



Why seed diversity matters

Briefing on the proposed EU seed regulation

Seeds are the basis of our food system. Just like good school education, fresh drinking water or public transport, the supply of diverse, locally adapted seeds must be secured for the public good. But seed diversity¹ is in danger. **Under international law, the right to seeds is already established.** The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) guarantees the right to save, use, exchange and sell farm-saved seeds. Nevertheless, the **supply of diverse seeds in the EU, as in many other parts of the world, is currently under threat.** In many cases, farmers' rights to seeds are ignored, regionally adapted and organic seeds are simply not available, and even hobby gardeners cannot plant the diversity they would like in their gardens.

The legislative proposal for an EU Seed Regulation would negatively impact the production and transfer of diverse seeds.

No diversity on the plate without diversity in the field

Today, a handful of multinationals control the seed market. The four largest companies – Bayer, Cor-teva, Syngenta and BASF – control more than half of the global seed industry. At the same time, the four agrochemical giants also hold almost two-thirds of the global pesticide market. They therefore have a strong economic interest in the production of seeds that require the use of pesticides and synthetic fertilisers. The supply of diverse seeds requires many producers who breed and produce not for the world market, but produce seeds adapted to the needs of different farmers and different local growing conditions.

Instead of chemical-dependent varieties of few species, we need **diverse seeds that make us independent from harmful inputs and global supply chains for a sustainable and resilient agriculture and healthy food.** We need adaptable seeds that can cope not only with more and more heat, but also with heavy rainfalls. We need resilient seeds that can withstand increased pressure from new plant diseases. And we need regional seeds from a wide variety of cultivated plants as a basis for diverse, healthy food; the preservation of traditional food cultures; and the strengthening of rural areas. **The proposed legislation would make it impossible to build a "seed infrastructure" for sustainable agriculture, as**

¹ Cultivated plant diversity includes the diversity of species, varieties, and the genetic diversity within them, as well as the traditional knowledge associated with their cultivation and use.

it restricts the conservation and further development of diversity, and pushes back local innovation.

EU seed regulation – new threats to diversity

Instead of the urgently needed liberation of diversity, the new EU seed regulation would further endanger the conservation and enrichment of the remaining diversity of our cultivated plants.

The proposal:

Restricts the transfer of cultivated plant diversity - Until now, it has been possible in Austria to freely transfer plant genetic resources in small quantities for the purpose of conservation. This allows farmers, gardeners and seed organisations to pass on and sell endangered diversity so that it can be cultivated, propagated and eaten again. The new EU regulation, however, would eliminate this freedom. Instead, it would impose bureaucratic and impractical requirements for the transfer of endangered crop diversity, including new reporting requirements. Farmers shall even be excluded from access to the diversity preserved by seed organisations and gene banks (Article 29). ARCHE NOAH demands that the conservation and further development of cultivated plant diversity be explicitly allowed throughout the EU. All rules that hinder this work should be removed from the seed legislation.

Fails to implement farmers' right to seed - Since 2018, international law explicitly grants peasants the right to save, use, exchange and sell their own seeds. Instead, the Commission now proposes arbitrary restrictions for farmers. They should only be allowed to exchange their seed "in kind" in small quantities and only directly, i.e. not via farmer networks (Article 30). They are forbidden to advertise their seeds in public. They are to be completely prohibited from selling their own farm-saved seeds. ARCHE NOAH demands that the farmers' right to exchange and sell their own seeds be fully enshrined in EU law.

Fails in the attempt to make diverse varieties more widely available - For varieties that do not comply with the industrial uniformity requirement (DUS testing), but are genetically more diverse and adaptable, there are currently legal restrictions on their marketing – with limitation to small quantities, small packaging sizes and regions of origin. The new legislative proposal removes these restrictions. Both well-known and newly bred varieties may now be sold in the quantities that match demand. However, at the same time, the proposal makes it more difficult for small producers to make these seeds available in the first place - through impractical requirements for authorisation (Article 53), stricter regulations for seed production (Article 8 and Annex III) and new reporting obligations for producers (Article 26). Seed legislation is already hampering smaller seed producers due to its complexity and high administrative burden. Further excessive bureaucracy would prevent the success of innovative start-ups, as it simply makes the production and sale of diversity too expensive.

Fails to set the necessary course for sustainable agriculture - The proposal extends the "added value" (VCU) test for new varieties to all species (currently it only applies to agricultural crops), which includes



a new list of so-called “sustainability traits” (Article 52). However, varieties will continue to be tested with the application of pesticides and synthetic fertilisers. ARCHE NOAH recommends that in future all seed testing takes place under organic or low-input conditions to ensure that newly approved varieties thrive without chemical inputs and support resilient, sustainable agriculture.

Includes improvements for hobby gardeners -Positive features of the proposal are a complete exemption from regulation for the private sector - the private exchange and sale of seed remains free (Article 2) - and an exemption from compulsory variety certification and seed certification for seed sold to hobby gardeners (Article 28). This exemption is important because the needs of hobby gardeners are very different from the needs of farmers. The genetic uniformity of a variety is not important to them. They are more concerned with taste, variety of colour and shape, and the preservation of a cultural heritage.

Next steps

The Commission's previous attempt to adapt seed law even more closely to industry interests by a new regulation was hindered by strong campaign by civil society and rejection by the European Parliament in March 2014. Now the European Parliament and the Council of Agriculture Ministers are resuming their work on the draft legislation. A first exchange is planned for the Council meeting on 25 July 2023. Ministers and the European Parliament now have a lot to do: they must demand farmers' rights to seeds and protect crop diversity from over-regulation. Because diversity is our insurance against the challenges of tomorrow.

Who we are:

Since 1990, the non-profit association ARCHE NOAH has been conserving and cultivating thousands of endangered vegetable, fruit and grain varieties with the aim of bringing these traditional and rare cultural assets back into gardens and fields and onto plates. As part of this work, we advocate for a regulatory framework that promotes cultivated plant diversity in Europe instead of further displacing it.

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