

Current status of reforms to EU Seed legislation.

24th January 2014.



I) On a positive note, with the Plant reproductive material: production and making available on the market proposal, the Commission is proposing to

- allow seed exchanges between farmers who don't produce seeds for commercial sale.
- allow the registration of non-homogeneous and unstable varieties known as "heterogeneous materials"
- simplify the registration of varieties under officially recognized description.
- allow micro-enterprises (defined as employing fewer than ten persons and with annual turnover not exceeding EUR 2 million) to sell unregistered seed varieties.
- exempt these micro-enterprises from any fees related to inspections or variety registration

The mainstream European seed industry, supported by both European Parliament rapporteurs Silvestris and Ayuso, would like to withdraw these concessions.

The Réseau Semences Paysannes¹ (RSP) requests that MEPs' support and improve these proposals, extend them unconditionally to all cultivated species including seedlings and incorporate in the definition of micro-enterprises, associations that employ more than ten persons in preserving a large number of varieties.

RSP also requests that the specific growing conditions of organic agriculture be taken into consideration in the registration of varieties. These measures are essential to ensure farmers have access to cultivated biodiversity and allow them to conserve this diversity, adapt it to local conditions, adjust to climate change impacts and the necessary reduction in chemical inputs.

II) The Commission's proposal contains a number of negative points as it:

- broadens the scope for the sale of patented seeds
- privatises public sector registration and inspection services replacing them with "self-registration or self-audit under official supervision" or approved private sector certification bodies.

The RSP requests that MEPs:

- prohibit niche and heterogeneous materials, their genes or their traits from being patented
- make compulsory information about Intellectual Property Rights, the way they were obtained and the breeding and propagating methods used
- require each member country to maintain an independent public sector inspection service and to reject demands for it to be privatized. This only benefits private certification bodies dependent on the mainstream industry sector

¹French Farmers' Seed Network

III) More and more people calling for the Commission's proposal to be rejected, some because it does not sufficiently favour biodiversity and others because it does not offer adequate protection to European mainstream seed industry interests. This last threat is two-fold and inconsistent. The Commission's concessions are of concern to the European mainstream seed sector represented by the ESA producing homogeneous and stable varieties protected by CPV. Removal of these concessions, under ESA pressure, worries multinational corporations who would like a completely open market for their patented materials that are neither homogeneous nor standardized.

In the meantime, rejection of the PRM proposal would mean reverting back to the current directives. These offer less protection to farmers' rights than the Commission's proposal. Some heritage variety associations and seed traders consider that they will enjoy greater freedom by retaining the current directives as they allow them to market their seeds exclusively to individuals for their personal use without the requirement for the compulsory registration of their seeds into the catalogue. However, this freedom, which is also offered in the Commission's proposal for niche material, will be short lived. Rejection of the current proposal would require the commission to draft a revised proposal. This would result in direct pressure being applied by the USA during the negotiation process for the trans-Atlantic free trade agreement. In the absence of a strong European seed regulation framework, the Commission would have no other choice than to accept the US regulation model which would ensure domination by a few multinational corporations with the largest patent portfolios.

It seems that the Agriculture and Rural Development Committee of the European Parliament has already chosen this way. Indeed, on January 21st, this Committee approved the regulation proposal aiming to privatize public control on seeds and on the food chain. This proposal is written to replace official public bodies, which would no longer have effective means of control, by internal control reports carried out by big enterprises.

It is this "self-audit under official supervision" system which leads to sell horse meat instead of beef or to find American wheat contaminated by a never authorized GMO However, small enterprises would never be able to bear the cost and to follow the standards of this system which is designed for large amounts handled only by big enterprises. Consequently, farmers will have no other choice than to buy every year their seeds or breeding animals together with fertilizers and pesticides sold by multinational companies, the only ones able to respect these industrial standards.

The same AGRI committee voted then two reports which will divert public money coming from European taxpayers to finance the development of new genetic manipulations designed to patent seeds and which will enable patent owners to escape from the obligation to inform consumers about these patented technologies.

In this context, rejecting solely the PRM proposal, would be an absolute condemnation of farmers' and consumers' rights for the sole profit of multinational companies patenting business.

The RSP requests that MEPs reject the regulation proposals regarding controls, plants and animals healths which are only favoring the privatization of public controls.

Additionally the RSP requests that MEPs improve and enhance the PRM Commission proposal in line with our previous submissions and to allow the necessary time to avoid rushing the legislation. If necessary, the final vote should be postponed to the next elected parliament, but the PRM proposal should not be rejected outright.