



## **The Danish Seed Savers' contribution to the Open Public Consultation on the Reform of EU Seed Marketing Rules**

It is beyond doubt that we urgently need greater diversity of cultivated plants on our fields and our plates to ensure future food security and agrobiodiversity in all EU-countries. To make this happen a reform of the legislation is urgently needed, and will be an important element of fulfilling the Green Deal, its Biodiversity and Farm to Fork Strategies, and the EU's climate change targets.

### **Following the Danish path**

As an NGO dedicated to the saving and exchange of a wide diversity of seeds and reproductive material, the Danish Seed Savers were part of the process liberating the Danish interpretation of the EU Seed Legislation in 2015.

Since then seed marketing and exchange of unregistered varieties has been permitted as long as the seeds are not for commercial use. Commercial use is defined as marketing of seeds for agricultural and horticultural production only. This also means that companies (e.g. professional farmers, gardeners and seed companies) can legally sell unregistered varieties to private persons, but not to other farmers or professional gardeners. The rules apply to all seeds not intended for commercial use, and there is no limitation to the amounts. At the same time companies can sell unregistered varieties to other companies, when the purpose is research, and they can exchange seeds in closed circuits.

The liberal interpretation of the legislation has had a positive impact on our work. The Danish Seed Savers is growing, and so are a number of small Danish seed companies. We are able to grow, exchange, and sell more heirloom varieties. Conservation of plants and agrobiodiversity is thriving.

### **... and further**

Building on good experiences in Denmark, other countries are looking to the Danish legislation, and the Danish Seed Savers have given advice to seed saver organizations in other EU countries to liberate the implementation of their seed legislation. Now more countries have started walking in the same direction, and we hope that the EU as a whole will follow the Danish path. However, we must still improve, so let's walk together towards the transformation to a truly sustainable food system.

But we know that the restrictive rules on the marketing of seeds and other plant reproductive material are still a central driver of the loss of cultivated plant diversity. Looking at the reform of the EU legislation, option 2 contains promising elements, but none of the presented options suffice. More ambition is needed. We call upon the European Commission to put forward a reform that promotes seeds that, owing to their genetic diversity, facilitate low-input, organic, and agro-ecological farming practices; respects farmers' and gardeners' rights to seeds; and facilitates greater diversity of cultivated plants on our fields and our plates to ensure future food security and agrobiodiversity in all EU-countries.

### **Guiding principles to strengthen agrobiodiversity and sustainability**

Together with other NGOs in Europe we advise that, to strengthen agrobiodiversity and sustainability, EU policies including the current reform must: (1) recognize and support the on-farm and in-situ conservation and sustainable use of cultivated plant diversity and the pivotal role of seed savers, informal seed networks and peasant seed systems, (2) implement the commitments made under ITPGRFA and the Convention on Biological Diversity; (3) enforce the right to seeds and obligations of states as enshrined in the UNDROP; (4) ensure seed marketing and plant health rules do not put an inappropriate burden on diversity actors; (5) ensure genetically modified organisms (GMOs), no matter if old or new (NGT such as Crispr), are regulated as such, with a strict safety evaluation and transparency for seed users and citizens; (6) prevent the misappropriation of diversity, including through digital sequence information; (7) stop and reverse the monopolization of the seed sector driven by intellectual property rights (IRPs), such as patents and (8) promote breeding without IPRs and for use in organic agriculture.

**Foreningen Frøsamlerne ♦ Danish Seed Savers**

Drøwten 9 ♦ DK-8830 Tjele ♦ Denmark ♦ +45 93 99 80 99 ♦ [kontakt@froesamlerne.dk](mailto:kontakt@froesamlerne.dk) ♦ [www.froesamlerne.dk](http://www.froesamlerne.dk)