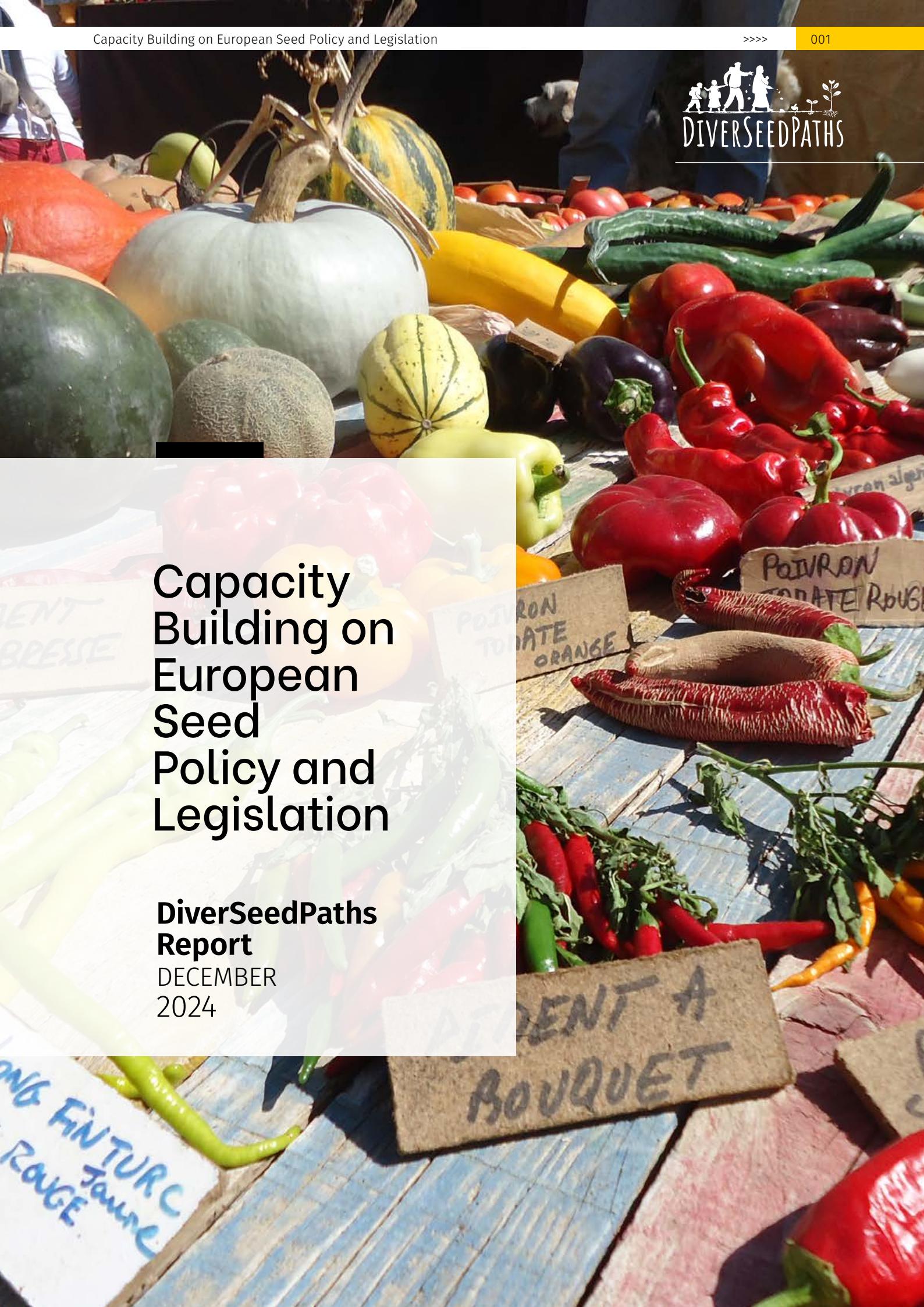




# Capacity Building on European Seed Policy and Legislation

**DiverSeedPaths**  
**Report**  
DECEMBER  
2024





# About the project

**DiverSeedPaths** is an initiative focused on cultivating resilient and inclusive communities by facilitating knowledge exchange and equitable collaboration between migrants and stakeholders in agricultural biodiversity and seed conservation.

Co-funded by the Erasmus+ programme of the European Union, the project was implemented by Aegilops, The European Coordination Let's Liberate Diversity! (EC-LLD!), and Réseau Semences Paysannes (RSP).

The project's objective is to preserve and share the invaluable knowledge held by migrant communities on seed selection, conservation, and use, while fostering collaboration with European farmers, citizens, and organizations. By connecting diverse stakeholders, DiverSeedPaths promotes the diversity and resilience of food systems, contributing to climate change adaptation and mitigation.

Special focus is given to engaging small-scale organizations, rural communities, and individuals with migrant or refugee backgrounds, including collaborations with the Balkan Seed Network of Eastern Europe.

DiverSeedPaths emphasized mutual learning and capacity building, bridging migrant communities' expertise with European practices in community seed bank management, seed policy, and climate action.

Through peer-to-peer exchanges and collaborative events, the project inspired action among farmers, citizens, and seed savers, ensuring cultivated biodiversity remains a shared global resource. The initiative celebrated the co-evolution of people and plants, fostering partnerships to sustain biodiversity and resilience to allow future generations agency and power over their local food systems.

# SUMMARY

**Edited by: Gabriele Maneo (ECLLD!)**

Graphic design: Yoshi Mari

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<b>Introduction</b>	<b>5</b>
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<b>Chapter 1: The Institutional Framework of EU Policymaking</b>	<b>8</b>
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2.1 European Parliament (EP): Representing EU Citizens	9
2.2 European Commission (EC): The Executive Arm of the EU	10
2.3 Council of the European Union: Representing Member States' Interests	11

<b>Chapter 2: The Ordinary Legislative Process in Action</b>	<b>12</b>
--	-----------

<b>Chapter 3: European Legislative Instruments</b>	<b>16</b>
--	-----------

<b>Chapter 4: Regulatory Framework for Plant Reproductive Material in Europe</b>	<b>19</b>
--	-----------

<b>Chapter 5: EU Seed Marketing Reform</b>	<b>20</b>
--	-----------

*The Legislative Process*

<b>Chapter 6: Analysis of the EU Seed Marketing Reform from a Seed Diversity Perspective</b>	<b>23</b>
--	-----------

<b>Chapter 7: Opportunities for Advocacy in Support of Diversity-Friendly Seed Legislation</b>	<b>30</b>
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## Introduction >>



**The online training session on the proposed new EU Regulation on the Production and Marketing of Seeds and other Plant Reproductive Material (PRM) was held on Thursday, 17 October 2024, from 14:00 to 18:00 CET, and Friday, 18 October 2024, from 09:30 to 13:30 CET. It was hosted by ARCHE NOAH, with the support of DiverSeedPaths, the Geneva Academy of International Humanitarian Law and Human Rights, and the European Coordination Let's Liberate Diversity (ECLLD).**

The session provided insights into the current political negotiations around the PRM regulation, aiming to equip participants to advocate effectively for a regulation that upholds biodiversity, the right to food, and the right to seeds as recognized in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP). The workshop included a blend of presentations, plenary discussions, and breakout groups, with live translations available in English, French, and German.

# >> Introduction

You can find the PowerPoint, the Google slides we used during the workshop, and all the links posted in the chat in this folder.

ECLLD has then created a recap document as part of the DiverSeedPaths' capacity-building activity, which is available in English, French, and Greek. The recap document is divided into several key sections to guide individuals and organisations through the foundational aspects of EU policymaking, the specific context of the EU seed marketing reform, and practical advocacy strategies. This structured format aims to equip participants with a comprehensive understanding of the legislative process and actionable steps to advocate for a biodiversity-friendly seed regulation. Here is an overview of each section.

## **Chapter 1: The Institutional Framework of EU Policymaking**

This section introduces the primary EU institutions involved in lawmaking: the European Parliament (EP), the Council of the EU, and the European Commission. Each institution's role is explained, highlighting how the EP represents EU citizens, the Council reflects Member States' interests, and the Commission initiates proposals and ensures they align with EU objectives. Together, these institutions shape EU legislation through the Ordinary Legislative Procedure (OLP), a collaborative process essential for creating balanced, democratic laws.



## **Chapter 2: The Ordinary Legislative Process in Action**

This section details the stages of the Ordinary Legislative Procedure (OLP), from the Commission's proposal development to final approval. It explains how proposals are reviewed and amended by the EP and Council through committee work, readings, and trilogue negotiations. A streamlined overview of each stage is provided to clarify how legislation progresses through the EU system, ensuring democratic input and technical rigour.

## **Chapter 3: EU Legislative Instruments**

This section outlines the main legislative instruments – Regulations, Directives, Decisions, Recommendations, and Opinions – and their application. Each instrument serves a specific function within EU law, ranging from binding regulations that apply across all Member States to non-binding recommendations that encourage best practices. This section offers participants a clear understanding of how these tools are used to support EU policy consistency and flexibility.



## Chapter 4: Regulatory Framework for Seeds in EU

Participants are introduced to the regulatory framework governing the seed sector in the EU. This includes regulations on seed quality and certification, variety registration and protection, plant health, genetic diversity, and environmental sustainability. The section highlights how these rules maintain standards across the EU and protect biodiversity within agricultural practices.

## Chapter 5: EU PRM Marketing Reform

This section examines the EU's proposed PRM Marketing Reform, which aims to modernize outdated seed marketing rules to address biodiversity, climate adaptation, and support for small producers. It provides insights into the reform's goals, the role of each EU institution in the process, and the current status of negotiations. Participants gain an understanding of how the reform could impact both large-scale and small-scale agricultural practices.

## Chapter 6: Analysis of the EU PRM Marketing Reform from a Seed Diversity Perspective

This section draws on ARCHE NOAH's analysis to assess the reform's potential impact on conservation of crop diversity, farmers' rights, support for regional seed producers, sustainability, and transparency. Key positions from the European Commission, Parliament, and Council are reviewed, offering participants a nuanced view of how each institution's stance aligns with biodiversity goals.

## Chapter 7: Opportunities for Advocacy in Support of Diversity-Friendly PRM Legislation

The final section is a practical guide to advocacy, with steps to engage policymakers, support public campaigns like the "Raise Our Forks" petition, and mobilize joint advocacy efforts. Participants are encouraged to focus on reaching out to national Agriculture Ministries, gathering testimonials from small seed producers, and coordinating actions at the Member State level to influence the Council's position on the reform. This section equips participants with actionable strategies to strengthen advocacy for seed policies that support seed diversity.

# Chapter 1

## The Institutional Framework of EU Policy-making

**The process of creating EU legislation, including complex areas like seed policy, relies on the combined efforts of three primary institutions, the European Parliament (EP), the Council of the EU, and the European Commission.**

Each institution represents different interests within the Union: the European Parliament reflects the voice of EU citizens, the Council of the EU represents the national governments of each Member State, and the European Commission acts as the EU's executive body, advancing the Union's overall objectives.

Together, these bodies shape, review, and implement policies, ensuring that EU legislation addresses both the shared priorities and specific needs of its members. Each plays a distinct yet interdependent role in the legislative process, with responsibilities that range from drafting proposals to scrutinizing amendments and reaching a final consensus.

Within this system, the European Commission initiates proposals, drawing on expertise from its Directorates-General (DGs) that cover specialized areas. These proposals are then examined by the European Parliament and the Council, which engage in a collaborative, iterative process to review, amend, and ultimately adopt legislation. This multi-step process, formerly the co-decision procedure, introduced in 1992 and expanded in 1999, was officially renamed the Ordinary Legislative Procedure (OLP) with the Lisbon Treaty.

This process requires the active involvement of parliamentary committees, Council configurations, and supporting bodies within each institution to ensure that legislation is democratically developed, technically sound, and responsive to both EU and national concerns. Through this cooperative structure, the EU's legislative process balances the interests of its citizens, Member States, and the Union's overarching goals.



# 1.1. European Parliament (EP): Representing EU Citizens

**The European Parliament (EP) is one of the two main legislative bodies in the EU, tasked with adopting laws and representing EU citizens' interests.**

Composed of 720 Members of Parliament (MEPs) elected by citizens of each Member State, the EP's structure ensures balanced representation based on population size. MEPs are organized into political groups by ideological affiliation, such as the European People's Party (EPP), Socialists & Democrats (S&D), and Greens/EFA, which shape the Parliament's legislative agenda and priorities.

**Configuration: Committees and Working Groups**  
MEPs work within specialized parliamentary committees (e.g., the Environment, Public Health, and Food Safety Committee, or the Agriculture Committee), which analyse and amend legislative proposals from the European Commission. These committees focus on specific policy areas and are responsible for examining proposals in depth, consulting stakeholders and experts, and proposing amendments to refine legislation. They also work closely with relevant Directorates-General (DGs) within the Commission, such as DG ENV for environmental issues, to integrate technical expertise into the Parliament's stance.

Additionally, working groups within political groups coordinate MEPs' positions before committee discussions and plenary votes, aligning with broader political strategies. These structures enable MEPs to leverage both technical

knowledge and political cohesion, ensuring that legislative positions reflect the interests of EU citizens.

## Role in the Legislative Process

The EP's main role in the legislative process is to review, amend, and vote on proposals from the European Commission. After committee review and amendment, the full Parliament votes on legislative proposals in plenary sessions. If a majority vote is achieved, the proposal becomes the "Parliament position" and moves to the Council for further review. To expedite the legislative process, the Council may also provide a 'general approach'—an early indication of its position on a proposal—to give the Parliament insight into its stance, which can help achieve consensus during the first reading. Additionally, informal trilogue negotiations may occur throughout the process to align the Parliament's and Council's positions. This structure allows the EP to balance citizen interests with EU-wide objectives, ensuring democratic oversight within the EU legislative process.



## 1.2. European Commission (EC): The Executive Arm of the EU

**The European Commission (EC) is the EU's executive body responsible for proposing legislation, enforcing EU laws, and implementing policies.**

It is composed of 27 Commissioners, one from each Member State, appointed by national governments and approved by the European Parliament. The Commission is structured into various Directorates-General (DGs), which function like ministries, each focused on specific policy areas, such as DG ENV (Environment), DG AGRI (Agriculture), and DG SANTE (Health and Food Safety).

### Configuration: Directorates-General and Advisory Groups

The DGs serve as policy development hubs within the Commission, with each DG focusing on a particular area. DGs conduct research, consult with stakeholders, and draft legislative proposals based on the EU's strategic priorities. For example, DG SANTE might lead initiatives in public health, while DG AGRI focuses on agriculture. Each DG works closely with its Commissioner and the President of the Commission to ensure proposals align with broad EU goals.

The Commission also collaborates with advisory groups and consultative bodies (e.g., High-Level Groups and the European Economic and Social Committee) that provide recommendations and stakeholder feedback. These bodies ensure proposals are well-rounded, technically informed, and reflective of diverse EU interests.

### Role in the Legislative Process

The Commission is the only institution with the power to initiate legislation. It creates proposals to address EU-wide issues, often in response to identified needs or strategic goals. The Commission then submits these proposals to the European Parliament and the Council, guiding the legislative process from a strategic, Union-wide perspective. The relevant DGs stay engaged throughout the process, providing expertise to the Parliament and Council as needed to facilitate informed debate and decision-making.



## 1.3. Council of the European Union: Representing Member States' Interests

**The Council of the European Union, often referred to simply as “the Council,” represents the governments of each EU Member State and acts as the co-legislative body alongside the European Parliament.**

The Council is composed of ministers from each Member State, with specific ministers attending depending on the policy area under discussion. These different groups of ministers are known as Council configurations.

### **Configuration: Council Configurations, COREPER, and Working Parties**

There are ten main Council configurations, each focused on a particular policy area (e.g., Agriculture and Fisheries, Economic and Financial Affairs, Environment). These configurations ensure that relevant ministers from each Member State contribute expertise and national perspectives to legislative discussions. For example, agriculture ministers attend the Agriculture and Fisheries Council to discuss policies affecting farming and fishing, while finance ministers participate in the Economic and Financial Affairs Council for budget and financial regulations.

Supporting the work of these configurations is the Committee of Permanent Representatives (COREPER), which prepares Council meetings and ensures continuity in EU policymaking. COREPER is divided into two groups:

- **COREPER I**, composed of deputy permanent representatives, handles issues like social policy, environment, and internal market.

- **COREPER II**, composed of senior permanent representatives, deals with matters such as foreign affairs, economic and financial issues, and justice.

COREPER coordinates the work of working parties –technical groups with representatives from each Member State who delve into specific legislative details. These working parties draft positions, analyse proposals, and prepare reports that facilitate higher-level decision-making in the Council. COREPER’s role and the support of working parties streamline the Council’s decision-making and maintain consistent national perspectives throughout the legislative process.

### **Role in the Legislative Process**

The Council collaborates with the European Parliament in the ordinary legislative (co-decision) process. It reviews, amends, and must approve legislative proposals from the European Commission. Council configurations work closely with relevant DGs in the Commission to ensure that legislative outcomes balance national priorities with broader EU objectives. If consensus cannot be reached between the Council and Parliament in the first or second reading, a Conciliation Committee with representatives from both institutions negotiates a final compromise. The final legislative act requires approval by both institutions in a third reading to be adopted.

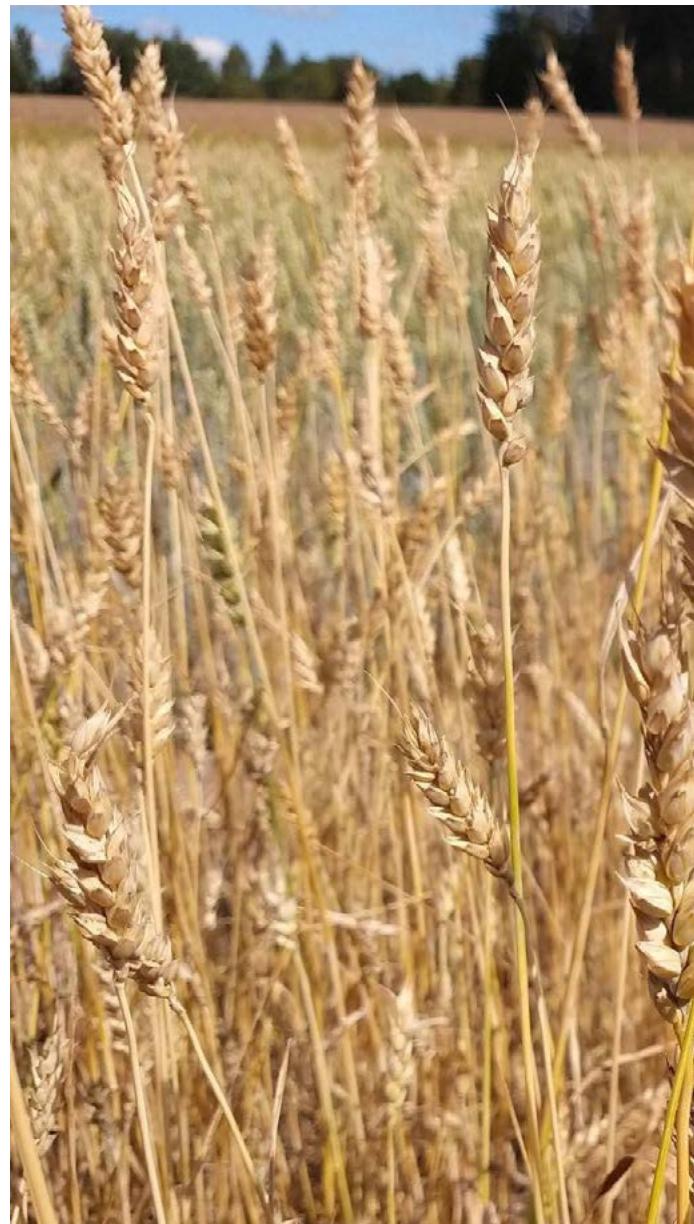
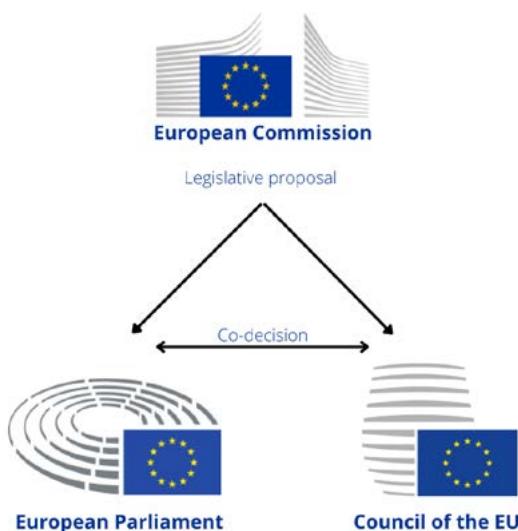
This co-decision process allows the Council to protect and advance Member States’ interests within the EU.

# Chapter 2

## The Ordinary Legislative Process in Action

**The ordinary legislative procedure, also known as the co-decision process, is the primary mechanism by which the European Union enacts legislation.**

This process requires the active collaboration of three main institutions – the European Commission, the European Parliament, and the Council of the EU – each representing distinct EU interests. Through multiple stages of review, amendment, and negotiation, these institutions work together to ensure that the final legislation is democratic, balanced, and reflective of both national and EU-wide priorities.



## The legislative process can be broken down into several key stages:

1

**Proposal Development:** The European Commission initiates legislative proposals through its specialised Directorates-General (DGs). DGs conduct research, consult with stakeholders, and ensure that proposals align with the EU's strategic objectives before formally presenting them.

2

**Submission of Proposal:** Once a proposal is finalised, the Commission submits it to both the European Parliament and the Council, marking the beginning of the legislative review process.

3

**Committee Review & Amendment:** The European Parliament assigns the proposal to the relevant committee, where MEPs analyse and amend it, while the Council conducts a similar review in the appropriate configuration. COREPER and working parties support the Council's examination.

4

**First Reading (EP & Council):** Both the European Parliament and the Council independently review and may amend the proposal in their first reading. If they reach consensus at this stage, the proposal is adopted without further readings.

5

**Second Reading (if needed):** If the first reading does not result in agreement, each institution re-examines the proposal. The Parliament and Council review each other's positions, with the opportunity to make further amendments. Importantly, the Council may only respond to Parliament's amendments at this stage, focusing solely on areas of disagreement.

6

**Trilogue Negotiations (if needed):** Informal trilogue negotiations may occur throughout the process if consensus remains out of reach. Representatives from the EP, Council, and Commission work together to bridge remaining differences and reach a compromise.

7

**Conciliation Committee (if necessary):** If agreement is not achieved through trilogue, a Conciliation Committee is convened. Representatives from both the Parliament and Council negotiate a final compromise that must then be approved by both institutions.

8

**Final Approval:** Once a compromise is reached, the European Parliament and the Council hold a final vote. If both approve, the legislation is formally adopted and enters into force, with the Commission overseeing its implementation.

**Table 1: stages in EU legislation process and key responsibilities**

Stage	European Commission	European Parliament	Council of the EU
1. Proposal Development	Directorates-General (DGs) initiate the proposal, conducting research and consultations aligned with EU priorities.	No direct role at this stage.	No direct role at this stage.
2. Submission of Proposal	The Commission submits the finalized proposal to both the EP and the Council, marking the start of the legislative process.	Parliamentary committees receive the proposal and refer it for review (e.g., the Environment Committee for environmental issues).	Council configurations receive the proposal and assign it to the relevant configuration (e.g., Agriculture and Fisheries, Environment).
3. Committee Review & Amendment	DGs provide background information and expertise to both EP and Council as they analyse the proposal.	Parliamentary committees (e.g., Agriculture, Environment) review, consult stakeholders, and propose amendments; political group working groups coordinate members' positions.	Working parties conduct detailed review and draft amendments; COREPER (I or II) prepares the Council's position based on working party recommendations.
4. First Reading (EP & Council)	DGs continue to provide expertise and clarification as needed.	All MEPs debate and vote on the proposal in a plenary session; if the majority approves, it becomes the "Parliament position"	COREPER coordinates the Council position, bringing input from working parties; Council configurations may vote to accept EP's position or propose amendments.
5. Second Reading (if needed)	DGs provide further clarification and technical support to support consensus.	MEPs in plenary re-examine the Council's position and vote on a revised position if needed, following committee recommendations.	COREPER prepares any amendments to EP's revised position, coordinating with Council configurations to reach consensus. Committee with technical expertise and background information.

Stage	European Commission	European Parliament	Council of the EU
6. Trilogue Negotiations (if needed)	<b>DGs</b> offer technical support to trilogue negotiations, providing necessary context.	<b>Trilogue teams</b> from EP (typically rapporteurs and committee chairs) join informal negotiations with the Council to reach a compromise.	<b>Trilogue teams</b> from the Council (often COREPER members and configuration representatives) join informal negotiations, with working parties supporting compromise efforts as needed.
7. Conciliation Committee (if necessary)	<b>DGs</b> provide support to the Conciliation Committee with technical expertise and background information.	<b>EP Conciliation Committee</b> members work with Council representatives to negotiate a final compromise.	<b>Council Conciliation Committee</b> members negotiate with EP representatives, with COREPER preparing and supporting the Council's final position.
8. Final Approval	<b>Commission</b> implements and monitors the adopted legislation across Member States.	<b>MEPs</b> in plenary vote on the final compromise; if agreed upon, the legislation is formally adopted and enters into force.	<b>Council configurations</b> vote on the final compromise in coordination with COREPER; if agreed upon, the legislation is formally adopted and enters into force.

# Chapter 3

## European Legislative Instruments

**The European Union uses a variety of legal instruments to regulate diverse sectors. Each instrument serves a specific purpose, establishing different levels of harmonization and flexibility across Member States.**

This chapter outlines the primary types of legislative instruments –regulations, directives, decisions, recommendations, and opinions– and examines how they apply within the context of EU policymaking, particularly through the Ordinary Legislative Procedure (OLP).

As discussed in Chapters 1 and 2, the OLP is the EU's main legislative process, involving joint decision-making between the European Parliament (EP) and the Council of the EU, with proposals introduced by the European Commission. This co-decision process is essential for instruments that require binding force across the EU, ensuring democratic accountability and a balance of interests among EU citizens and Member States.



# 1. Regulations

## Description

Regulations are **binding in their entirety and directly applicable in all EU countries**. They do not require transposition into national law and are uniformly enforceable across all Member States upon adoption.

## Application in the OLP

Regulations are commonly adopted through the OLP when the EU seeks consistent rules across all Member States. This approach ensures that specific standards—such as health, safety, and quality requirements—are uniformly applied, promoting cohesion in the EU's single market.

## Example

The EU Plant Health Regulation (EU) 2016/2031, which establishes consistent phytosanitary standards across the EU to protect plant health, was adopted through the OLP. By being directly applicable, this regulation ensures a standardized approach to plant health, supporting EU agricultural resilience and biodiversity protection.

# 2. Directives

## Description

Directives bind the EU countries as to the results to be achieved; however, they must be **transposed into the national legal framework**, allowing Member States flexibility in choosing the form and means of implementation.

## Application in the OLP

Directives frequently follow the OLP when the EU aims to harmonize laws across Member States while allowing for national variation. This flexibility enables both the EP and the Council to shape the directive, balancing EU standards with the necessary adaptation to local contexts.

## Example

Currently, seeds are regulated by multiple directives, such as Directive 2002/53/EC on the Common Catalogue of Varieties of Agricultural Plant Species, and Directive 2002/55/EC on the marketing of vegetable seeds. These directives set minimum standards for quality, testing, and certification, but their separate provisions can create complexity for stakeholders. To address this, the EU is developing a proposed Seed Marketing Regulation, intended to replace these directives with a single, unified regulation that provides clearer, more streamlined guidance for the seed sector across the EU.

## 3. Decisions

### Description

Decisions are **fully binding on those to whom they are addressed**. They can target specific Member States, companies, or individuals and are often used for specific cases or rulings, such as competition issues or targeted approvals.

### Application in the OLP

While some decisions may follow the OLP when they have broader policy implications, many are issued directly by the European Commission or Council without parliamentary involvement, particularly when addressing specific compliance or administrative actions.

### Example

Decisions regarding specific plant variety rights, administered by the **Community Plant Variety Office (CPVO)**, are often issued without the OLP, as they address targeted, case-specific issues rather than EU-wide legislative requirements. The CPVO's decisions grant intellectual property rights to plant breeders, supporting agricultural innovation and protecting plant varieties across the EU.

## 4. Recommendations and Opinions

### Description

Recommendations and opinions are non-binding, declaratory instruments that provide guidance, express EU positions, or encourage voluntary compliance. While they do not impose legal obligations, these instruments serve as influential policy tools, guiding Member States and promoting best practices.

### Application in the OLP

Recommendations and opinions do not follow the OLP as they lack binding legal force. They can be issued by any EU institution, including the Commission, Council, or EP, to advise on specific issues or provide non-mandatory guidance.

### Example

The Commission may issue a recommendation on sustainable agricultural practices in seed production, encouraging Member States to adopt biodiversity-friendly practices without mandating legal changes. These recommendations help align EU goals with national practices without imposing legislative obligations.

# Chapter 4

## Regulatory Framework for Plant Reproductive Material in Europe

**The plant reproductive material (PRM) sector in Europe is subject to a comprehensive regulatory framework that addresses multiple aspects of PRM production, marketing, and use.**

These regulations govern seed quality, biodiversity, intellectual property rights, and sustainable agricultural practices across the EU, aiming to establish uniform standards and practices across Member States.

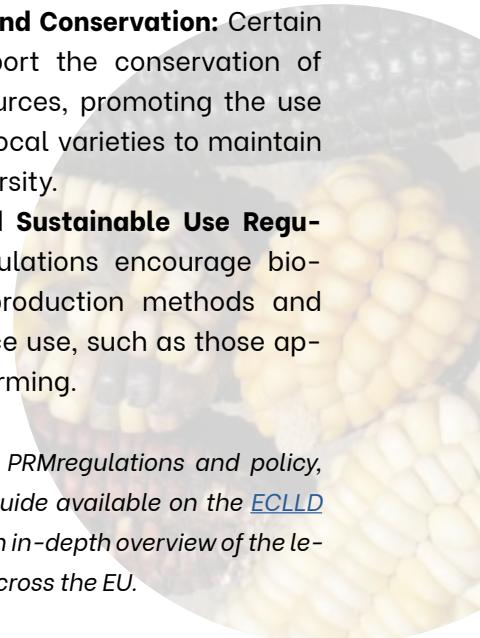
EU PRM regulations and directives cover a range of critical areas, including:

- Seed Quality and Certification:** EU requirements for testing, certification, and labelling aim to maintain specific quality standards for seeds traded across Member States.
- Variety Registration and Protection:** EU regulations ensure that only officially recognized and registered plant varieties can be marketed, with standards of distinctness, uniformity, and stability (DUS). Intellectual property rights for plant varieties are protected under specific EU regulations, granting exclusive rights to breeders for the varieties they develop.

- Plant Health and Phytosanitary Measures:** To prevent the spread of pests and diseases, the EU implements phytosanitary regulations, including rules on the import, export, and movement of seeds within the EU.
- Genetic Diversity and Conservation:** Certain EU directives support the conservation of plant genetic resources, promoting the use of traditional and local varieties to maintain agricultural biodiversity.
- Environmental and Sustainable Use Regulations:** Some regulations encourage biodiversity-friendly production methods and responsible resource use, such as those applying to organic farming.

For further details on EU PRM regulations and policy, consult the [Seed Policy Guide](#) available on the [ECLLD website](#), which provides an in-depth overview of the legislation governing PRM across the EU.

In the next chapter, we will explore the PRM Marketing Reform as a case study, examining how the EU is working to streamline and update seed marketing rules under a proposed new regulation. This reform aims to unify and modernize existing directives governing PRM marketing in Europe.



# Chapter 5

## EU Seed Marketing Reform

**The EU's PRM Marketing Directives, established in the 1960s, were originally designed to create consistent standards in PRM production, quality, and certification across Member States.**

Comprising a set of twelve directives, these rules regulate the marketing of various PRM types, including cereals, fodder, vegetables, and other agricultural crops. By defining requirements for quality, labelling, and certification, the directives aimed to ensure that seeds available on the EU market meet uniform standards, supporting agricultural productivity and trade.

Over time, however, shifts in agricultural practices, environmental concerns, and societal values have prompted calls to revise this framework. Stakeholders, including farmers, environmental advocates, seed savers, and researchers, have highlighted areas where the existing directives may not fully address current agricultural needs, such as biodiversity, support for locally adapted varieties, and adaptability to climate change.

In response, the European Commission initiated a reform process to modernize PRM marketing legislation. An earlier attempt to introduce a consolidated PRM marketing regulation in 2011 was ultimately withdrawn in 2015 after being rejected by the European Parliament. In 2023, the Commission relaunched the reform with a new proposal, aiming to establish a framework that reflects contemporary priorities. Currently, the European

Parliament has voted on its stance, and the proposal is under review in the Council of the EU, progressing through technical analysis and refinement and awaiting the Council's 1st reading position.

This chapter explores the **main components of the EU's PRM Marketing Reform**, focusing on how the new proposal seeks to address the needs of a diverse range of stakeholders within the EU seed sector.



# The Legislative Process

The EU PRM Marketing Reform is advancing through the Ordinary Legislative Procedure (OLP), with the European Commission, European Parliament, and Council of the EU each contributing specific expertise and perspectives. At this link you can follow the process on the EU website. Below are the key stages in this process.

## 1. European Commission's Role

### **Initiative and Drafting**

The European Commission launched the PRM Marketing Reform in response to calls for modernization, reflecting new agricultural, market, and sustainability needs. The Directorate-General for Health and Food Safety (DG SANTE), under the guide of the Commissioner Stella Kyriakides, developed the proposal based on stakeholder consultations under the EU's "Better Regulation" framework.

### **Stakeholder Consultations**

Throughout the drafting phase, the Commission engaged with a range of stakeholders, including farmers, seed producers, environmental groups, and public authorities, to gather diverse perspectives.

### **Proposal Submission**

On the 5th of July 2023, with the publication of the Commission proposal 2023/0227 (COD) within the Soil Health Package, the Commission formally submitted the legislative proposal to the European Parliament and the Council, marking the start of the OLP. The Commission remains a key player in the process, providing technical expertise and facilitating discussions throughout the legislative stages, including trilogue negotiations.

## 2. European Parliament's Progress

### **Committee Review and Rapporteurs**

The proposal was assigned to the Agriculture (AGRI) Committee (Responsible committee) and the Environment (ENVI) Committee (Committee for opinions), where rapporteurs (Herbert Dorfmann for the Agri Committee and Clergeau Christophe for the Envi Committee) led the review, developing amendments based on input from committee members and external experts.

### **Drafting and Amendments**

The committees completed their reports, incorporating amendments that align with MEPs' priorities, such as support for biodiversity, flexibility for small-scale PRM producers, and transparency in seed labelling.

### **Plenary Vote**

In April 2024, the European Parliament held a plenary vote, establishing its official stance on the PRM Marketing Reform. Here is the text and summary of the vote.

### 3. Council of the EU's Progress

#### Working Party on Genetic Resources & Innovation in Agriculture

The Council's review began within this Working Party, where Member State representatives assess technical aspects of the reform, such as quality standards, certification processes, and genetic resources management. The information on the meetings held by the council are available [here](#).

#### Special Committee on Agriculture (SCA)

Composed of senior officials from national ministries or permanent representation to the EU, the SCA will consolidate feedback from the Working Party and prepare a unified Council stance, considering Member State priorities and conservation standards.

#### Committee of Permanent Representatives I (COREPER I)

The SCA's position will be escalated to COREPER I, where EU ambassadors refine the Council's stance, balancing Member State interests.

#### AGRIFISH Council Configuration (Ministers of Agriculture)

The AGRIFISH Council, composed of Agriculture Ministers from each Member State, will review and approve the Council's official position through a simple majority voting process (14 members states vote in favour).

### 4. Trilogue Negotiations and Final Adoption

#### Trilogue Negotiations

Once both the EP and Council positions are finalized, trilogue negotiations will begin, involving representatives from the EP, Council, and the Commission. In these sessions, the three institutions work to reconcile differences, with the Commission providing technical expertise and helping align the final text with EU-wide objectives.

#### Final Vote

When a compromise is reached, the agreed-upon text returns to both the EP and the Council for final votes. Approval by both bodies finalizes the reform, making the new PRM Marketing Regulation binding across all Member States.



# Chapter 6

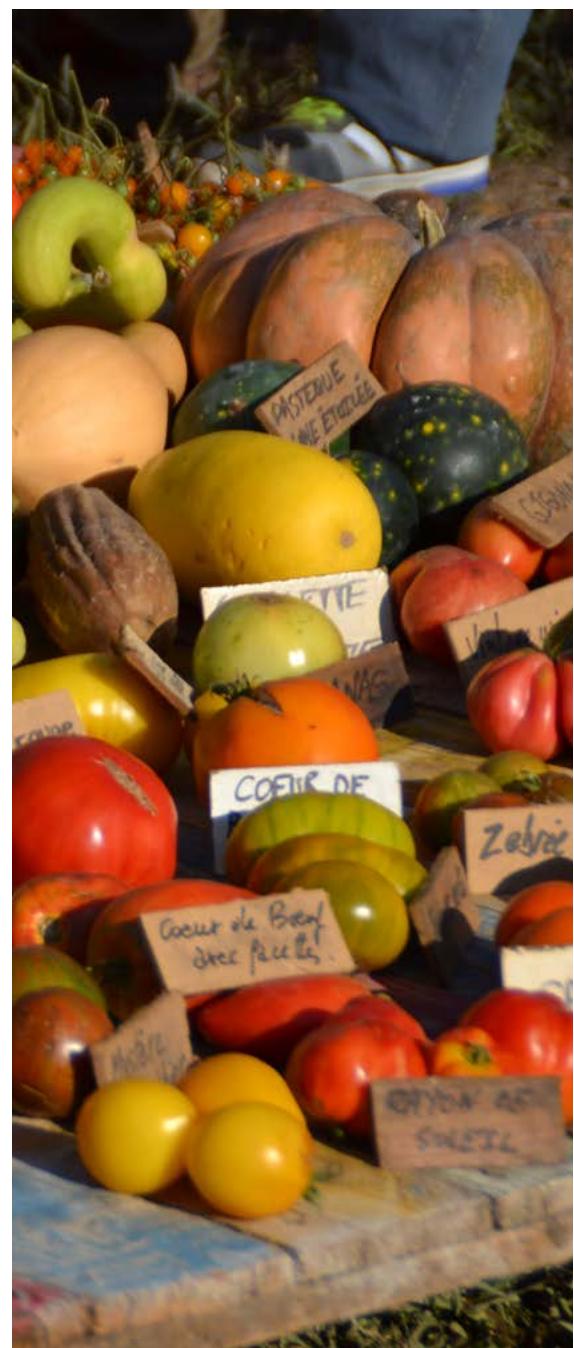
## Analysis of the EU Seed Marketing Reform from a Seed Diversity Perspective

**The ongoing reform of the EU's PRM marketing legislation presents a complex mixture of advancements and limitations.**

As part of the Raise Our Fork campaign, Arche Noah, a member organization of the European Coordination Let's Liberate Diversity (ECLLD), has closely monitored and analysed developments based on a set of key priorities critical for maintaining agricultural diversity.

This analysis highlights both the successes achieved through advocacy efforts and the remaining challenges posed by the current legislation.

This chapter explores these key priorities and their evolution in the legislative process, providing insights into expected outcomes for diversity-friendly policies, while a commentary from the perspective of the right to food, the right to seeds and the United Nation Declaration on the Rights of Peasants (UNDROP) is available [here](#).



# Key Priorities in EU Seed Marketing Reform and Analysis of Legislative Positions

## 1. Conservation and Sustainable Use of Locally Adapted Crop Diversity

- ▶ **Priority:** Promote the conservation and sustainable use of locally adapted crop varieties, essential for agricultural resilience and adaptability in the face of climate change.
- ▶ **Commission's Proposal:** Initially, the Commission's proposal categorized the transfer of rare and endangered varieties as "marketing," placing it under stringent commercial seed regulations. This approach would have severely impacted non-profit organizations, such as gene banks and diversity-saving initiatives, by treating their activities similarly to commercial operations.
- ▶ **European Parliament's Position:** *Raise Our Forks*' advocacy succeeded in influencing the Parliament to adopt a more supportive stance. The Parliament allows small quantities of diversity seeds to be shared by gene banks and seed organizations without extensive restrictions. They also removed excessive reporting obligations and recognized the transfer of seeds by hobby gardeners as a non-commercial activity.
- ▶ **Council of Ministers' Expected Position:** The Council is reportedly favouring stricter controls, only allowing state gene banks to freely distribute seeds. This position risks sidelining key actors in the diversity ecosystem, such as seed libraries, school projects, and community seed-saving initiatives.

### ► Assessment:

**European Commission > Prevents diversity very strongly**

**European Parliament > Good for diversity**

**Council (Expected) > Strongly hinders diversity**

## 2. Human Rights for Farmers and Gardeners to Use, Exchange, and Sell Own Seeds

► **Priority:** Respect the rights of farmers and gardeners to manage their seeds freely, in alignment with the UN Declaration on the Rights of Peasants (UNDROP), which affirms their right to sell and exchange their seeds.

► **Commission's Proposal:** The original proposal limits farmers' rights by allowing only free-of-charge seed exchanges and prohibiting the transfer of other plant reproductive materials, such as potato tubers or fruit tree cuttings.

► **European Parliament's Position:** The Parliament supports farmers' rights to sell all plant propagating materials, marking a significant step for diversity and farmer autonomy. However, it grants the Commission authority to set maximum limits on quantities that can be transferred without falling under commercial seed regulations.

► **Council of Ministers' Expected Position:** Expected to endorse restrictions that ban compensation for farmers' seeds and prevent the transfer of reproductive materials, the Council's approach poses considerable challenges to farmer independence and diversity.



► Assessment:

**European Commission > Strongly hinders diversity**

**European Parliament > Good for diversity**

**Council (Expected) > Prevents diversity very strongly**

### 3. Facilitating Marketing of Diverse, Locally Adapted Varieties by Regional Seed Producers

- ▶ **Priority:** Enable regional seed producers to market diverse varieties without being restricted by regulations favouring industrial seed standards, which are often not compatible with biodiversity goals.
- ▶ **Commission's Proposal:** The Commission's proposal initially proposed limited improvements, including provisions for "conservation varieties" but imposed strict production and reporting conditions that small-scale producers found unrealistic.
- ▶ **European Parliament's Position:** The Parliament advocated for more accessible registration processes, allowing regional producers to register rare varieties without fees. Additionally, it removed some of the stringent production and reporting conditions, making it easier for diverse varieties to be available on the market.
- ▶ **Council of Ministers' Expected Position:** The Council's position on these provisions is unclear, with discussions indicating some internal division. However, there is concern that new reporting requirements may be applied uniformly to all producers, risking the viability of smaller regional operators essential for maintaining agricultural diversity.

- ▶ Assessment:

**European Commission > Acceptable for diversity**

**European Parliament > Good for diversity**

**Council (Expected) > Strongly hinders diversity**

## 4. Ensuring Newly Approved Varieties Are Independent of Pesticides and Synthetic Fertilizers

► **Priority:** Advocate for plant varieties suited to organic and low-input farming, rather than varieties reliant on pesticides and synthetic fertilizers.

► **Commission's Proposal:** While presenting “sustainability criteria,” the Commission’s proposal permits varieties bred for high-input, intensive farming to be labelled as “sustainable,” a move critics consider greenwashing. Additionally, new, complex testing requirements would impose significant burdens on small organic producers.

► **European Parliament's Position:** The Parliament’s position aligns with the Commission’s on labelling, allowing sustainability criteria but making vegetable testing voluntary. While this reduces the immediate burden on small producers, it maintains provisions that could lead to misleading sustainability claims.

► **Council of Ministers' Expected Position:** Expected to support the Parliament’s position on greenwashing criteria and maintain voluntary testing requirements for vegetable seeds.

► Assessment:

**European Commission > Prevents diversity very strongly**

**European Parliament > Prevents diversity**

**Council (Expected) > Prevents diversity**



## 5. Transparency and Misappropriation

► **Priority:** Ensure transparency in variety registration, protect informal seed networks, and prevent the misappropriation of non-registered varieties

► **Commission's Proposal:**

- The Commission's proposal lacks specific measures to prevent misappropriation of non-registered varieties circulating within informal networks, leaving these networks vulnerable to exploitation by commercial entities.
- The proposal does not provide any recourse for third parties to challenge or appeal decisions in the variety registration process. This absence of appeal mechanisms limits the oversight potential and accountability for how varieties are registered.
- The proposal fails to require transparency regarding breeding techniques used or associated intellectual property rights (IPR), leaving users without crucial information about the genetic background and legal encumbrances of protected varieties.

► **European Parliament's Position:**

- In response to the Commission's limited protections, the Parliament has introduced a requirement for a new level of verification in the registration process. Competent authorities are to check documentation for variety denomination and distinctiveness provided by informal farmer and conservation networks. This step aims to protect these networks and recognize their unique contributions to biodiversity.
- Like the Commission, the Parliament does not allow third parties to appeal variety registration decisions, which continues to limit oversight from stakeholders and civil society.
- The Parliament's position promotes greater transparency by requiring the EU Variety Register to include detailed information on:
  - Breeding techniques used, ensuring stakeholders are aware of how a variety was developed, and allowing for informed choices about seed use.
  - Intellectual property rights, including a clear reference on the label. This labelling enables farmers, conservationists, and consumers to understand the legal constraints associated with a variety, supporting informed decision-making.



► **Council of Ministers' Expected Position:** The Council's stance on these issues remains under discussion, and it is unclear whether additional safeguards or transparency requirements will be introduced. Future Council decisions will play a significant role in determining whether misappropriation protections and transparency standards are upheld in the final legislation.

► Assessment:

**European Commission > Prevents diversity**

**European Parliament > Good for diversity**

**Council (Expected) > To be determined**

*The EU PRM marketing reform has shown both progress and setbacks in promoting seed diversity, with the European Parliament's stance generally more supportive of diversity than the original proposal from the European Commission.*

*However, substantial challenges remain as negotiations continue in the Council of Ministers. The final outcome will depend on continued advocacy to push for legislation that upholds diversity, protects farmers' rights, and supports the independent efforts of regional seed producers and conservation organizations.*

# Chapter 7

# Opportunities for Advocacy in Support of Diversity- Friendly Seed Legislation

**The next six months present a critical window for influencing the EU sPRM marketing reform to support agricultural diversity.**

This chapter outlines practical advocacy steps and approaches to empower participants in advocating effectively for a diversity-friendly seed law. With coordinated actions, supporters can work to protect the rights of farmers and small-scale producers, prevent biodiversity loss, and shape policies that reflect the values of local and resilient food systems.

This capacity-building section offers guidance on actionable steps, resources, and messaging strategies to amplify voices and impact.



## 1. Reach Out to Your Agriculture Ministry

*Engaging directly with national policymakers is essential, particularly as the Council of EU Agriculture Ministers plays a central role in finalizing the legislation.*

Here's how to get involved:

> **Identify the Key Contacts:** Research to identify officials within the Agriculture Ministry who are responsible for the seed legislation file. This might involve liaising with the Ministry's office or using resources from advocacy networks.

- **Send Information or Request a Meeting:** Reach out to these contacts by sending relevant information about the risks posed by the current legislation to diversity, and ask for a meeting to discuss these concerns in person.
- **Provide Specific Feedback and Examples:** Prepare concrete examples and data that illustrate the potential threats of the legislation to biodiversity, especially around:
  - Increased administrative burdens on small-scale farmers and seed producers.
  - Lack of a third-party appeals process in the variety registration decision, which limits accountability and stakeholder influence.

## 2. Support the “Raise Our Forks – for Diversity!” Petition

*The “Raise Our Forks“ petition is a powerful tool to show widespread support for diversity-friendly seed policies.*

Here's how you can help amplify its impact:

- **Share the Petition Widely:** Use social media, newsletters, or community platforms to share the petition link. Aim to mobilize broad support to reach the goal of 200,000 signatures by the end of the year.

- **Request Advocacy Materials:** Contact the petition organizers for flyers, graphics, text, and social media posts to make it easier to promote. Tailoring materials to local contexts can also improve engagement.
- **Become a Supporting Organization:** Organizations can lend greater visibility to the petition by formally endorsing it, strengthening its collective influence on policymakers.



### 3. Organize a Joint Letter to EU Decision Makers

*A coordinated approach can help emphasize the need for diversity-friendly seed policies.*

Here's how to contribute to a joint letter campaign:

> **Participate in a Joint Letter:** Support a letter addressed to new Members of the European Parliament, national ministers, and eventually new EU Commissioners. The letter will express collective concerns, using the petition's text as its foundation.

> **Encourage Broad Organizational Support:** Aim to involve over 100 organizations in endorsing the letter, enhancing its credibility and visibility.

> **Highlight Relevant Resources:** Consider including powerful resources, such as the book "Eating to Extinction," which discusses the importance of seed diversity, to provide policymakers with additional context on the issue.



### 4. Plan a Petition Handover Event with the Agriculture Ministry

*Organizing an event to present the petition's demands to the Agriculture Ministry is a valuable advocacy milestone.*

This can strengthen the message and garner media attention:

> **Arrange a Meeting with Key Officials:** Aim to meet with the Agriculture Minister or senior advisors to personally hand over the petition and discuss its demands.

> **Engage with Media and Social Media:** Increase visibility for the handover event through press releases and social media posts. Documenting the event publicly can inspire further support and signal strong community backing.

## 5. Conduct Interviews with Small Seed Producers

*To build a compelling case for policy changes, gathering testimonials and data from those most affected—small seed producers—will be essential.*

Here's how to approach this:

› **Distribute a Survey:** Share a survey (available in EN, DE, FR and ESP) to collect feedback from small seed producers about the administrative burdens they face under current regulations.

› **Conduct Interviews:** Use the survey responses to guide one-on-one interviews. Gather qualitative data, such as personal stories and specific challenges, which can provide authentic, relatable content for advocacy.

› **Utilize Data in Advocacy:** The data gathered can support advocacy work by highlighting real impacts on small producers. This can be integrated into social media posts, public statements, and media outreach campaigns.



## 6. Strategic Focus on the Council

*The Council is a key institution in the PRM legislation process.*

Advocacy efforts should therefore focus on this group to maximize influence over the final outcome:

**> Coordinate Member State Actions:** Mobilize targeted activities within as many EU Member States as possible. Organize national-level events, public forums, or meetings with ministers to ensure that voices from diverse regions are heard.

**> Build an Effective Outreach Strategy:** Tailor outreach approaches to have the greatest impact on policymakers, such as highlighting biodiversity concerns or emphasizing public support for local seed diversity.

**> Plan High-Impact Advocacy Activities:** Brainstorm impactful activities, such as public awareness campaigns, petitions, or social media drives, that can draw attention from both national and EU-level decision-makers. Leveraging the collective power of advocates across multiple Member States can make a significant difference.

*The EU PRM reform presents both risks and opportunities for agricultural diversity.*

**By taking strategic advocacy actions, participants can help shape the legislation in a way that aligns with values of diversity, sustainability, and resilience.**

*This training module provides tools and pathways for effective advocacy that empower individuals, organizations, and communities to engage with the EU policymaking process.*

*With concerted efforts over the coming months, it's possible to achieve **meaningful changes that will safeguard biodiversity and strengthen agricultural systems for the future.***

## Partner organizations:



## Contact information:

AEGILOPS: [info@aegilops.gr](mailto:info@aegilops.gr)

Réseau Semences Paysannes (RSP): [vie.asso@semencespaysannes.org](mailto:vie.asso@semencespaysannes.org)

European Coordination Let's Liberate Diversity (EC-LLD): [info@liberatediversity.org](mailto:info@liberatediversity.org)



Co-funded by the  
Erasmus+ Programme  
of the European Union

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