

EU SEED MARKETING REFORM:

Overview of Commission Proposal 2023/0227

Capacity-building seminar, ECLLD Forum Dublin, 27/10/23

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STRUCTURE

1. GENERAL INFORMATION ON COMMISSION PROPOSAL

Policy context, Objectives, type of legal tool, structure of draft & reform timeline

2. PROPOSAL CONTENT



Main route for seed market access



Derogations to seed market access



What is the « seed market »?



Specific provisions on Organic

1. GENERAL INFORMATION COMMISSION PROPOSAL

POLICY CONTEXT

EUROPEAN GREEN DEAL

- *Non-binding COM communication towards climate neutrality 2050*

SOIL & SEEDS “PACKAGE”, JULY 2023

- [*Proposal for EU Regulation on PRM marketing \(2023/0227 COD\)*](#)
- *Published & presented by Commission as « **SUSTAINABLE USE OF RESOURCES** » package with :*
 - *EU Soil Strategy*
 - *EU Food Waste Strategy*
 - *EU Regulation Proposal on Forest Reproductive Material (2023/0228)*
 - *EU Regulation Proposal on New Genomic Techniques (2023/0226)*

1. GENERAL INFORMATION COMMISSION PROPOSAL

POLICY CONTEXT OBJECTIVES

HARMONISE EU MARKET

- *Equal conditions in Regulation: level playing field accross EU (less Member State action)*

ENSURE QUALITY, IDENTITY, DIVERSITY & AVAILABILITY SEEDS

- *Maintain two pillars of legislation, adding more pathways*

SUPPORT INNOVATION & COMPETITIVENESS

- *Use molecular tools in testing, time-limits to registration*

SUPPORT BIODIVERSITY CONSERVATION & SUST. USE

- *More pathways to market, provisions on farmers & conservation orgs*

CONTRIBUTE TO SUSTAINABLE AGRI PRODUCTION

- *Additional market access criteria : VCSU*
- *Not just seed production but also food/feed/other products (HT & cultivation conditions)*

1. GENERAL INFORMATION COMMISSION PROPOSAL

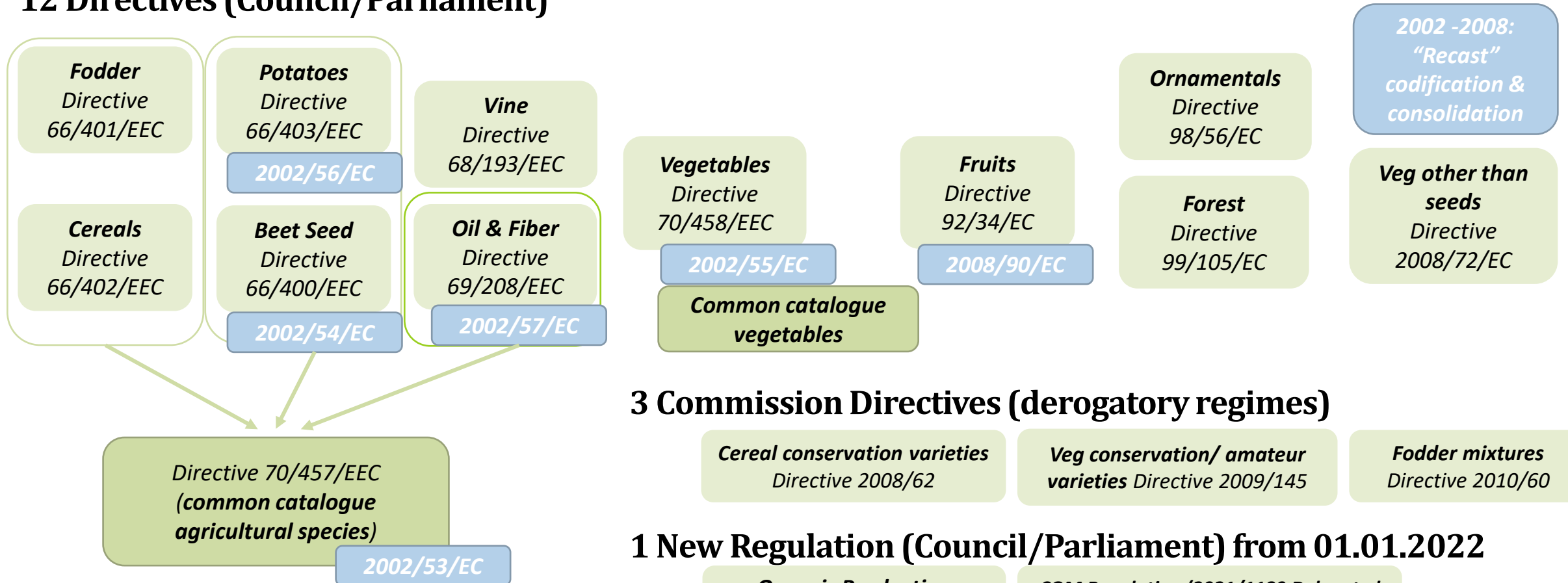
POLICY CONTEXT

OBJECTIVES

LEGAL TOOL

ONE REGULATION TO RULE (ALMOST) THEM ALL ?

12 Directives (Council/Parliament)



3 Commission Directives (derogatory regimes)

1 New Regulation (Council/Parliament) from 01.01.2022

Organic Production
Reg. 2018/0848

COM Regulation (2021/1189 Delegated Act) Organic Heterogeneous material

1. GENERAL INFORMATION COMMISSION PROPOSAL

POLICY CONTEXT

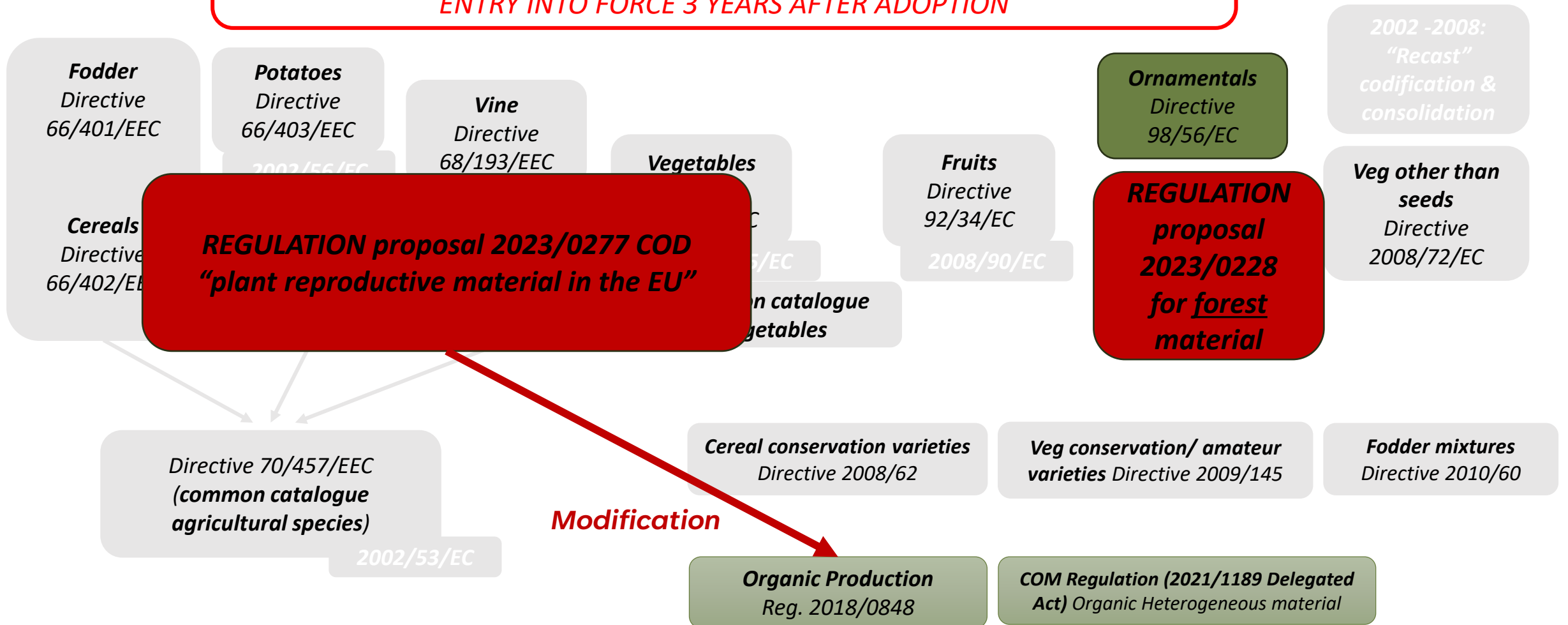
OBJECTIVES

LEGAL TOOL

REGULATIONS have direct effect in EU Member States & for all citizens !

States only implement EU law & do not 'transpose'/legiferate :

ENTRY INTO FORCE 3 YEARS AFTER ADOPTION



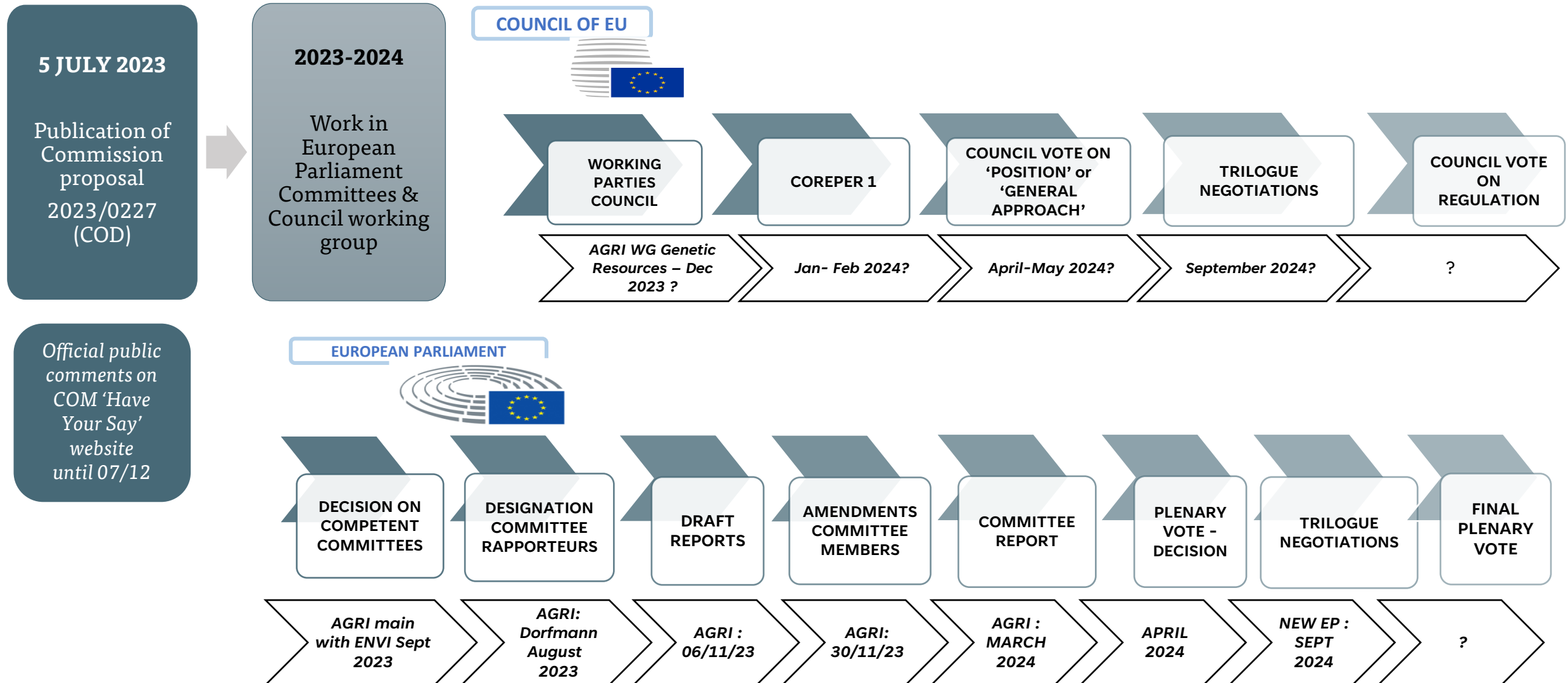
1. GENERAL INFORMATION COMMISSION PROPOSAL

POLICY CONTEXT

OBJECTIVES

LEGAL TOOL

TIMELINE



2. PROPOSAL CONTENT

ACCESS TO MARKET –
MAIN ROUTE



ACCESS TO MARKET -
DEROGATIONS



SEED MARKET?



ORGANIC



2. PROPOSAL CONTENT



ACCESS TO MARKET – MAIN ROUTE

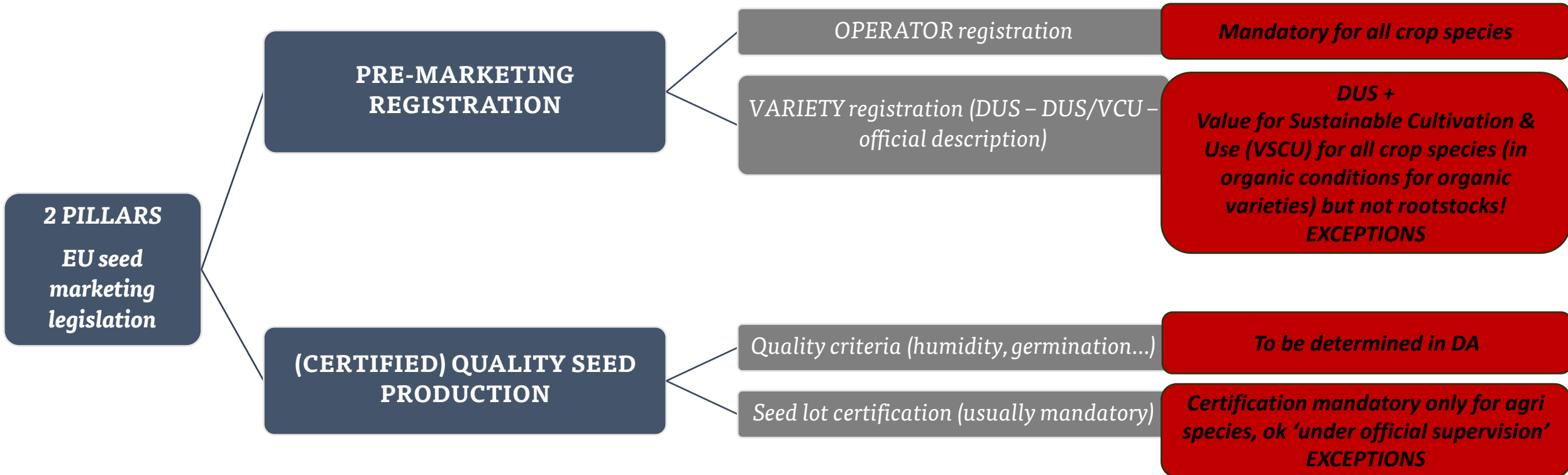
TODAY

PROPOSAL

ONLY BASIC, CERTIFIED & STANDARD SEEDS

ONLY VARIETIES IN VARIETY REGISTER

MARKETED BY REGISTERED PROFESSIONAL OPERATORS



2. PROPOSAL CONTENT



**ACCESS TO MARKET –
MAIN ROUTE**

VARIETY REGISTRATION

SEED PRODUCTION

REGISTERED OPERATOR

2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

VARIETY REGISTRATION

DUS

DUS FOR ALL REGULATED SPECIES

PROTOCOLS DEVELOPED IN EU COMMISSION IMPLEMENTING ACT BASED ON UPOV

FORMAL & TECHNICAL EXAMINATION BY NATIONAL AUTHORITIES (KEY ROLE CPVO)

2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

VARIETY REGISTRATION

DUS

VSCU

VSCU FOR ALL REGULATED SPECIES

CLEAR IMPROVEMENT % REGISTERED VARIETIES : CHARACTERISTICS TAKEN AS WHOLE & LOOKING AT ALL POTENTIAL USES

CRITERIA ? YIELD, TOLERANCE/RESISTANCE, EFFICIENT RESOURCE USE, REDUCED INPUT USE, SUSTAINABILITY STORAGE/PROCESSING/DISTRIBUTION, QUALITY & NUTRITION

PROTOCOLS TO BE SET IN EU COMMISSION DELEGATED ACT

TESTING : COOPERATION MEMBER STATES & AUTHORISED OPERATORS (CONTROLS UNDER OFFICIAL SUPERVISION)

2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

VARIETY REGISTRATION

DUS

VSCU

DENOMINATION

VARIETY WITH SUITABLE DENOMINATION

PRIOR RIGHT, IDENTICAL/CONFUSION WITH EXISTING VARIETY OR DESIGNATION,
OFFENCE, MISLEADING ...

COM DA ON SPECIFIC CRITERIA

COMPETENT AUTHORITIES NEED TO CONSULT CPVO : RECOMMENDATION

2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

VARIETY REGISTRATION

DUS

VSCU

DENOMINATION

MAINTENANCE

VARIETY MAINTENANCE MANDATORY

BY APPLICANT OR AUTHORIZED PERSON

RECORD-KEEPING, CONTROLS, SAMPLES

2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

VARIETY REGISTRATION

DUS

VSCU

DENOMINATION

MAINTENANCE

CULTIVATION CONDITIONS

CONDITIONS FOR VARIETIES WITH HERBICIDE TOLERANCE OR
UNDESIRABLE AGRONOMIC EFFECTS

NOT JUST SEED PRODUCTION BUT FOOD/FEED/OTHER (industrial use)

FIELD MEASURES, MONITORING, REPORTING

EU LEVEL (DELEGATED ACT), IF ABSENT THEN STATE WHERE REGISTRATION
APPLIED FOR

2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

VARIETY REGISTRATION

DUS

VSCU

DENOMINATION

MAINTENANCE

CULTIVATION CONDITIONS

REGISTERS

SINGLE NATIONAL VARIETY REGISTER

FOR ALL REGULATED GENERA & SPECIES : EU MARKET

VALID 10 YEARS (30 YEARS FRUIT/VINE) – ANNUAL FEE –
RENEWAL

SINGLE UNION VARIETY REGISTER

SINGLE UPDATED DATABASE (ALSO PVP & FOREST)

NATIONAL REGISTER CLONES

INDICATION VARIETY TO WHICH IT BELONGS

2. PROPOSAL CONTENT



**ACCESS TO MARKET –
MAIN ROUTE**

VARIETY REGISTRATION

SEED PRODUCTION

PRE-BASIC, BASIC & CERTIFIED SEEDS OR MATERIAL

‘PRACTICALLY FREE FROM QUALITY PESTS’

AUTHORISED OPERATORS CAN ISSUE OFFICIAL LABELS

STANDARD SEEDS OR MATERIAL

MORE DETAILED RULES : SOWING/PLANTING, FIELD PRODUCTION & HARVESTING

NO STANDARD SEED FOR AGRI CROPS

RISK-BASED ANNUAL PLOT CONTROLS

MORE STRINGENT RULES POSSIBLE

REQUEST MEMBER STATE WITH DRAFT PROVISIONS

JUSTIFIED, NECESSARY & PROPORTIONATE

2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

VARIETY REGISTRATION

SEED PRODUCTION

REGISTERED OPERATOR

WIDE DEFINITION PROFESSIONAL OPERATOR

WHO IS NOT? PRIVATE PERSONS, FARMERS WHO ARE NOT SEED PRODUCERS OR MAINTAINERS

WHO IS? SEED SAVING FARMER, GARDEN CENTRE, COMMUNITY SEED BANKS...

REGISTRATION REQUIREMENTS

ALSO UNDER PLANT HEALTH, IDENTIFY & TRACK CRITICAL POINTS

INTENSE RECORD-KEEPING : 3 YEARS SUPPLIERS & BUYERS OF PRM

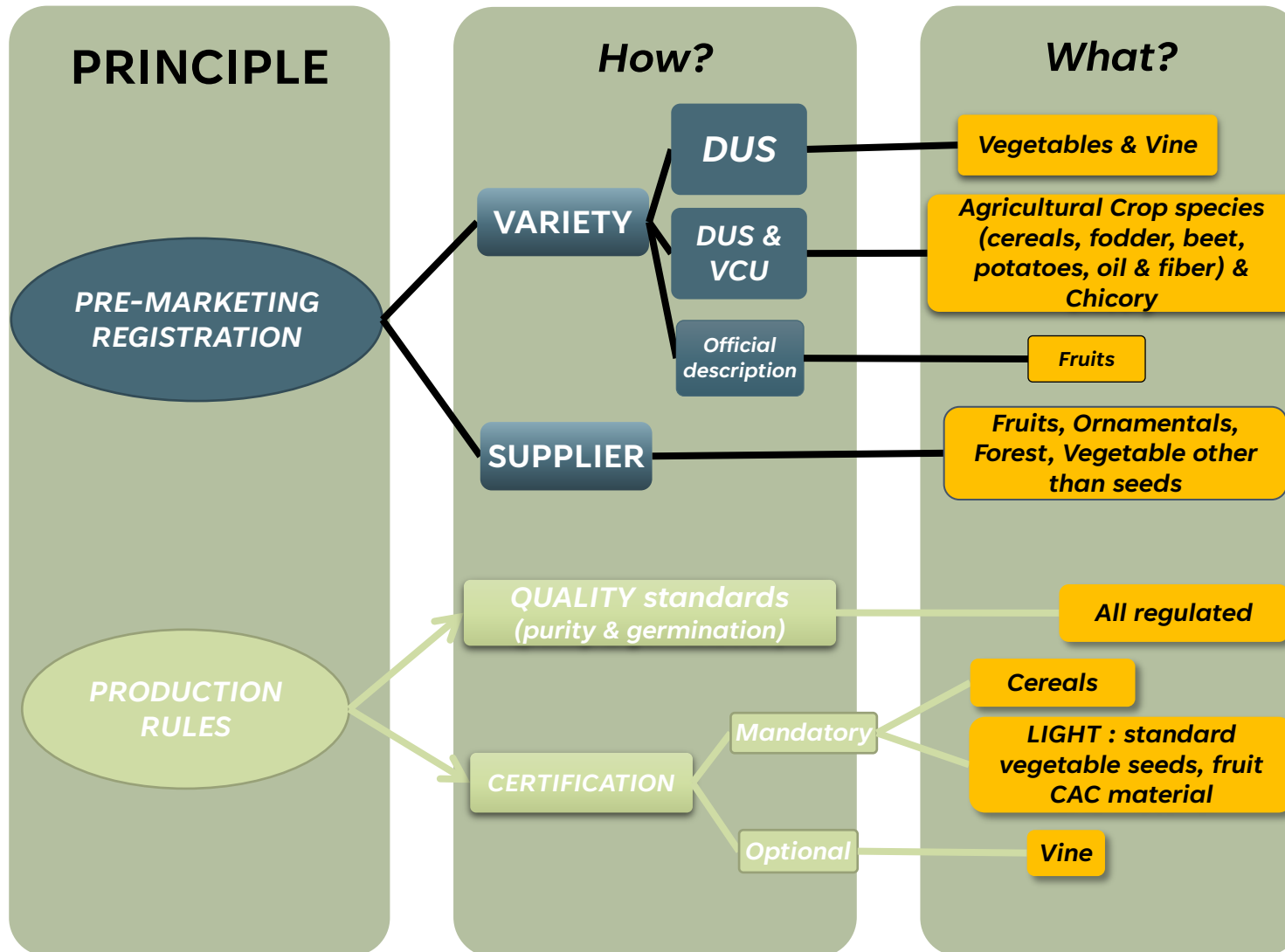
NOTIFICATION SEED PRODUCTION ACTIVITY

2. PROPOSAL CONTENT



ACCESS TO MARKET – MAIN ROUTE

TODAY

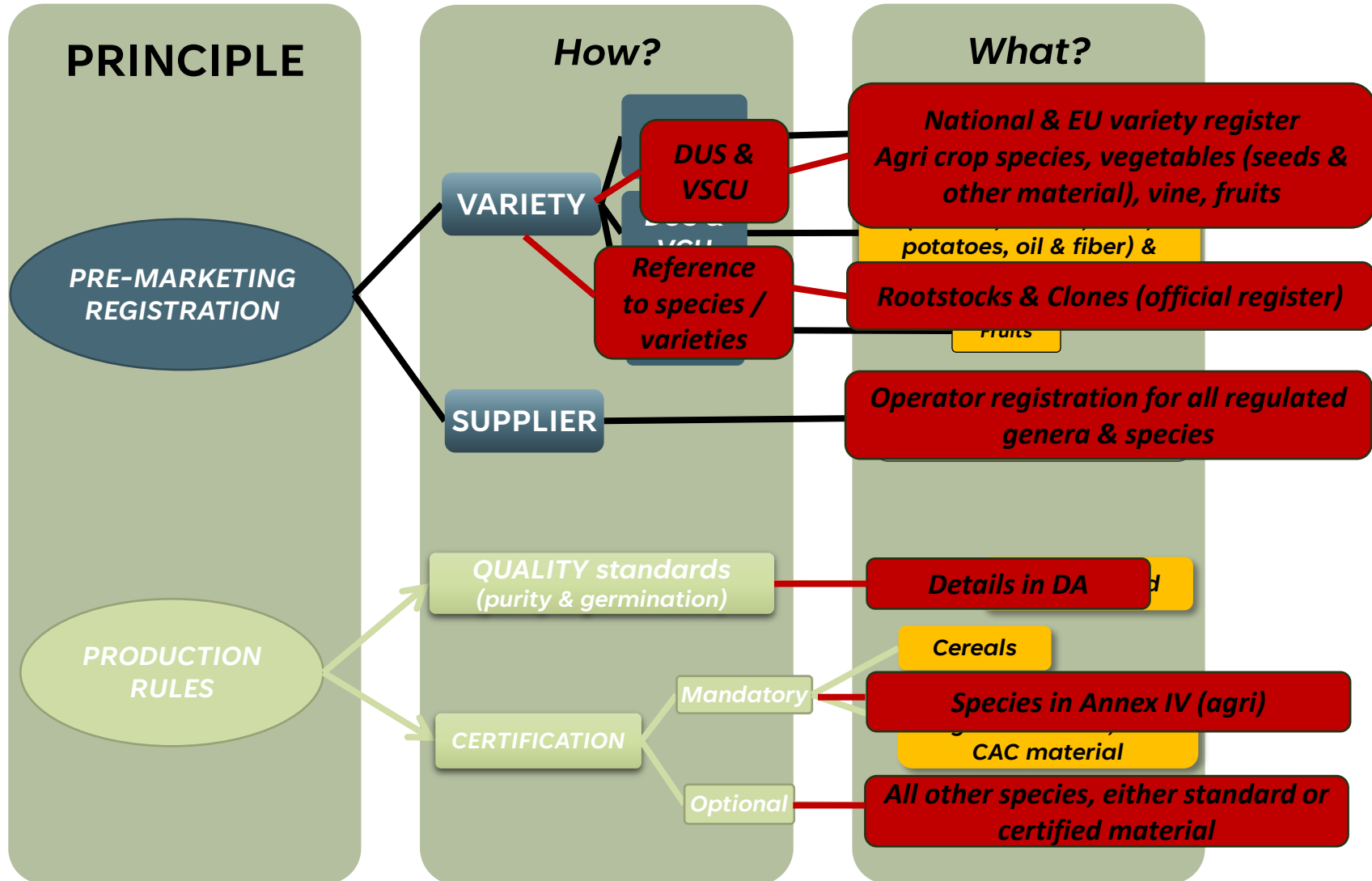


2. PROPOSAL CONTENT



ACCESS TO MARKET – MAIN ROUTE

TODAY
PROPOSAL



2. PROPOSAL CONTENT

ACCESS TO MARKET –
MAIN ROUTE



ACCESS TO MARKET -
DEROGATIONS



SEED MARKET?



ORGANIC



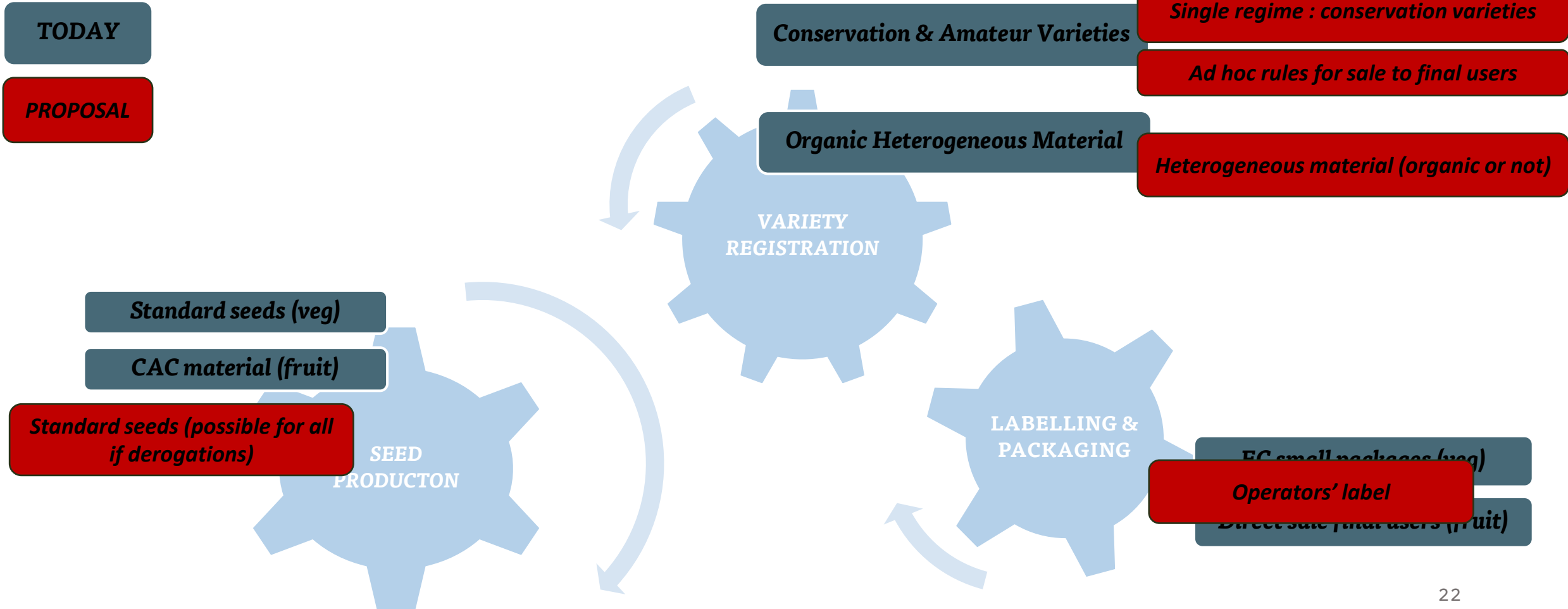
2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET –
DEROGATIONS

DEROGATIONS FOR MARKET ACCESS EXTENDED? SIMPLIFIED? COMPLEXIFIED?



2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET -
DEROGATIONS

CONSERVATION VARIETY

SALE TO FINAL USERS

HETEROGENEOUS MATERIAL

2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET -
DEROGATIONS

CONSERVATION VARIETY

ENLARGED & EASIER MARKET ACCESS FOR (ALMOST) ALL

- TRADITIONALLY GROWN OR LOCALLY NEWLY BRED
- HIGH GENETIC DIVERSITY

ALL REGULATED SPECIES

LISTED IN NATIONAL & EU VARIETY REGISTER : COMMON EU MARKET

OFFICIALLY RECOGNISED DESCRIPTION (NO DUS/VSCU BUT UNOFFICIAL TESTS)

STANDARD SEEDS OR MATERIAL (ALSO AGRI SPECIES)

WITH OPERATORS' LABEL

ALL EXISTING CONSERVATION VARIETIES (BUT NOT AMATEUR)

2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET -
DEROGATIONS

CONSERVATION VARIETY

SALE TO FINAL USERS

LIGHTEST REGIME FOR PRM MARKETING

FINAL USER : PURPOSE OUTSIDE OF PROFESSIONAL ACTIVITIES

NO VARIETY REGISTRATION OR SEED CERTIF, ONLY OPERATOR REGISTRATION

VARIETY DESCRIPTION IN COMMERCIAL CATALOGUE

HEALTH & QUALITY CRITERIA – SALE IN INDIVIDUAL PLANTS & SMALL PACKAGES (COMMISSION DA)

OPERATORS' LABEL

2. PROPOSAL CONTENT



ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET -
DEROGATIONS

CONSERVATION VARIETY

SALE TO FINAL USERS

HETEROGENEOUS MATERIAL

OHM RULES INTO MAIN LEGISLATION?

SAME DEFINITION, BUT NOT ONLY ORGANIC

ALL REGULATED GENERA/SPECIES

NOTIFICATION PROCEDURE DETAILED IN ANNEX VI (SAME AS OHM) BUT COMMISSION CAN AMEND

DEDICATED HM REGISTER (ACCESS EU MARKET)

PURITY, GERMINATION & QUALITY OF LOWEST CATEGORY OF SEEDS : STANDARD ? (WHAT ABOUT AGRI?)

TRACEABILITY & RECORD-KEEPING

ONLY SMALL PACKAGES & MAX QUANTITIES

2. PROPOSAL CONTENT

ACCESS TO MARKET –
MAIN ROUTE



ACCESS TO MARKET -
DEROGATIONS



SEED MARKET?



ORGANIC



2. PROPOSAL CONTENT

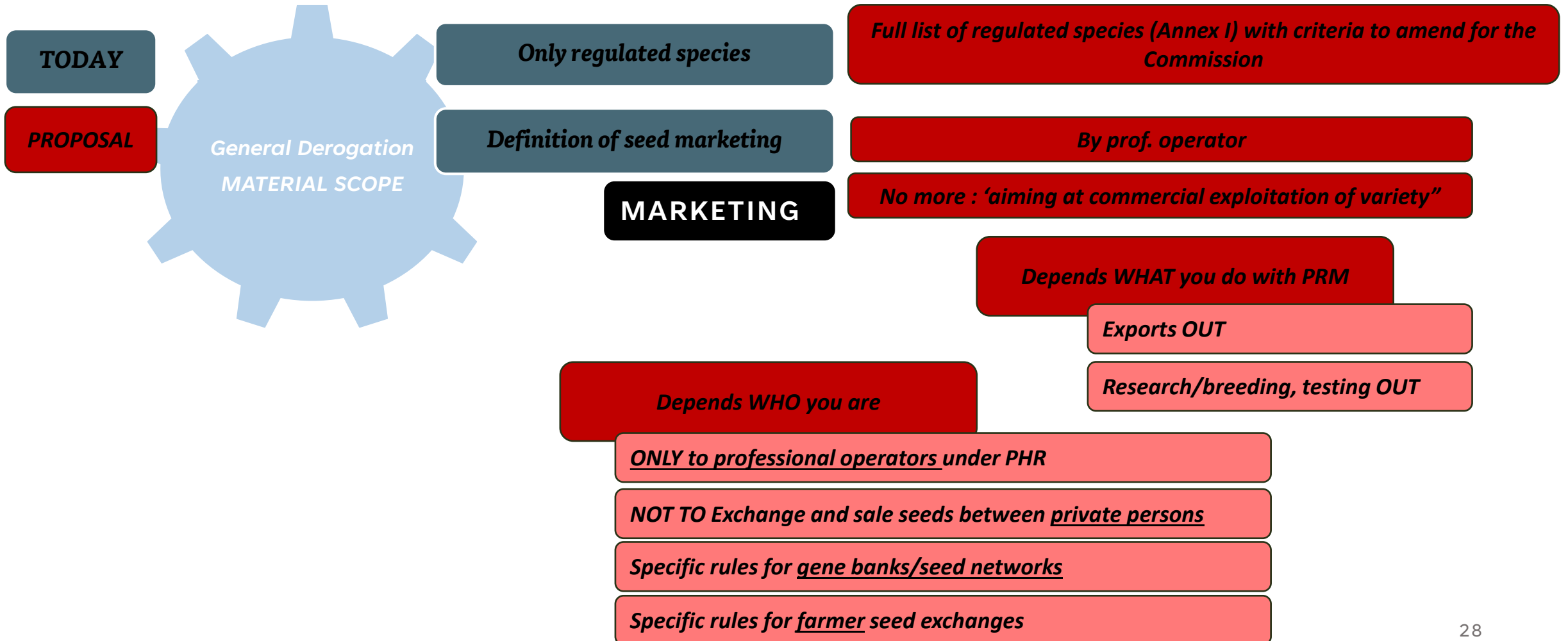


ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET –
DEROGATIONS

SEED MARKET?

SCOPE OF THE LEGISLATION CHANGED CONSIDERABLY





2. PROPOSAL CONTENT

ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET –
DEROGATIONS

SEED MARKET?

MARKETING

IMPORTS

CONSERVATION & SUSTAINABLE USE BIODIVERSITY

IMPORTS ONLY ON EQUIVALENCE RECOGNIZED BY EU COM IA

NOT FOR DEROGATIONS : WHAT ABOUT NICHE VARIETIES FROM CH? AMATEUR /
CONSERVATION VARIETIES FROM UK?

ORGS WITH STATUTORY OBJECTIVE CONSERVATION

PRM MARKETED TO, IN BETWEEN ORGS OUTSIDE REGULATION

PRM MARKETED BY ORGS OUTSIDE REGULATION ONLY IF TO FINAL USERS FOR NON-PROFIT

FARMERS' DYNAMIC AGROBIODIVERSITY MANAGEMENT

ONLY EXCHANGE IN KIND (NO MONETARY COMPENSATION), ONLY SEEDS & ONLY OWN
PRODUCTION/HARVEST

SPECIES & QUANTITIES BY MEMBER STATE

2. PROPOSAL CONTENT

ACCESS TO MARKET –
MAIN ROUTE



ACCESS TO MARKET -
DEROGATIONS



SEED MARKET?



ORGANIC



2. PROPOSAL CONTENT

ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET -
DEROGATIONS

SEED MARKET?

ORGANIC

ORGANIC VARIETIES

VARIETY REGISTRATION – DUS (ART.47)

ADAPTED DUS PROTOCOLS IN EU COM IA (ONLY UNIFORMITY?) : LINK WITH TEMPORARY
EXPERIMENT ORGANIC REGULATION

NOT FOR VARIETIES ALREADY REGISTERED

UNTIL ADOPTION OF IA, DUS BASED ON OFF-TYPES

VARIETY REGISTRATION – VSCU (ART.52)

VSCU TO BE DONE IN ORGANIC CONDITIONS FOR ORGANIC VARIETIES (OR IF NOT POSSIBLE,
LOW-INPUT)

2. PROPOSAL CONTENT

ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET -
DEROGATIONS

SEED MARKET?

ORGANIC

ORGANIC VARIETIES

ORGANIC HETEROGENEOUS MATERIAL

NO MORE OHM AD HOC REGIME

DELETES ALL SUBSTANTIVE RULES ON OHM IN THE ORGANIC REGULATION

OHM WOULD BE “HM CULTIVATED IN ORGANIC CONDITIONS”

WHAT ABOUT DATABASES? CONTROLS?

2. PROPOSAL CONTENT

ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET -
DEROGATIONS

SEED MARKET?

ORGANIC

ORGANIC VARIETIES

ORGANIC HETEROGENEOUS MATERIAL

ORGANIC BREEDING

SEED PROPOSAL

Article 81

Amendment of Regulation (EU) 2018/848

Regulation (EU) 2018/848 is amended as follows:

(1) Article 3 is amended as follows:

(a) point (17) is replaced by the following:

‘(17) ‘plant reproductive material’ means plant reproductive material as defined in Article 3(1) of Regulation (EU) .../... of the European Parliament and Council(*)+;’;

(b) point (18) is replaced by the following:

‘(18) ‘**organic heterogeneous material**’ means heterogeneous material as defined in Article 3(27) of Regulation (EU) .../...(*)++ , produced in accordance with this Regulation;’

(2) Article 13 is deleted.

(3) The second paragraph of Point 1.8.4. of Part I of Annex II to Regulation (EU) 2018/848 is replaced by the following: “**All multiplication practices, except plant tissue cultures, cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material, shall be carried out under certified organic management**”.

2. PROPOSAL CONTENT

ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET -
DEROGATIONS

SEED MARKET?

ORGANIC

ORGANIC VARIETIES

ORGANIC HETEROGENEOUS MATERIAL

ORGANIC BREEDING

SEED PROPOSAL

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ORGANIC REGULATION

(b) point (18) is replaced by the following:

‘(18) ‘**organic heterogeneous material**’ means .../...(*)⁺⁺, produced in accordance

1.8.4. For the production of organic varieties suitable for organic production, the organic breeding activities shall be conducted under organic conditions and shall focus on enhancement of genetic diversity, reliance on natural reproductive ability, as well as agronomic performance, disease resistance and adaptation to diverse local soil and climate conditions.

All multiplication practices except meristem culture shall be carried out under certified organic management.

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2. PROPOSAL CONTENT

ACCESS TO MARKET –
MAIN ROUTE

ACCESS TO MARKET -
DEROGATIONS

SEED MARKET?

ORGANIC

LINKS OF SEEDS MARKETING PROPOSAL WITH NGT REGULATION PROPOSAL

NGT 1 & 2 NOTIFICATION/AUTHORIZATION PRIOR TO VARIETY REGISTRATION

VARIETY REGISTERS : MANDATORY INFORMATION ON NGT 1 & 2

ADDITIONAL LABELLING ON OFFICIAL/OPERATORS LABEL CAN INCLUDE NGT 1 & 2

THANK YOU



SWOT ANALYSIS

FARMERS

BREEDERS

SEED SAVING
NETWORKS

SMALL SEED
COMPANIES

HELPFUL

HARMFUL

INTERNAL
*(TO GROUP OR
ORGANIZATION)*

STRENGTH

WEAKNESS

EXTERNAL
*(IMPACT OF
ENVIRONMENT)*

OPPORTUNITY

THREAT

SWOT
ANALYSIS

FARMERS

STRENGTH

WEAKNESS

OPPORTUNITY

THREAT

SWOT ANALYSIS

BREEDERS

STRENGTH

WEAKNESS

OPPORTUNITY

THREAT

SWOT ANALYSIS

SEED SAVING
NETWORKS

STRENGTH

WEAKNESS

OPPORTUNITY

THREAT

SWOT
ANALYSIS

SMALL SEED
COMPANIES

STRENGTH

WEAKNESS

OPPORTUNITY

THREAT