

Diversity or only industrial seeds? The EU is now setting the course

Analysis of EU seed legislation: ARCHE NOAH successes and setbacks for diversity

Agriculture in times of climate crisis needs diversity. It needs regionally and locally adapted varieties and a strong basis for farmers' independence and resilience. The EU is currently establishing new rules for the foundations of our agriculture and food - new rules for seeds. At the moment, it looks like the Union could miss the opportunity to promote the direly needed diversity.

Since 2021, the EU has again been working on new rules for the production and marketing of plant reproductive material (seeds, potatoes, onions, fruit trees cuttings, ...). The new proposal is primarily focused on the interests of industrial agriculture and chemical companies. Small-scale agriculture, with its many family farms, would lose out, as would regional seed breeders specialising in diversity.

Modern, smart rules would be key to saving rare varieties and ensuring diversity in our gardens, in the fields and on our plates. Diversity needs its own, customised rules. It cannot and should not fulfil the restrictive conditions of the seed industry - for example 'uniformity'.

ARCHE NOAH is calling for a law that promotes crop diversity. It must be possible to pass on diverse seeds legally. Farmers' rights must be respected:

- The conservation and sustainable use of locally adapted crop diversity is the over-riding priority.
- The human right of farmers and gardeners to harvest, use, exchange and sell their own seeds must be implemented fully.
- The marketing of diverse and locally adapted varieties by regional seed producers must be facilitated.
- Newly approved varieties must not be dependent on pesticides or synthetic fertilisers.

Together with over 120,000 supporters of the 'Raise our forks for diversity!' petition (www.raiseourforks.org) and numerous organisations across Europe, ARCHE NOAH has achieved a lot! The European Parliament has adopted important exceptions for diversity in its position on the new seed law. However, there is still no general rethink. The final text of the future EU seed law will still be negotiated for a long time - in the 'trialogue' between the European Parliament, the European Commission and the Council of EU Agriculture Ministers. It remains to be seen whether diversity-friendly rules will be adopted or laws that condemn rare varieties to extinction!



From proposal to law

The European Commission's original proposal on seed law threatens crop diversity. The amended text adopted by the European Parliament is largely in favour of traditional and rare varieties. The Council's position is currently still being negotiated, but interim reports show that drastic restrictions on diversity are being discussed. We therefore need the commitment of as many citizens as possible over the coming months to save diversity!

In the EU, three institutions first find their position individually: The European Commission makes a legislative proposal. Then the European Parliament, with MEPs from all EU countries, finds its own position based on this proposal. At the same time, the Council of Agriculture Ministers from all EU countries discuss its own position. Both the Parliament and the ministers revise the Commission's proposal. Afterwards, the 'trialogue', the negotiations between Commission, Parliament and Council of Ministers, begins.

The current status of positions in four key areas for diversity:

ARCHE NOAH assessment of the proposed rules:

😊😊😊	– Very good for diversity
😊😊	– Good for diversity
😊	– Acceptable for diversity
😞	– Prevents diversity
😞😞	– Strongly hinders diversity
😞😞😞	– Prevents diversity very

1. **The conservation and sustainable use of locally adapted crop diversity is the over-riding priority**

The European Commission's original proposal poses a massive threat to valuable diversity: even the transfer of rare and endangered varieties is considered 'marketing' and is equated with the commercial seed market. This would even affect the non-profit activities of gene banks and organisations whose task it is to save diversity.

With public pressure and a lot of direct information work, ARCHE NOAH was able to achieve a lot on this issue. The European Parliament has taken a much better position than the European Commission: Small quantities of diversity seeds can be passed on by gene banks and seed organisations and their members without restrictions. The rules for larger quantities were adapted to the importance of conservation work. Excessive reporting obligations were cancelled by the European Parliament. Furthermore, also the transfer of seeds by hobby gardeners should not be prevented by seed law.

The agriculture ministers are currently planning to only allow the free distribution of seeds by state gene banks. This means that the seed work of other important players, such as seed organizations, seed savers, libraries that pass on seeds or school seed projects, would be massively jeopardized by unrealistic rules.

European Commission:	😞😞😞
European Parliament:	😊😊
Expected position of the Council:	😞😞



2. The human right of farmers and gardeners to harvest, use, exchange and sell their own seeds must be implemented fully

The European Commission's proposal for a new seed law deprives farmers of their rights. According to the UN Declaration on the Rights of Peasants (UNDROP), farmers have the right to sell and exchange their own seeds. The Commission's proposal aims to drastically curtail this right: Farmers should only be allowed to exchange seed - free of charge. And even this would only apply to seeds in the narrower sense. Under the Commission's plan, potato tubers or fruit tree cuttings would no longer be allowed to be passed on at all.

Here too, ARCHE NOAH has achieved a lot: the European Parliament has spoken out in favour of the possibility of selling all plant propagating material. An important success for diversity! However, the European Commission is to set maximum quantities, i.e. how much seed farmers are allowed to pass on as farmer seed without being affected by the seed rules for the industry.

In line with the Commission, the Council of EU Agriculture Ministers wants to forbid receiving financial compensation for farmers' seeds and completely ban the transfer of plant reproductive material (potato tubers, etc.). On top, they discuss restricting seed transfers to the respective regions.

European Commission: 😞😞
European Parliament: 😊😊
Expected position of the Council: 😞😞😞

3. The marketing of diverse and locally adapted varieties by regional seed producers must be facilitated

Diversity has a hard time in European agriculture. Until now, diversity seeds have been dependent on acts of grace and artificially restricted to geographical regions of origin. The European Commission's proposal lifts some of these restrictions and creates a new system for rare varieties ('conservation varieties'). Unfortunately, this right step is being undermined at the same time: by completely unrealistic production conditions and new bureaucratic requirements.

Here, too, ARCHE NOAH and its allies have been able to achieve significant improvements: For example, the European Parliament is making it possible to register rare varieties free of charge. Previously registered varieties for the home garden ('amateur varieties' such as the tomato 'Gelbe Dattelwein' or 'Green Zebra') and well-known fruit varieties (e.g. the apple varieties 'Kronprinz Rudolf' or 'Steirischer Maschanzker') will remain available instead of disappearing from our plates forever due to ill-conceived regulations. The import of diverse varieties from countries neighbouring the EU will be permitted, while at the same time some of the unrealistic requirements for small producers will be removed. However, their work will continue to be made more difficult by many new reporting obligations, even though these small operators are essential for regional and diverse seed production.

The Council of EU Agriculture Ministers is divided on many of these issues. Despite verbal commitments to regional and medium-sized seed production, there is a lack of clear steps to support them. It is particularly worrying that new bureaucratic requirements and reporting obligations are to be applied equally to large corporations and individual entrepreneurs - this would force many small regional producers to give up their work for seed diversity.



4. Newly approved varieties must not be dependent on pesticides or synthetic fertilisers

The climate crisis presents us with major challenges. Seeds must be fit for this and should therefore be tested under organic conditions. Unfortunately, the EU Commission has made a cheeky greenwashing proposal here: completely blurred 'sustainability criteria' would allow that even plants designed for intensive farming could be labelled 'sustainable'. At the same time, new complex tests are to be introduced for the authorisation of vegetable seeds. Impossible for small organic growers. Unfortunately, the European Parliament has waved this greenwashing attack through. After all, the new tests for vegetables are voluntary in the Parliament's position. This position could also be confirmed in the Council of EU Agriculture Ministers: Greenwashing criteria, but perhaps no new requirements for vegetable seeds.

European Commission: ☹☹☹
European Parliament: ☹
Expected position of the Council: ☹

