

Plant reproductive material

OVERVIEW

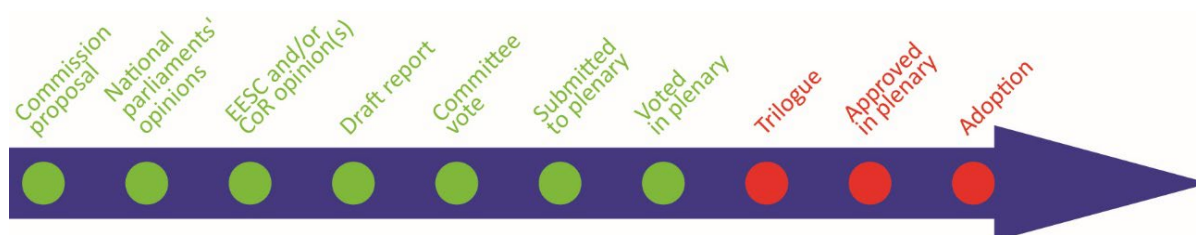
On 24 April 2024, the European Parliament adopted its first reading position on the proposal for a regulation on the production and marketing of plant reproductive material (PRM). Put forward by the European Commission on 5 July 2023, the proposal would replace the 10 PRM directives that currently lay down the rules for seeds, tubers, cuttings, seedlings and young plants.

The proposal would introduce sustainability requirements for registering new varieties of agricultural plants, vegetables and fruits intended for professional users, while PRM intended for amateur gardeners and conservation organisations – such as seed banks – would be exempt from many of the requirements. There would be less stringent conditions for registering conservation varieties that are adapted to specific local conditions, and the requirements for organic PRM would be adjusted and tested under organic conditions. Exchange of seed in kind between farmers would be allowed in small quantities.

Parliament proposes several changes, including exempting gene banks from the rules and allowing farmers to sell their seeds. The work in the Council is ongoing.

Proposal for a regulation of the European Parliament and the Council on the production and marketing of plant reproductive material in the Union, amending Regulations (EU) 2016/2031, 2017/625 and 2018/848 of the European Parliament and of the Council, and repealing Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC

<i>Committee responsible:</i>	Agriculture and Rural Development (AGRI)	COM(2023) 414 5.7.2023
<i>Rapporteur:</i>	Herbert Dorfmann (EPP, Italy)	2023/0227(COD)
<i>Shadow rapporteurs:</i>	Isabel Carvalhais (S&D, Portugal) Irène Tolleret (Renew, France) Martin Häusling (Greens/EFA, Germany) Bert-Jan Ruissen (ECR, Netherlands) Ivan David (ID, Czechia) Luke Ming Flanagan (GUE/NGL, Ireland)	Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	Trilogue	



EPRS | European Parliamentary Research Service



Author: Nikolina Šajn
Members' Research Service
PE 754.645 – June 2024

Introduction

Plant reproductive material (PRM) is any plant material – such as seeds, tubers, cuttings, rootstocks, seedlings and young plants – that is used for the reproduction of other plants. How the PRM is produced and which PRM is available on the market matters because it determines to a great extent what is grown on farms and in private gardens.

The intensification of modern agriculture has led to a growing focus on maximising yields and limiting crop failures, which has, in turn, contributed to a growing uniformity of crops on farms. According to a 2022 UN [report](#), of a little over 6 000 plants that have been cultivated for food, in 2014 fewer than 200 species had significant production levels globally. In addition, the significant time investment and costs involved in developing and placing on the market of new varieties have led large PRM producers to offer the most lucrative varieties, while neglecting the local and traditional ones, for which there may be less demand, or whose use is restricted.¹

This increased uniformity has had negative consequences on [agrobiodiversity](#),² which acts as a [gene pool](#) that ensures agricultural crops can adapt to environmental changes, such as droughts, heat, pests and diseases. It is therefore important both for the adaptation of agriculture to climate change and for food security. However, agrobiodiversity has been in [decline](#) globally and in the EU, both when it comes to the diversity of crop species and the diversity of plant varieties (diversity *within* a species). According to a European Environment Agency (EEA) [report](#), the decline in the genetic diversity of crop plants is especially pronounced in Europe, with many traditional crop varieties and [wild crop relatives](#) being at risk of extinction or having become extinct already.

The diversity of PRM is therefore an important piece of the puzzle for achieving more sustainable, productive and diversified EU agriculture, and can contribute to the [European Green Deal](#) by preserving and restoring ecosystems and biodiversity and creating a fair, healthy and environmentally friendly food system. The [farm to fork strategy](#) identifies, in particular, the need for farmers to have access to a range of quality seeds for plant varieties adapted to the pressures of climate change, while the [EU biodiversity strategy](#) calls for reversing the decline in genetic diversity on EU farms, including by facilitating the use of traditional varieties of crops. Both strategies announce measures to facilitate the registration of seed varieties, including for organic farming, and to ensure easier market access for traditional and locally adapted varieties. These measures were tabled by the Commission on 5 July 2023, in the form of a [proposal](#) for a regulation on the production and marketing of PRM.

The European and global seed market

The [global market](#) for commercial seed reached nearly US\$44 billion in 2021. North America was the largest commercial seed market with 37% of the worldwide [market share](#), followed by Asia-Pacific (26%), Europe (19%), South America (14%) and the Middle East and Africa (4%). According to [Eurostat](#), in 2021 the total value of seeds and planting stock used in EU agriculture was €13.3 billion.

The [EU seed sector](#) employs around 52 000 people. The value chain includes breeding companies that develop new varieties and produce the seed; contract farmers that produce the seed; breeding, seed and specialised companies that process the seed (including drying, cleaning and sorting); and farm dealers and supply stores that distribute the seed. Around [2 million hectares](#) are used in the EU for the production of certified seed, of which 0.1 million are for seed potatoes and 1.9 million for other agricultural plant species. For comparison, the production of vegetable seeds takes up around 25 000 hectares. According to the Commission, around 7 000 companies are active in the seed sector in the EU, some in several stages of the process. However, due to complex ownership and cooperation structures, it is not known how many of them are independent.

A 2018 [OECD report](#) highlighted strong consolidation in the global seed market, following large mergers and acquisitions, which has led to the emergence of the 'Big Six' – Monsanto, Syngenta, Bayer, DuPont, BASF, and Dow Chemical. A 2022 UN Human Rights Council [report](#) noted that the Big Six have further consolidated into the Big Four, as Bayer bought Monsanto, and Dow Chemical and Dupont have merged and created Corteva. The Big Four control not only 60% of the global seed market, but also 75% of the global pesticides market.

Existing situation

Policy framework

Marketing of seed and other PRM in the EU is currently regulated by 12 Council directives, the oldest dating back to 1966:

- the horizontal [Directive on the common catalogue of varieties of agricultural plant species](#) lays down the conditions for the inclusion in the EU common catalogue of the varieties of those agricultural plant species that are regulated by the PRM directives on [fodder plant seed](#), [cereal seed](#), [beet seed](#), [seed of oil and fibre plants](#) and [seed potatoes](#);
- two directives that lay down rules on PRM for vegetables: one on [vegetable seed](#) (including a catalogue of varieties of vegetable seed) and one on [vegetable reproductive material other than seed](#);
- directives on PRM for the [vegetative propagation of the vine](#) and on [fruit plant propagating material and fruit plants](#)
- two directives that are not revised by this proposal: on [ornamental plants](#) and on [forest reproductive material](#).

The directives regulate PRM used for commercial production of the most widely marketed plant species only.³ They are based on two main pillars: the registration of new varieties and the certification/inspection of individual PRM lots. Both are done by the national competent authorities.⁴

The first pillar – **variety registration** – is based on tests in the field, and can take around two years for agricultural and vegetable varieties and five to six years for fruit plants and vines. To be registered, new varieties must pass a test checking their distinctness (showing that they are different from the EU 'reference varieties'); uniformity (requiring different plants within the same variety to be similar); and stability (requiring the characteristics of the plants to not change over time). This is known as the **DUS test**. Varieties of agricultural species also need to be assessed for their value for cultivation and use (**VCU**). These tests are conducted in fields in different locations in the Member State where the registration is sought and must exhibit a clear improvement in at least some of the characteristics and at least some regions compared to the existing varieties. Successful varieties are registered in the **national catalogues** and, based on that, in the EU **common catalogues** (see box).

EU common catalogues

European catalogues for cash crops and vegetable and fruit varieties are compiled from the national catalogues of the various EU countries and include all the varieties authorised for commercial sale across the EU. The [EU catalogues](#) contain over 23 000 varieties of agricultural species and more than 21 000 varieties of vegetable species.

The second pillar – **the certification procedure** – also comprises field and control-plot tests and aims to verify that the PRM produces plants of the intended registered variety; that it does not contain pests and diseases; and that it is of good quality. For the certified PRM, the competent national authorities issue an **official label**.

There are certain exceptions to these rules. **Conservation varieties** – [agricultural](#) and [vegetable](#) landraces and varieties that have been traditionally grown in particular localities and regions and have naturally adapted to the local and regional conditions – can benefit from simpler registration if they are threatened by genetic erosion. These varieties, often the result of selection by farmers over time, are typically genetically heterogeneous, which makes them valuable for agrobiodiversity, but not well-suited to the uniformity tests. They can be registered with reduced uniformity and without official DUS testing – instead, unofficial tests and knowledge gained from practical experience are taken into account. The VCU test is also not required. However, there must be a historical link to their region of origin and marketing is allowed in restricted quantities and only in those regions.

Similar registration rules cover **amateur vegetable varieties** ('varieties developed for growing under particular conditions'), which are considered to have no intrinsic value for commercial crop production, but that can still be interesting to amateur gardeners. In addition to preserving genetic resources, these varieties are interesting because they can grow in particular conditions (such as manual care or repeated harvesting). For these seeds, there are no geographical restrictions, but they can be sold only in small packages.

Conservation activities – whether by **seed banks**, which store seeds in cooled conditions (*ex situ* conservation) or by farmers in the fields or [seed savers](#) in their gardens (*in situ* conservation) – are formally not exempt from the requirement to register the varieties they wish to maintain. However, some Member States, such as Denmark, France and Austria, have interpreted the EU directives to allow this under certain conditions.

The production of **organic varieties** suitable for organic production is regulated by the [Organic Regulation](#). It requires the production of the organic PRM to be conducted under organic conditions and to focus on enhancement of genetic diversity and reliance on natural reproductive ability, as well as agronomic performance, disease resistance and adaptation to diverse local soil and climate conditions. The Organic Regulation also allows for the PRM of [organic heterogeneous material](#) to be placed on the market without complying with the registration and certification requirements. Instead, notification of the supplier to the responsible official bodies is required.

The PRM directives also include **rules on marketing**, including on traceability, packaging, sealing, labelling and documentation. Marketing is defined as the sale, offer for sale, or any other type of transfer of PRM for commercial purposes, which includes **exchange between farmers**, who conserve seeds from their farms (even though some Member States allow in-kind exchange and even sale of such seed under particular conditions). Exchange of seeds among amateur gardeners is allowed, as it does not fall under commercial activity, so it is not within the scope of the current legislation. However, **PRM marketed to amateur gardeners** has to be authorised for marketing.

Unsuccessful 2013 reform proposal

In 2013, the European Commission submitted a [proposal](#) for a regulation on the production and marketing of PRM, which aimed to create a common framework for all sectors of PRM. However, in 2014 the European Parliament [rejected](#) the proposal, asking the Commission to withdraw it and submit a new one. Parliament [opposed](#) the 'one size fits all' approach that would bring PRM and forest reproductive material (FRM) under a single regulation and expressed concern in relation to PRM for ornamental purposes and propagating material intended for sale to home gardeners. It also criticised the large number of delegated and implementing acts envisaged in the proposal and the poor quality of the Commission's impact assessment (IA).

Following Parliament's rejection, the [Council](#) continued its discussions and on 5 December 2014 sent a letter to the Commission inviting it to introduce a [revised proposal](#). The changes requested by the Council included removing FRM from the scope; covering only professional operators while excluding transactions between private persons such as amateur gardeners; and simplifying the procedures for traditional varieties and niche markets. The Commission responded by officially [withdrawing](#) the proposal in March 2015. The Council then repeated a request for a new proposal in 2017, but was turned down with an explanation that the situation would be evaluated after the 2019 European Parliament elections. Finally, in November 2019 the Council adopted a [decision](#) requesting the Commission to submit a study on the options to update the existing PRM legislation and, based on the outcome of the study, to submit a new legislative proposal.

Parliament's starting position

After rejecting the Commission's 2013 proposal, in the current term Parliament has mentioned the importance of seeds in several resolutions, focusing mainly on the adaptation of seeds to the challenges of climate change.

In its [resolution](#) of 20 October 2021 on the 'farm to fork' strategy, Parliament underlined the importance of ensuring the security and diversity of seed and plant propagating material to provide stable yields and plant varieties adapted to the pressures of climate change, including traditional and locally adapted varieties, and varieties suitable for organic production and low input farming systems. Parliament warned of the potential negative effects of concentration and monopolisation in the seed sector and noted with concern the detrimental effect of wide-scoped patents in the sector. It said that non-commercial production and use of traditional and locally adapted varieties of seed by private citizens and smallholders should not be subject to disproportionate regulation.

In its [resolution](#) of 9 June 2021 on the EU biodiversity strategy, Parliament expressed its concern about the fact that agricultural production and consumption are being increasingly focused on a limited range of agricultural crops and, within them, limited varieties and genotypes. It emphasised the importance of enhancing and preserving genetic variability through natural means in order to promote the diversity of agricultural ecosystems and preserve local genetic resources, particularly as a repository of solutions to environmental and climatic challenges. Parliament highlighted the importance of using local varieties best suited to the local ecosystems.

In its [resolution](#) of 3 May 2022 on an EU action plan for organic agriculture, Parliament highlighted the importance of sufficiently available, high-quality organic seeds, heterogeneous material and high-yielding plant varieties, native varieties and locally adapted varieties. It pointed out their potential in strengthening resilience against plant diseases and the impact of climate change, and called on the Commission to ensure that sufficient financial resources are allocated to research into organic seeds.

In its [resolution](#) of 14 June 2023 on ensuring food security and long-term resilience of EU agriculture, Parliament underlined the importance of seed security and diversity and stressed that breeders and farmers need to have guaranteed access to quality seeds of plant varieties adapted to the pressures of climate change and low-input farming systems, including traditional and locally adapted varieties and heterogeneous material. It also stressed their need to have guaranteed access to the genetic resources necessary for further breeding. It called for an analysis of the socioeconomic and environmental effects on the food system of patents on breeding processes and PRM, including their potential to increase market concentration and monopolisation in the food chain, as well as their impact on the affordability and availability of food.

Preparation of the proposal

Following the Council's request, the Commission produced the [study](#) in 2021, which showed significant shortcomings in the current legislative framework. The study found that the complex, outdated, incoherent and fragmented legal framework, consisting of a large number of directives and developed over several decades, causes a lack of coherence between directives and leaves room for interpretation. This has led Member States to transpose the directives in different ways and, combined with a discrepant use of derogations, has created non-harmonised implementation and a non-level playing field for businesses. Furthermore, the complex and rigid procedures create a heavy burden for both businesses and the competent national authorities. The study found some evidence suggesting that the current rules limit the diversity of plant varieties available on the market, as the rules on the registration and marketing of conservation varieties and PRM for amateur gardeners may be too burdensome, while incentives for the breeding of neglected and underutilised species do not exist.⁵ The study also noted a lack of specific testing requirements for organic varieties. In addition, it warned of a lack of consistency between the legislation and the European Green Deal, the farm to fork strategy, the [EU climate adaptation strategy](#), the [new EU forest strategy](#) and the [European digital strategy](#).

Based on the study, the Commission proceeded with the public consultation process. It received 66 responses as [feedback](#) on the roadmap for the new legislation. This was followed by the [public consultation](#) from 21 December 2021 to 27 March 2022, which received almost 2 500 responses from

29 countries, of which just over 1 900 came from citizens and over 200 from businesses. A large majority of responses, 1 685, came from Sweden, again mainly from citizens and businesses.⁶ In addition, the Commission ran targeted consultations gathering feedback from competent national authorities and SMEs, and a targeted survey, 43 in-depth interviews and a focus group run by an external consultant. The [ICF consultancy](#) also produced a [study](#) in support of the Commission's IA.

The [impact assessment](#) (with its [executive summary](#)) covered both PRM and FRM and identified two main problems: a non-harmonised internal market creating divergent conditions for operators across Member States, and non-alignment of the PRM/FRM legislation with the objectives of the European Green Deal and related strategies. The IA looked at three options, which varied in terms of flexibility for Member States and operators. The preferred option was option 2, balancing flexibility and harmonisation. It would require sustainability assessment for all crop groups, but would allow lighter rules for conservation and amateur activities and exchanges in kind.

The IA received a positive [opinion](#) with reservations from the Regulatory Scrutiny Board. The EPRS [initial appraisal](#) of the impact assessment concluded that the measures set out in the proposals are coherent with the preferred option identified in the IA. It notes, however, that the preferred option was chosen based on a qualitative rather than quantitative analysis, and that the IA acknowledged the gaps in the data and the cost-benefit analysis.

The changes the proposal would bring

The PRM [proposal](#) was put forward as part of a [package](#) of measures that also includes legislative proposals on the [FRM](#), [new genomic techniques](#) (NGTs), [soil monitoring](#) and [food and textile waste](#), as well as a [communication](#) on sustainable use of natural resources.⁷ The proposal would replace all the directives on the marketing of PRM with the exception of FRM (covered by a separate proposal) and PRM for ornamental plants (which would not be amended). It would also exclude PRM exported to third countries. As it is a regulation, it would be directly applicable in the whole of the EU, without the possibility for Member States to introduce divergent rules.

The proposal has the following main elements:

- **variety registration based on an official description** – most varieties would be registered on the basis of an official description, established by the competent national authorities and relying on the DUS examination. The period of registration of a variety would be 10 years to encourage innovation, and could be renewed once for another 10 years. For varieties of fruit plants and vine propagating material, the registration period will be 30 years, extendable by a further 30 years.
- **conservation varieties** – varieties that are traditionally grown or locally newly bred and adapted to specific local conditions could be registered on the basis of an **officially recognised description**. This would not require DUS testing, but would be based on unofficial tests, knowledge gained from practical experience or other information. Marketing of conservation varieties would be allowed in the whole of the EU.
- **value for sustainable cultivation and use (VSCU)** – VCU testing would, in future, also take sustainability into account and would be renamed VSCU. It would be required also for vegetables and fruit species, and not just for agricultural crops. The new varieties would have to bring an improvement, for instance, in yield, tolerance to diseases, adaptation to climate change, efficient use of natural resources, reduced need for inputs such as pesticides and fertilisers, sustainability of storage, etc. VSCU testing could be carried out by the competent national authorities or by the professional operators under the official supervision of the competent authority.
- **organic PRM** – the Commission would adopt implementing acts on adjusted DUS requirements for organic PRM, in particular concerning uniformity. Until these acts are adopted, the testing of uniformity of organic seeds would be carried out on the basis

of [off-types](#), i.e. seeds not corresponding to the description of the variety or species to which it is supposed to belong. VSCU testing for organic PRM would be done under organic conditions.

- **heterogeneous material** – the rules on PRM of heterogeneous material would be taken out of the Organic Regulation and would be laid out in the new regulation. PRM of heterogeneous material would be allowed to be produced and marketed without having to comply with the requirements for variety registration, only based on notification to the competent national authorities.
- **amateur gardeners** – the PRM marketed to final users would be exempted from the registration and certification requirements. The packaging would indicate that the PRM is intended for final users only and is 'not officially certified'. The PRM would only be allowed to be sold as individual plants or in small packages in the case of seeds.
- **seed banks and conservation networks** – marketing of PRM to gene banks, organisations and networks, or exchanges between them, would be exempted from the rules on registration, certification, production, marketing, handling and labelling. Instead, these organisations would have to keep a register of the PRM that they conserve and notify the competent authorities that they are using this derogation.
- **exchange in kind between farmers** – farmers would be allowed to exchange in kind seed produced on their farm and derived from their own harvest, to use it for [dynamic seed management](#) (which aims to conserve genetic variability of the crops). The exchange would only be allowed in 'small quantities' defined by the competent authorities, without intermediaries or 'public offer of marketing'. It would not be possible to exchange seeds protected by plant variety rights.
- **breeders' seeds** – a derogation from the registration, certification and marketing requirements would also be introduced for 'breeder's seed' intended for breeding new varieties.
- **herbicide-resistant plants** – for varieties tolerant to herbicides or varieties with other characteristics that could lead to 'undesirable agronomic effects', the Commission could use delegated acts to specify the minimum conditions for cultivation, such as crop rotation, to avoid the development of herbicide-resistant weeds. In the absence of the delegated acts, the minimum cultivation conditions could be adopted by the authorities responsible for registration.
- **genetically modified organisms (GMOs) and plants obtained by new genomic techniques (NGTs)** – registration in the national registers of varieties containing GMOs would be possible only if the GMOs are authorised for cultivation in the Member State based on existing EU law. NGT plants would be allowed to be registered if they are allowed under the future [NGT regulation](#).

Advisory committees

The European Economic and Social Committee (EESC) adopted its [opinion](#) on both the PRM and FRM proposals on 13 December 2023 (rapporteur: Arnaud Schwartz, Group III, France). The EESC called for an evaluation mechanism to monitor the reduction of administrative burdens and red tape for operators in the PRM and FRM sector. It also called for the implementation of the rights of rural workers and farmers, as laid down in the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the United Nations Declaration on the Rights of Peasants and Other Rural Workers (UNDROP), including the right to save, exchange and sell farm-produced seeds. The EESC raised concerns about the planned use of numerous delegated acts in the legislative proposal.

National parliaments

The [deadline](#) for the submission of reasoned opinions on the grounds of subsidiarity was 8 December 2023. None of the national parliaments submitted a reasoned opinion.

Stakeholder views⁸

Stakeholder reactions to the proposal were not numerous, as the file was mostly overshadowed by the NGT proposal, published at the same time.

Euroseeds, which represents the EU seeds sector, [welcomes](#) the fact that the proposal on PRM maintains the main principles of the current legislation. It warned, however, that the DUS and VCU criteria, certification, defined high-quality standards and phytosanitary controls were necessary for all seed products and for all seed users. The organisation expressed concern that some of the exemptions could harm fairness of the rules and quality assurance for all suppliers and users of PRM. Euroseeds also considers that the new sustainability requirement should be implemented in a practical manner that does not lead to a narrowing of availability of improved varieties.

Copa and Cogeca – the umbrella organisation of European farmers – [commented](#) on the proposals only briefly, saying that 'new plant varieties must offer additional benefits compared to existing plant varieties. Knowing that these varieties have been tested and evaluated according to already established criteria is a form of assurance for farmers. Strengthening the testing of plant varieties regarding sustainability is an improvement as the production level must be maintained to ensure food affordability and security.' Copa and Cogeca went into more detail during the [public consultation](#). They were against mandatory certification and VCU requirements for vegetables, fruit plants and ornamental species, but favoured simplified registration of amateur and conservation varieties. They said that the exchange of farm-saved seeds among farmers must be absolutely prohibited or be strictly regulated. It should be mandatory for the organic heterogeneous material to be bred and multiplied under certified organic conditions.

ARCHENOAH, the Association for the Conservation and Dissemination of Cultivated Plant Diversity, was [critical](#) of the proposal, saying it would endanger the conservation and enrichment of the remaining diversity of cultivated plants. While welcoming the improvements for hobby gardeners, the association proposes the removal of all restrictions on the transfer of plant genetic resources for the purpose of conservation; allowing farmers to exchange and sell their own seeds; removing excessive bureaucracy for small producers; and requiring all seed testing to take place under organic or low-input conditions to ensure that newly approved varieties do not require chemical inputs and can support resilient, sustainable agriculture.

The **Umbrella Association for Crop and Livestock Diversity** in German-speaking countries (Dachverband Kulturpflanzen- und Nutztiervielfalt e.V.) also [expressed](#) significant concerns about the proposal's potential negative impacts on biodiversity. The association warned that the exemptions for diversity conservation, which would apply only to formal organisations, overlook the role of individuals like gardeners and farmers in on-farm conservation. It warned that restricting the sale of unregistered varieties only to hobby gardeners would be of little use for biodiversity, and called for completely exempting hobbyists from the scope of the regulation and allowing farmers to sell their seeds.

During the public consultations, **Organics International (IFOAM)** [made a number of proposals](#) on the review of the PRM legislation. This included applying the PRM rules only to commercial marketing of PRM to professional operators. The exchange of non-protected farm-saved seeds 'in-kind' should not be considered as seed marketing, and should therefore be explicitly excluded from the scope of the seed marketing rules. The organisation called for facilitating access to the market for varieties that are particularly suited for organic conditions by adjusted and more flexible (mandatory) DUS and VCU criteria for varieties suitable for organic production.

European Coordination Via Campesina [noted](#) during the consultation that 'peasant seeds are the guarantors of agricultural biodiversity' and urgently need to be supported by an appropriate regulatory framework. It called for the application of the PRM rules only to the professional sector, while excluding seed conservation networks and amateur gardeners from the scope. It said a specific EU framework for the exchange in kind of PRM between farmers was needed.

FarmTech Society, which represents the controlled environment agriculture (CEA) industry (such as vertical farming and aquaculture systems), [called for](#) easing the entry of CEA-tailored PRM into the market. The organisation said that in-kind exchanges of PRM among CEA growers is particularly relevant and necessary for genetic research and development in the industry. It suggested that the new legislation should implement consistent sustainability criteria when testing new varieties and considered it crucial to identify, register and select the seeds best geared for biodiversity enhancement, high crop yields, and climate adaptation.

Legislative process

In the European Parliament, the file was referred to the Committee on Agriculture and Rural Development (AGRI), with Herbert Dorfmann (EPP, Italy) as rapporteur. The Committee on the Environment, Public Health and Food Safety (ENVI) is associated under Rule 57 with some shared and some exclusive competences (mainly for the articles concerning the registration of GMOs and category 2 NGT plants and plant variety rights).

On 10 November, the rapporteur put forward his [draft report](#). The AGRI committee adopted its [report](#) on 19 March 2024. As there was no progress in the Council, Parliament voted on the report in plenary and adopted it as its first reading position on 24 April, with 431 votes in favour, 104 against and 82 abstentions. The [legislative resolution](#) suggests several changes to the Commission's proposal, including:

- **scope** – the regulation would not apply to PRM sold or transferred for on-farm research, activities of gene banks, or to small quantities of PRM for dynamic conservation. It would also not apply to PRM produced by farmers for their own use. The definition of 'marketing' would be changed, so that the regulation would apply only to the 'commercial' actions by professional operators 'aimed at the commercial exploitation of the PRM'. The regulation would also specifically apply to online sales;
- **exchange between farmers** – farmers would be allowed to exchange a limited quantity of any type of PRM, not only seeds. This would not be limited to exchange in kind – monetary compensation would also be explicitly allowed. The maximum quantity that could be exchanged would not be defined by the national competent authorities, but by the delegated acts adopted by the Commission for each species;
- **conservation varieties** – rules on conservation activities would apply to 'dynamic conservation', both when it happens in the plants' natural environment and on farms and in gardens. Organisations and networks, including farmers, dedicated to dynamic conservation would be able to exchange the PRM for dynamic conservation as long as it is not-for-profit. They would also be able to market it to final consumers 'or for farming purposes'. To enable them to achieve their aims, conservation varieties would be registered for 30 years (instead of the standard 10 years);
- **imports of PRM** – it would be possible to import the PRM from third countries, if it is established that it fulfils requirements equivalent to those applicable to PRM produced and marketed in the EU. However, some PRM types, including conservation varieties, heterogeneous material, PRM intended for final users, and PRM marketed to and between organisations and networks dedicated to dynamic conservation could be imported only if they originate in neighbouring countries;
- **value for sustainable cultivation and use** – the VSCU test would remain mandatory only for agricultural crops, vines and potatoes, but would be voluntary for vegetable and fruit species. The operators that apply the VSCU on a voluntary basis would be allowed to include on the label a claim regarding the improvement of the new variety compared to other varieties of the same species. The Commission would be required to evaluate this voluntary system 10 years after its entry into force;
- **official supervision** – the competent authorities would be provided with more flexibility to conduct audits of commercial operators for the purposes of certification

under official supervision, by making the audits mandatory every 18 months, instead of every 12 months;

- **obligations of professional operators** – microenterprises would be exempted from some requirements concerning identifying and monitoring the critical points of the production process.

Meanwhile, work on the file continues in the Council's Working Party on Genetic Resources and Innovation in Agriculture. In December 2023, the Spanish Presidency published a [progress report](#) and a [presidency text](#) that takes into account comments provided by delegations on the articles discussed until that moment.

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Ragonnaud G., [The EU seed and plant reproductive material market in perspective: Focus on companies and market shares](#), DG IPOL, European Parliament, 2013.

Rakstelyte A., [Plant and forest reproductive material](#), EPRS, European Parliament, October 2023.

OTHER SOURCES

European Parliament, [Production and marketing of plant reproductive material in the Union](#), Legislative Observatory (OEL).

ENDNOTES

- ¹ In the EU, this is particularly important because farmers are allowed to use only the PRM that has been registered. In the case of seeds, this is called 'commercial seed' – developed and placed on the market by seed companies. This differs from '[peasant seed](#)' or 'farmers' seed', which has traditionally been grown, selected and preserved by farmers and then exchanged or sold in informal markets. EU law requires commercial seed to be uniform, while farmers' seed is usually quite heterogeneous. The UN [Declaration on the Rights of Peasants](#) considers peasants' right to save, use, exchange and sell their farm-saved seed or propagating material to be a human right.
- ² Also known as 'genetic resources for food and agriculture'.
- ³ For instance, the PRM for oats, barley, rye, wheat and maize are regulated, while the PRM for lentils and quinoa are not.
- ⁴ See the European Commission's [overview](#) of EU marketing requirements for different PRM.
- ⁵ According to the IA, at the end of 2021 there were 396 conservation varieties of agricultural plant species and 177 of vegetable species registered in the common catalogue. This was around 1 % of the total number of varieties.
- ⁶ The Commission explained that this was most likely due to a campaign to raise public awareness in Sweden.
- ⁷ The package has also been referred to as the food and biodiversity package.
- ⁸ This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2024.

eprs@ep.europa.eu (contact)

www.eprs.ep.parl.union.eu (intranet)

www.europarl.europa.eu/thinktank (internet)

<http://epthinktank.eu> (blog)

Second edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.