

EP SEEDS MARKETING PLENARY VOTE: Analysis from a seed diversity perspective

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POSITIVE ASPECTS are highlighted in green, while **NEGATIVE ASPECTS** are highlighted in red.

➤ SCOPE of the legislation & DEFINITIONS

- PRM transferred by conservation organisations/networks referred to in Article 29 in small quantities (Annex VIIa) for conservation purposes is exempted from all marketing rules (Art 2.4)
- PRM transferred for on-farm research and by gene banks is exempted from all marketing rules
- PRM transferred between final users (people for whom transferring PRM is outside their *primary* professional activities) is exempted from all marketing rules (Art. 2.4)
- Definition of marketing is limited to commercial actions, aimed at the commercial exploitation of PRM
- New definition of dynamic conservation includes both ex situ/in situ conservation
- Dynamic conservation exemption in Art 2.4 is only for conservation organisations falling under article 29, not in general for the aim of conservation for all actors
- More crop species to be regulated (especially plant protein)

➤ Rules for PRM transfers by CONSERVATION Organisations (article 29)

- The lighter marketing rules in article 29 for conservation organisations/networks apply to all types of not-for-profit marketing of PRM by these organisations, not just transfers/sales *to* and *between* organisations, but also *within* them and *to* farmers and final users. Members of organisations can also transfer PRM in all those ways
- The rules in article 29 only apply if the quantity of PRM per species/year is higher than the quantities in Annex VIIa, which are exempt under Art. 2.4. (see above)-
- Farmers can be part of conservation organisations
- Samples need to be given to authorities on request *only* when quantities allow it
- No more rules on vigour, dimensions and germination capacity
- No more implementing act by EU COM that set rules for labels
- No more statutory objective needed, but activities need to be carried out for non-profit purposes and notification of species concerned to public authority
- Seed health rules still present (beyond the plant health Regulation 2016/2031)

➤ Rules for PRM transfers by FARMERS (article 30)

- Exchange between farmers allowed not only for seeds, but all PRM (also seed potatoes, fruit tree cuttings, etc) with monetary compensation
- Quantity limits to be set by European Commission (not at national level), but taking into account the needs of smallholder production
- Seed health rules apply, rather than plant health rules for food production

➤ OBLIGATIONS of professional operators / ADMIN BURDEN (articles 41-42)

- Conservation organisations and farmers exchanging seeds are exempted from the administrative obligations and traceability requirements for professional operators
- Exemption of micro-enterprises from some professional operator administrative obligations (article 41.1 points d/e, relating to monitoring and recording of processes)
- No exemptions for micro-enterprises from traceability obligations under Article 42

➤ SALE OF PRM TO FINAL USERS (article 28)

- No more delegated power for the Commission to define rules on form, handling and sealing of packages, as sizes for small packages that can be sold to final users are now defined
- Less information must be notified to authority (no species/quantities)
- **CONSERVATION VARIETIES**
 - Better and more inclusive definition of conservation varieties that includes old and new cultivars (modern landrace, on farm selection or bred for adaptation, sustainable use), characterised by a *satisfactory* level of genetic and phenotypical diversity, not F1
 - May not be subject to intellectual property rights
 - All crop species can be produced as standard seed/material, if conservation variety
 - Currently registered amateur varieties and commonly known fruit varieties will be automatically included in new variety register as conservation varieties
 - Import of conservation and amateur varieties from neighboring countries (UK amateur varieties, CH niche, ect.) will be possible subject to Commission audit of equivalent regime
 - Registration is free of charge and period of registration 30 years (not only 10 years)
 - **No prohibition of GM/NGT in conservation varieties**
- **HETEROGENEOUS MATERIAL**
 - No more amendment of EU Organic Regulation (OHM rules, definition of organic production)
 - Rules for non-organic heterogenous material more aligned to OHM (e.g. notification free of charge, same time limits for authority to respond to notification)
 - **No prohibition GM/NGT in HM in the binding text (only in recitals)**
 - **No conventional HM for fodder species**
- **VALUE for SUSTAINABLE CULTIVATION and USE**
 - VSCU testing for fruits and vegetables is voluntary (not mandatory)
 - Competent authorities may include testing of conventional seed under low input or organic conditions, **but this is not mandatory**
- **SEED PRODUCTION RULES**
 - Production standard material loosened to same requirements as standard seeds, **but still do not mirror the current CAC material rules**
 - **Control plots for standard seeds/material still maintained (article 25)**
 - **Standard seed production to be segregated from food/feed, even in small-scale production**
- **CULTIVATION CONDITIONS**
 - Member States can adopt cultivation conditions for their territory where herbicide tolerant varieties/varieties with undesirable agronomic effects will be cultivated (article 47)
 - **No provisions to allow control of the implementation of cultivation conditions**
 - **Vague language on automatic implementation of existing protocols for varieties with similar characteristics (but only those adopted by that Member State)**
- **TRANSPARENCY & GOVERNANCE**
 - Information on existing intellectual property rights and breeding techniques must be provided by applicants in the variety registration process, and included in the variety register
 - Authorities need to check documentation provided by conservation organisations or other stakeholders to check if a “new” variety exists already (distinctness article 48) or a name is already used (denomination article 54) as a new safeguard against misappropriation
 - Report to be compiled by the European Commission on status of PGRFA conservation
 - **Wider stakeholder participation in variety denomination and registration decision is lacking**