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PAIN POUR LE PROCHAIN
BREAD FOR ALL

Seed Markets for Agroecology

PCD Elements & Recommendations for the upcoming EU seed marketing reform

Based on the Act Alliance EU Discussion Paper on “Seed Markets for Agroecology”, and the input gathered on this paper through a webinar held on 30th September 2021¹; the organisations Brot für die Welt (Bread for the World) and Brot für alle (Bread for all), would like to highlight the following recommendations in the context of the future reform of European Union (‘EU’) seed marketing laws.

Considering the structure and characteristics of the EU seed market, dominated by private players catering for cross-national formal markets and industrial crop production², EU legislation should not by any means be viewed as a model to export to the Global South. Still, given the fact that the EU is often exporting its regulation through several trade and economic agreements as well humanitarian aid and development cooperation, it is important to know its current and future flexibilities. They could be viewed as options to consider by countries that are pushed by the EU to change their seed market regulations if they have no other options. Always assuming, of course, that these flexibilities would then be adapted to local conditions and respect the diversity of local agricultural and seed systems, as well as peasant’s rights to seeds. The EU should also be held accountable for upholding the same flexibilities in its partners’ legislation in the Global South, not requesting more stringent rules than those applicable on its territory in its external action and international trade policy.

As a result, the future changes of the EU seed marketing rules should be **guided by three principles**: (1) the recognition of the EU’s role as a global actor, (2) the need to ensure that the future EU reform aligns with the rights to seeds enshrined in the United Nations Declarations on the Rights of Peasants and Peoples Living in Rural Areas (UNDROP) and the obligations under the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), and (3) the need to avoid corporate capture and guarantee the adequate representation of civil society and peasant organisation.

¹ Input gathered from Guy Kastler and Antonio Onorati (European Coordination Via Campesina), Nori Ignacio (Searice, Philippines), Mutinta Nketani and Frances Davis (ZAAB Zambia & AFSA), Alimata Traoré (Cofersa, Via Campesina West Africa), Antje Kolling (Demeter Germany), Christophe Golay (Geneva Academy).

² That overall have led to and sustain a highly concentrated commercial seed market, an ever-reducing agrobiodiversity as well as rising input prices for farmers

1. Recognise the role of the EU as a global actor, a trader, and a donor

- In line with its obligations on “*Policy Coherence for Development*”, enshrined in its founding Treaties (Art 208 and Art 21), the EU must take account of the impacts of changes to its own seed marketing rules on countries of the Global South, and ensure coherence with sustainable development objectives (SDG 2.3, and SDG 15).
- As a major donor and actor of humanitarian aid, the EU should establish a practice of enhancing sourcing of locally adapted (indigenous, traditional, local) seeds, that *advance resilience, agroecology and building of local community seed systems* in its humanitarian interventions.
- As a global donor, the EU must ensure that *public money is spent for public goods*, support farmers’ agency and the development of (territorial) local markets providing quality seeds. As a donor committed to sustainable food systems, the EU should refrain from developing niche export markets of seeds and invest in technical assistance or extension services that improve farm managed seed systems.
- As a competing trade partner, the EU must refrain from considering local resource content requirements as a technical barrier to trade.
- In coherence with EU biodiversity objectives, the EU must allow and promote preferential access of (peasants and) small-scale farmers and social actors such as community seed banks to public procurement opportunities.
- None of the EU’s external action on seeds and agriculture should undermine or infringe the realisation of farmers rights (Article 9 ITPGRFA) and peasants’ rights (Article 19 UNDROP).

2. Ensure that the future EU seed marketing regime aligns with the UNDROP rights to seeds and ITPGRFA obligations

- The future reform should uphold the obligations under article 19 of the UNDROP and article 9 of the ITPGRFA by explicitly *excluding farmer and peasant seed systems from the realm of seed marketing laws*, through an adequate definition of its material scope, accompanied by an *ad hoc* regime governing the exchange, use and sale of seeds between farmers and peasants³.
- The future reform should ensure that farmers and peasants have access to locally adapted quality seeds, by building a *proportionate and adequate regime for the marketing of seeds belonging to varieties or populations that are not distinct, uniform, and stable, and that are adapted to local conditions*.
- For all farmers of the EU to have a *truly informed choice* about the seeds and varieties they are looking at purchasing, a satisfactory transparency system should be set in place, highlighting the wide range of information useful for farmers to take their decision (i.e., breeding and production methods...).

³ As defined and described in the publication from the European Coordination Via Campesina, October 2021, [Publication Incorporating Peasants-Rights-to-Seeds-in-European-Law EN.pdf \(eurovia.org\)](https://www.eurovia.org/publication-incorporating-peasants-rights-to-seeds-in-european-law-en.pdf)

3. Avoid capture of policy space and funding opportunities by private interests and guarantee the adequate representation of civil society and peasant organisations (in the EU reform process and beyond)

- The EU should advocate for proportionate *representation of civil society and peasant organisations in public structures and regional bodies* within the EU and in support of its partners in the Global South.
- The EU should set up safeguards to avoid the capture of policy space and funding opportunities by private interests. This means that the private sector companies need to make a declaration of conflicts of interest when they enter policy spaces. Special rules on conflict of interest need to be set for companies that have double or triple conflicts of interests, not only having interest in selling seed and limiting farmers' own seed use, but also being involved in the production and marketing of pesticides, the development and marketing of digital farming solutions and equipment. The members of the CropLife Association are a perfect example of companies representing such multiple conflicts of interest that need to be regulated in the interest of policies for public good and policy coherence.
- The EU should ensure that *agrobiodiversity* is not solely viewed and valued as a pool for further breeding by private entities but be recognised as a common at the *foundation of agroecological and or farm managed seed systems*, to be *protected* from any misappropriation, stemming for instance from the grant of intellectual property rights or from the digitalisation of genetic information, whether in its external action or in its own regulatory frameworks.
- The EU should *halt any funding of (monoculture) agriculture that causes or increases biodiversity loss and undermines farmers' rights to seeds*. The EU should *shift funds in support of the public sector to set up public procurement schemes that benefit and promote* small-scale farmers and other social actors.
- The EU should refrain from any indirect subsidisation of a seed industry that aggravates (and exports) agrobiodiversity loss. Instead, the EU should seek to actively replace such practices by *policies and actions that widen the choice of open-pollinated and local seeds*, ensuring their quality and agroecological development and that support peasant seed systems.
- Active policies may consist of including *conditionality clauses in ODA* and any other guidelines. Public money must advance global public goods, not individual property rights.⁴
- The EU must *stop demanding the implementation of the 1991 Act of the UPOV* Convention and should instead support third countries in the implementation of the UNDROF and farmers' rights.

⁴ Evidence suggests that biodiversity loss in AGRA-supported schemes has increased, as is the case of some other public private partnership