was drafted and should be taken into account when an amendment is made. It is therefore important to find proportional regulations for local primary producers of foodstuff who have set up web shops as supplementary sales channels. Regionally organized sales for non-commercial use should be exempt from the plant passport requirement, even at a distance, e.g through the introduction of the concept of the regional original or primary producers. Primary producers regionally sell small quantities of seeds from their own propagation for non-commercial use.

To discuss the above-mentioned issues when it comes to the conservation of plant genetic resources we would like to ask you for an online meeting on a day and time of your preference.

Best regards,

Magdalena Prieler, ARCHE NOAH Seed Policy Officer