



Public Hearing on  
*Planting the future - a new legal framework for seeds*

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# ARCHE NOAH





LET'S  
LIBERATE  
DIVERSITY!



## USE IT or LOSE IT

The *European Coordination Let's Liberate Diversity!* (ECLLD) is an international nonprofit organization dedicated to the **dynamic management** of **plant genetic resources** for **food** and **agriculture**.

Our core belief is that the **diversification** of our **food systems** can be achieved through the **collaborative** efforts of various stakeholders involved in **cultivated biodiversity**.



# The problem



## **Restrictive seed legislation jeopardises agro-biodiversity**

The aim of the EU directives (1960s) was to promote the intensification of agriculture

- They favour varieties with a high degree of genetic uniformity that:
  - deliver high yields under high-input conditions
  - are suitable for intellectual property rights (plant variety protection)

However: Negative consequences for crop diversity, for farmers' seed production and for micro-enterprises

The remaining genetic diversity and decentralised, local seed production will be our “lifeline” to provide more resilience.

# The good news

**We can reach a Win-Win situation**

No need to compromise on either or



# Latest governance developments



## Parliament rejected proposed EU seed regulation in 2014

- Big threat to agro-biodiversity banned
- 15 yes votes, 650 no votes and 13 abstentions

## EU Organic Regulation (entry into force 2022)

- Introduced simplified notification procedure for "organic heterogeneous material" (populations, etc.)

## Outside of EU seed law:

- 2018 adoption of the UN Declaration on the Rights of Peasants (UNDROP) including a right to seed



# Situation in Austria and the EU



## **Diversity-friendly implementation in Austria**

- Transfer and sales of PRM "for the purpose of protecting plant genetic resources" outside the scope - explicitly allowed
- Well-functioning procedure for the registration of conservation varieties and "amateur" varieties ("varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions")

## **Major problems in some EUMS**

- Exchange between farmers is allowed in some EUMS and completely prohibited in others
- 14 EUMS - not a single "amateur" variety registered
- PL: Legal offensive against local seed producers

# New proposal - The positive



## **New, future-oriented objectives**

- to contribute to conservation and sustainable use of plant genetic resources and agro-biodiversity
- to contribute to sustainable agricultural production, adapted to current and future projected climatic conditions

## **Exclusion from scope of legislation**

- PRM sold or transferred between final users
- PRM used for testing, breeding, or scientific purposes

## **Important derogations**

- PRM marketed to final users – no variety registration needed
- Conservation varieties - broader definition, deletion of quantity restrictions



# New proposal – The negative (1)



## Scope of the regulation

- Very broad definition of "marketing" - includes any transfer of PRMs by "professional operators" even if for free!
- "Professional operators" also very broadly defined, including
  - farmers who produce seed for themselves
  - Gene banks and collections
  - Companies that offer services, e.g. storage, packaging or labeling of seed
- These operators will have to fulfil new obligations in terms of monitoring their processes and traceability, as well as a number of record-keeping and reporting obligations

Many small operators will either cease their activities, leading to further loss of biodiversity, or be forced into illegality

# New proposal – The negative (2)



## **Endangers conservation work**

- No exception for transfer for the purpose of conservation
- Instead: New rules for gene banks and organisations with the aim of conservation
- Genebank are no longer allowed to pass on PRM to individual farmers!
- Unrealistic provisions with regard to PRM, e.g.
  - Satisfactory vigour and germination capacity

## **Disregards the right to seed enshrined in international law**

- Farmers may only exchange seed (no other PRM) "in kind" - and only under certain conditions, e.g.
  - Without public offers
  - In small quantities

# Success stories no longer possible



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Salzburg  schmeckt

MARKTPLATZ ▾ SALZBURGERLAND HERKUNFT-ZERTIFIKAT ▾ GESCHICHTEN ▾ ISST GUT ▾ REZEPTE ▾ 



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## LAUFENER LANDWEIZEN

Der „Bunte“, der „Rote“, der „Hohe“ - Der Laufener Landweizen ist mit seinen zwei Metern Höhe ein echter Hingucker. Und außerdem ist er eine Rarität unter den Getreidesorten. Begleitet von buntblühenden Ackerwildkräutern, bietet der Anbau dieser alten Weizensorte vielen Insekten und Vögeln einen wertvollen Lebensraum.

**CANVAS** FARM BREWERY BEER SHOP YOUR CANVAS SUPPORT PEOPLE  



## THE FARM IN FARMHOUSE

CANVAS BREWERY IS LOCATED ON OUR FARM IN COUNTY TIPPERARY. THE VISION IS TO PRODUCE 'SINGLE SOURCE' BEERS USING HOME GROWN INGREDIENTS, ON FARM SPRING WATER AND ENERGY FROM ON FARM WOODLAND AND HYDRO-POWER AND TO SELL DIRECT TO THE CONSUMER.



## BIOHOF GSCHWENDT Getreidespezialitäten vom Berg

# New proposal – The negative (3)



## **Provisions for (old) fruit varieties not well designed**

- Transfer of "commonly known fruit varieties" to the category of conservation varieties and simplified production rules (CAC material) for fruit conservation varieties are missing

## **False sustainability claims**

- Testing of the "Value for Sustainable Cultivation and Use" (VSCU) becomes mandatory for all regulated crops
- Long list of criteria, including yield, tolerance/resistance to biotic and abiotic stresses, nutritional characteristics, characteristics for storage and processing,
- New VSCU tests could lead to nearly every variety being labeled as "sustainable" – even herbicide-tolerant plants
- Sustainability cannot be reduced to an individual trait or variety – it can only apply to a cultivation system as a whole

# EU-wide petition

## "Raise our forks for diversity!"



- 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.**



Raise our forks for  
diversity!

Find the petition here →

[www.raiseourforks.org](http://www.raiseourforks.org)



# Thank you!



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