



EU reform on seed marketing regulation from the perspective of organic breeders

Harmonizing science and policy to ensure stakeholder inclusion *



KEY POLICY RECOMMENDATIONS

- ❑ The Organic Regulation 2018/848 should remain unchanged to guarantee legal certainty for the marketing of Organic Heterogeneous Material (OHM) and the definition of Organic Varieties suitable for organic production (OV).
- ❑ Value for Sustainable Cultivation and Use (VSCU) testing should be assessing the sustainability of a plant variety considering the specific conditions, geography and climatic conditions of a given system and it should not be expanded to vegetable and fruit crops.
- ❑ Instead of mandatory VSCU testing of arable crops, frugal post-release on-farm testing networks should be considered.
- ❑ Registration of Organic Varieties (OV) should be promoted by less strict Distinctness, Uniformity and Stability (DUS) tests, and VSCU testing should be conducted under organic farming conditions by national examination offices or by organic breeders under official supervision.
- ❑ Diversity varieties combining traditionally grown as well as newly developed varieties can be registered without DUS testing, provided that they have an officially recognized description, and no limitation on packaging size or geographic region.
- ❑ Organic Varieties, Heterogeneous Material and Diversity Varieties should remain free from genetically modified organism (GMO) and new genomic techniques (NGT), and all PRM should be free from patents in order to allow farmers' privilege and breeders' exemptions.
- ❑ There should be full transparency on cultivar types and breeding techniques applied.
- ❑ To live up to the principles of the "Better Regulations" agenda, administrative burdens need to be minimized. Organic stakeholders need to be involved in the development of delegated and implementing acts for the marketing of PRM to achieve the goal of 25% organic farmland in the European Union (EU) by 2030.

LiveSeeding is a Horizon Europe co-funded Innovation project aiming to foster the growth of the organic sector by delivering high-quality organic seeds of diverse cultivars adjusted to organic farming for a wide range of crops.

LiveSeeding brings together 37 research institutions, seed producers, plant breeders, farmers, processors and consumers, covering the whole value chain.

We welcome the draft regulation on production and marketing of plant reproductive material published in July 2023 and suggest following amendments based on extensive scientific research, field experience and sectoral expertise.

Background

The revision of the EU legislation on Plant Reproductive Material (PRM) (seeds, seedlings, cuttings, tubers, rootstocks, etc.) aims to align the several existing directives into one single regulation. The stated objective of the new legislation is to have PRM of high quality, with a diversity of choice and sustainability characteristics.

To benefit the organic sector, the revision should both contribute to agrobiodiversity and introduce adapted rules for PRM. These rules should support organic production derived from organic varieties, organic heterogeneous material, and amateur and conservation varieties, as well as conventional varieties suitable for organic. Organic farmers need access to PRM that has been specifically bred to perform well under organic conditions. Organic breeders currently contribute to maintaining and fostering agrobiodiversity. In this way they make sure that a wide range of varieties is available to farmers, who are in turn able to offer a diverse range of products to consumers.

Therefore, the legislative revision is welcomed regarding the following points:

- The easier registration of new cultivar types,
- The possibility for farmers to exchange seeds
- The exclusion of direct marketing to non-professional end users from the scope of the regulation.

The revision of the legislation will have direct implications for organic breeding and PRM marketing, thus affecting the whole organic sector. This is explained in more detail below.



INFO BOX 1: Definition of different cultivar types

CURRENT LEGISLATION

EU Organic Regulation (2018/848):

Organic Variety suitable for organic production (OV) means a variety which is characterized by a high level of genetic and some certain phenotypical diversity between individual reproductive units. To develop 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 (Art. 3 (19), Annex II 1.8.4).

Organic Heterogeneous Material (OHM) is a genetically and phenotypically highly diverse plant grouping within a single botanical taxon and produced in accordance with the EU Organic Regulation Art. 3 (18). It is therefore not considered a variety according to definition of Article 5(2) of Council Regulation (EC) No 2100/94 nor a mixture of varieties. OHM can be generated by crosses of diverse parental material and/or on-farm management practices resulting in high genetic diversity. OHM is characterized by its dynamic nature to evolve and adapt to certain growing conditions and is intended to adapt to various biotic and abiotic stresses due to repeated natural and human selection and therefore is expected to change over time ((EU) 2021/1189). They can be commercialized without DUS and VCU testing after notification. For more details and examples see Costanzo et al. (2019)¹.

Commission Directives (2008/62/EC & 2009/145/EC):

Conservation varieties – agricultural (2008/62/EC) and vegetable (2009/145/EC) are landraces and varieties that have been traditionally grown in particular localities and regions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties. They can be registered with reduced uniformity and without official DUS and VCU testing. However, there must be a historical link to their region of origin and marketing is allowed in restricted quantities and only in those regions.

Amateur varieties of vegetables (2009/145/EC) – are landraces and vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties. They can be registered with reduced uniformity and without official DUS testing. In addition to preserving genetic resources, these varieties are interesting not only for amateur gardeners but also for particular conditions like organic farming (such as manual care or repeated harvesting). For these seeds, there are no geographical restrictions, but they can be sold only in small packages.

PROPOSED LEGISLATION

Proposed PRM Marketing regulation by EC (5.7.2023):

Plant Reproductive Material (PRM) means plants capable of, and intended for, producing entire plants (Art. 3 (1)), (e.g.: seed, seedlings, cuttings, rootstock, branches, stolons, runners).

Conservation varieties are traditionally grown or locally newly bred under specific local conditions in the Union and adapted to those conditions; and characterized by a high level of genetic and phenotypical diversity between individual reproductive units (Art. 3 (29)).

Policy options under discussion and impact on the organic sector

ORGANIC HETEROGENEOUS MATERIAL

Organic Heterogeneous Material (OHM) is of growing importance to the organic farming sector within the EU. In the first 12 months from the entry into force of the new legal framework in 2022, 27 OHM were notified. These included four agricultural crops (wheat, maize, rye, faba bean), and seven vegetable species (among them tomato, pepper, lettuce and common bean). These represent a rapidly growing market with well-established local value chains. In addition, more OHM will be ready for notification as soon as procedures will be implemented in all EU Member States.

Recent research within the EU highlights the suitability of OHM for low-input conditions², with potential to buffer climate extremes^{3,4} and also to stabilise yield and product qualities^{5,6}. Organic breeders, seed producers, farmers and processors are already engaged in the development of OHM, producing organic seed for OHM growing on more than 1 000 hectares and final products on the basis of the EU organic regulation (2018/848) and delegated act (EU) 2021/1189. It is important to note that OHM development under organic farming conditions requires three to five years¹.

Therefore, the development and production of OHM should stay possible, as it currently is, for all crop species without further restrictions. Any change in the legislation for OHM will cause uncertainties for the actors and their newly established business opportunities. To avoid such drawbacks, the legal framework of OHM within the EU Organic Regulation 2018/848 should remain unchanged and Article 81 of the Plant Reproductive Material (PRM) proposal should be deleted. In Article 27 it should be explicitly stated that PRM of heterogeneous material (HM) is applicable for all crop species. The notification of OHM and HM before marketing shall remain free of charge to operators in order to facilitate the rapid market uptake of heterogeneous material for organic and conventional markets alike.

Therefore, we recommend:

- >>> **No changes of the EU organic regulation 2018/848**
- >>> **Heterogeneous Material should be applicable for all crops**

VSCU TESTING

The proposal of the Commission expands the current Value for Cultivation and Use (VCU) testing in two main aspects: focus on sustainability and extension to vegetable and fruit crops. The proposed legislation foresees the addition of the element of "Sustainability" to the current VCU testing, transforming it into "**Value for Sustainable Cultivation and Use (VCSU)**". However, it should be noted that the costs of additional testing should not influence breeders or producers' costs.

Reducing the issue of sustainability to one single trait or single gene is very limiting from a scientific perspective. Sustainability can only be evaluated on a systems level, for example, at the farm level as described in the FAO Guidelines on Sustainability Assessment of Food and Agriculture systems (SAFA)⁷. This systems approach can be achieved in VSCU testing if the value for sustainable cultivation and use is actually tested in sustainable cultivation systems, such as organic farming or agroecological farming systems with low external inputs (e.g. low fertilizer, little irrigation, no pesticides, no seed treatment, etc.).

When testing within the context sustainable farming systems, the varieties will differentiate much better for disease and pest resistance, water, and nutrient use efficiency, etc. Consequently, breeders will have to adjust their selection systems to meet the threshold of the VSCU and thus contribute to more sustainable food systems in Europe.

In order to target several farming systems, a combined VSCU testing network is proposed which includes integrated production, low input and organic farming systems. With this methodology, additional costs can be avoided while gaining maximum information about how the candidate varieties respond to the different environments.

Therefore, it is important that the VSCU testing sites represent sustainable cultivation systems reflecting the goals of the EU Green Deal and EU Farm to Fork strategy.

Presently the VCU testing is only mandatory for agricultural crops, that are on the national list. In the new PRM proposal, the **VSCU is supposed to be expanded also to fruits and vegetables which is strongly opposed by the organic sector.** Developing VSCU testing protocols for vegetables is much more demanding than for agricultural crops due to the large number of species and subspecies as well as the very specific requirements of different market channels.

The two following cases exemplify why VSCU testing should not be expanded to fruits and vegetables:

- Value criteria for VSCU for fresh tomatoes in a greenhouse might be quite different from field production for canned tomato products with respect to colour, size, shape, taste, earliness, storability, and nutrient contents.
- For perennial fruits like apples, the VSCU testing would take several years until a tree carried sufficient fruits for testing. This would considerably increase time and costs for developing new varieties for breeders (and ultimately, farmers), while the benefits of introducing VSCU testing for farmers and processors are negligible.

Introducing such mandatory tests, without public funding, will become unaffordable for small breeders. Considering the additional time needed for VSCU testing, and taking into account the specificity of the large variety of those crops and the fact that VSCU testing is different in each EU country, there is a high risk for fruit and vegetable breeders, that the newly bred varieties will not pass registration. This may hamper breeding activities and strongly decrease the availability of vegetable and fruit varieties. This would run⁸ counter to the EU's goal of increasing agrobiodiversity.

Practically, it would imply that it will become extreme challenging for small and medium breeding enterprises to commercialize their new varieties suitable for speciality markets and local adaptation.

Actually, the introduction of voluntary VSCU testing for agricultural crops should be considered. Similar to the case for fruits and vegetables, the thresholds in several cases do not fit the purpose (e.g. triticale for selected for breadmaking might not pass the thresholds for fodder triticale).

To improve the adoption of new varieties by farmers, additional public funding should be made available to support voluntary, frugal post-registration testing of varieties conducted under decentralized on-farm conditions.

Therefore, we recommend:

- » VSCU testing should not be extended for vegetables and fruits;
- » VSCU should be changed to be optional for agricultural crops;
- » VSCU should be conducted under organic conditions or within other sustainable farming systems to assess potential sustainability (not based on a single gene or trait);
- » Voluntary post-registration for on-farm cultivar testing under real life conditions should be supported instead of imposing the mandatory and expensive VSCU testing for registration.

INFO BOX 2: Variety Registration

Variety registration in EU Member States

Variety registration can be conducted at the individual EU Member State or EU level (CPVO). It is based on tests in the field and/or in greenhouses and can take around two to three years for agricultural and vegetable varieties and up to five to six years for fruit and grape varieties. The procedure is described in Regulations (EU) 2016/2031, 2017/625 and 2018/848 and Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC (Regulation on plant reproductive material).

DUS Testing

Newly bred candidate varieties will be tested by one examination office by two DUS trials. In the first DUS trial which could take at least 1 year examines the Distinctness by comparison with commonly known varieties and the phenotypic Uniformity. In the second DUS trial the genetic Stability (across generations is tested). This is mandatory for all crop species and is conducted by national examination offices according to CPVO or UPOV guidelines. An exception is made for Conservation and Amateur Varieties: here, registration is possible after an application and description by the breeder normally without DUS testing, if the variety is sufficiently described and known ahead of this registration request.

VCU Testing for agricultural crops only: newly bred candidate varieties will be tested by the respective national examination office for at least 2 years in multi-location field trials for their national Value for Cultivation and Use in comparison with already commercialized varieties. They must demonstrate their superiority and pass the national threshold. In most EU Member States yield is the most important parameter. The sites are generally managed by examination offices under conventional farming conditions.

Implementing Directives (EU) 2022/1647 and 2022/1648

Adjusted DUS for OV: standards for uniformity defined in the existing DUS protocols and guidelines of the CPVO and UPOV might not be suitable for organic varieties. Therefore, less stringent rules for homogeneity might be applied if necessary, i.e. OV may deviate from DUS requirements for uniformity for certain CPVO characteristics.

Adjusted VCU for OV for agricultural crops only: The examination for cultivation and use shall be conducted under organic conditions, in accordance with the Organic Regulation (EU) 2018/848. The specific needs and objectives of organic agriculture shall be considered in variety examination and in the evaluation of examination results. Disease resistance or tolerance, and adaptation to diverse local soil and climate conditions, shall be examined.

INFO BOX 2: Variety Registration

Proposed PRM Marketing regulation by EC (5.7.2023):

VSCU testing - Value for Sustainable Cultivation and Use: Candidate varieties need to demonstrate a clear improvement for the sustainable cultivation and uses compared to other varieties of the same species registered in the national variety register of the respective Member State. The parameters to assess VSCU need to be appropriate for the species, regions, agro-ecological conditions and uses concerned (e.g. yield under low-input conditions; tolerance/resistance to biotic and abiotic stresses; sustainability of storage, processing, and distribution; quality or nutritional characteristics).

Organic Varieties (OV) need to be appropriate for the more diverse growing conditions of organic farming, as the plant must adapt itself to the growing environment rather than adapting the environment to the plant using artificial fertilisers and pesticides. In contrast, the registration and protection of new varieties imposes a very strict and increasing demand on the level of uniformity of the phenotype. As an example, a new zucchini variety needs to be tested for distinctiveness, uniformity and stability (DUS) on 81 CPVO characteristics. Being uniform in so many characteristics imposes the risk of losing valuable characteristics related to plant fitness and resilience. Moreover, it is an increased effort for the breeders to invest in the uniformity of characteristics that are not relevant for the market. The growing need for plant varieties suited to organic farming and fit for the market requires an adapted protocol for OV.

Since 2020, adapted DUS protocols that allow more heterogeneity for OV, deviating from the CPVO protocols or UPOV guidelines, have been tested with breeders and Examination Offices and supported by the European Union co-funded projects LIVESEED and LiveSeeding. Adapted protocols for organic DUS (e.g., assessing all characteristics of the respective technical protocol but only evaluate those characteristics for uniformity, which are relevant for breeders, farmers, processors or consumers) could help reinforce the concept of relative uniformity, also at EU level, and should be implemented across all EU Member States.

An additional requirement for agricultural crops is to pass official VSCU trials. OV are bred under organic conditions and therefore will perform best and give the best information to the user/farmer when VSCU testing is also carried out under organic conditions. A parallel system for organic and conventional VSCU exists only for few species in few Member States⁹. Therefore, a common VSCU test with sufficient trial sites under organic cultivation might be a solution for certain species and Member States. A concept based on frugal post-registration decentralized on-farm trials with common data collection is developed and now being tested in the LiveSeeding project, to empower farmers to choose the most suitable cultivars.

Presently, there is a temporary derogation (2022 – 2029) for registration of OV for four agricultural (EU) 2022/1647 and two vegetable (EU) 2022/1648 crop species. For faster availability of OV suitable for organic production on the market, it is important to incorporate the adjusted DUS and organic VSCU testing in the new PRM regulation. In the LiveSeeding project, organic breeders, researchers and examination offices join forces to develop appropriate DUS and organic VSCU testing networks for a large number of crops. This takes place in cooperation with the European Consortium for Organic Plant Breeding (ECO-PB). In addition, LiveSeeding is investigating how to develop and harmonize the registration procedure for OV suitable for organic production across the EU Member States and how this could be achieved.

Therefore, we recommend:

- >>> **OV should be assessed for DUS according to existing CPVO protocols. However, there should be more flexibility in the number of characteristics or the threshold should be less strict for uniformity, if necessary.**
- >>> **VSCU for OV should be conducted by national examination offices in multi-location sites which are certified organic, or if this is not available conducted by organic breeders in certified organic fields under official supervision.**
- >>> **No changes should be made in the definition of Organic Varieties suited for organic production in the Annex II Part 1 1.8.4 of the EU Organic Regulation 2018/848.**

CONSERVATION AND AMATEUR VARIETIES

The new cultivar type of "Conservation varieties" in the draft EU PRM regulation (Art 3 (29)) is foreseen to combine the two existing groups of "varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions", so-called "Amateur varieties", and "Conservation varieties", which includes "landraces and varieties which have been traditionally grown in particular localities and regions". It is important that this new cultivar type includes both old as well as newly bred varieties, because both together contribute not only to conservation but also to improvement of genetic resources and climate change adaptation in situ. They are also of special importance for organic producers in order to improve agrobiodiversity in the field and their market portfolio. Therefore, the definition should be clarified, because "conservation varieties" is an already defined term (see Infobox 1). Thus, a new term should be used, for example **"Diversity Variety"**.

For this group of varieties, a "certain level of genetic diversity should be accepted, except for clones". Varieties with the present status of "amateur variety" or "conservation variety" should automatically be approved as a new "Diversity Variety" without any restriction to region or packaging size.

Therefore, we recommend:

- >>> **to replace "Conservation variety" with "Diversity Variety" to avoid confusion with the old definition in the former legislation. Commercialization of diversity varieties should be enhanced by the new legislation to improve agrobiodiversity and climate change adaptation.**
- >>> **Notification of Diversity varieties based on officially recognized description and with low administrative burden.**
- >>> **No restriction on geographic location of production nor packaging size, except for seed health and quality reasons.**

GMOs and NGTs

The new cultivar types with increased genetic diversity and easier market entry should remain free from genetic engineering techniques to avoid unintended contamination of genetic resources and breeding material.

Therefore, we recommend:

- >>> **OV and OHM have to be developed under certified organic conditions (EU organic regulation 2018/848) and without applying genetic engineering including new genomic techniques (NGT) or genetically modified organisms (GMO), cell fusion, irradiation and chemical mutation in line with the definition on organic breeding of the umbrella organization for Organic Agriculture, IFOAM Organics International^{10,11} and the position paper of the European Consortium for Organic Plant Breeding ECO-PB¹².**
- >>> **HM and Diversity varieties must be developed without applying genetic engineering techniques or genetically modified organisms (GMO) derived from genetic engineering including new genomic techniques (NGT).**

TRANSPARENCY AND ACCESSIBILITY

In order to guarantee transparency and freedom of choice for seed producers, farmers, processors, retailers and consumers it is important that information related to the varieties is made publicly available in the EU Member States. Based on the massive consolidation of the seed sector industry it is important to safeguard access to genetic resources

and to improved breeding material. In the past decades the European Plant Variety Protection rules have been partly overruled by patents of plants. This is hampering on one side the freedom of farmers to regrow their own seed (farmers' privilege) and on the other side is restricting breeders to use any released varieties as crossing partner for their own breeding program (breeders' exemption).

Members of the EU Parliament stressed in their resolution of 19.09.2019 that patent-free access to biological plant material is essential to boost the innovation and competitiveness of the European plant breeding and farming sectors, to develop new varieties, improve food security and tackle climate change. Therefore, it is important that plant varieties should not be affected by patents. Cultivar type, breeding techniques and patents must be mandatorily disclosed in the EU plant variety portal.

Therefore, we recommend:

- >>> The European Patent Convention of 37 countries needs to be adjusted to guarantee farmers' privilege and breeders' exceptions.**
- >>> In-kind exchange by farmers for all types of PRM must be possible without any bureaucratic burdens, such as registration as professional operator, reporting etc.**

MULTI-ACTOR APPROACH AND LESS ADMINISTRATIVE BURDEN TO FOLLOW THE EU "BETTER REGULATIONS" AGENDA

The organic farming sector of the European Union is characterized by a wide diversity of pedo-climatic regions, local markets, cultural aspects, and farming practices^{13, 14}. Respecting this high level of complexity, a wide range of stakeholders should be consulted before proposing new legislation or new policy initiatives. The EU Commission's white paper on European Governance¹⁵ provides a fundamental vision towards stakeholder involvement. Already existing national organic seed expert groups are key stakeholders. Creating a space for regular consultation offers great potential to ensure that policy making is more inclusive and reliable. Furthermore, continuous, and meaningful stakeholder involvement motivates all actors to work towards reaching shared¹⁶ goals. Consultations should include cross-country, multi-actor approaches involving all stakeholders from the organic sector to

develop legislation including implementing and delegated acts. This will create the conducive environment necessary to achieve the goal of growing the organic sector to 25% by 2030 as foreseen in the EU Green Deal and Farm to Fork strategy.

To comply with the EU Better Regulations agenda, it is of similar importance to lower the financial and administrative burdens for farmers, small-scale breeders, and seed producers, especially with respect to Organic Varieties, Diversity Varieties and Heterogeneous Material, and therefore a simple notification process free of costs should be applied for Diversity Varieties and Heterogeneous Material.

Therefore, we recommend:

- >>> Organic experts and stakeholders should be members of The Standing Committee on Plants, Animals, Food and Feed, section Propagating Material and Plants of Fruit Genera and Species, Seeds and Propagating Material for Agriculture and Horticulture, and Vine (Comitology register code: C20412, C20413, C20415).**
- >>> The Committee on Organic Production (C06500) and Organic Ambassadors should be involved or consulted during the amendment process and the development of delegated and implementing acts in order to foster regulation for the benefit of the organic sector.**
- >>> Regulatory and administrative burdens should be minimized to follow the "Better Regulation" agenda and adapted to ensure realistic, proportionate, and actionable regulations.**

Conclusion

The proposed PRM regulation offers several opportunities for the organic sector. Most important is the improved flexibility with regard to easier registration/notification of new cultivar types (Heterogeneous material, traditionally grown and newly bred Diversity varieties and Organic varieties), the exclusion of direct marketing to non-professional end-users, and allowance of in-kind seed exchange among farmers.

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ABOUT THIS POLICY BRIEF

This brief is part of a series aiming to provide recommendations to policy-makers based on technical and socio-economic research findings, consulted through LiveSeeding partners, ECO-PB members and the IFOAM Organics Europe seed expert group. This brief does not necessarily reflect the views of each LiveSeeding project partner.

Publisher: FiBL-Europe (contact: liveseeding@fibl.org)

Authors: Monika Messmer (FiBL-CH), Ilsa Phillips, Maria Zintl (IFOAM Organics Europe), Carl Vollenweider, Maike Bender (Dottenfelderhof Bio-Saat GmbH), Matteo Petitti, Riccardo Bocci (Rete Semi Rurali), Gebhard Rossmannith (Beratungsbüro für Ökol. Saatgut & Züchtung), Freya Schäfer (FiBL-DE) and Abco De Buck (Louis Bolk Institute).

Reviewers: Isabelle Goldringer (INRAE), Mariano Iossa (FiBL-DE)

Designed by: Anamarija Ćorić, Petra Jelinčić and Dora Maricic.

Editing: Elsa Kanner and Mariano Iossa.

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(contact: IPS_Konzalting, info@ips-konzalting.hr)



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ANNEX I: PROPOSED AMENDMENTS

Conservation and Amateur varieties

Draft PRM Regulation 5. July 2023

Article 3 (29)

'Conservation variety' means a variety that is:

- (a) traditionally grown or locally newly bred under specific local conditions in the Union, and adapted to those conditions; and
- (b) characterised by a high level of genetic and phenotypical diversity between individual reproductive units;



Suggested improvement

Article 3 (29)

Diversity variety means a variety that **is either**

- (1) a traditionally grown landrace, or
 - (2) **a newly bred variety (modern landrace) derived from participatory on-farm selection and bred for adaptation to local conditions in the context of the sustainable use of PGRFA.**
- A diversity variety is characterised by a **certain** level of genetic and phenotypic diversity between individual reproductive units, **except in the case of clonal crop species**

Organic Heterogeneous Material

Draft PRM Regulation 5. July 2023

Article 27

PRM of heterogeneous material

- (1) By way of derogation from Article 5, PRM of heterogeneous material may be produced and marketed within the Union without belonging to a variety. The heterogeneous material shall be notified to and register by the competent authority prior to its production and/or marketing, in accordance with the requirements set out in Annex VI.



Suggested improvement

Article 27

PRM of heterogeneous material

- (1) By way of derogation from Article 5, PRM of heterogeneous material of **all crop species** may be produced and marketed within the Union without belonging to a variety. The heterogeneous material shall be notified to and registered by the competent authority prior to its ~~production and/or~~ marketing, in accordance with the requirements set out in Annex VI and listing should be free of cost to the supplier.

On Multi-actor approach and less administrative burden to follow the EU "Better Regulations"

Draft PRM Regulation 5. July 2023

Article 27 (3c)

'improve the rules on maintenance of heterogenous PRM, on the basis of the emergence of best practices.

Those amendments shall be adopted in order to adapt to the development of the respective technical and scientific evidence, and the international standards, and to follow up on the experience gained by the application of this Article concerning all or certain genera or species only.



Suggested improvement

Article 27 (3c)

Those amendments shall be **developed in consultation with respective multi-actor organic and non-organic stakeholders involved in heterogeneous material** in order to adapt to the development of the respective technical and scientific evidence, and the international standards, and to follow up on the experience gained by the application of this Article concerning all species.

Article 75 Exercise of delegation

Article 76 Committee procedure

Multi-actor approaches need to be applied for the exercise of delegation including organic and non-organic stakeholders.

The Committee on Organic Production (C06500) and Organic Ambassadors should be involved / consulted during the amendment process and the development of delegated and implementing acts in order to foster regulation for the benefit of the organic sector.

VSCU testing

Draft PRM Regulation 5. July 2023

Article 47

Requirements for registration in national variety registers

1. Varieties shall be registered in a national variety register in accordance with Articles 55 to 68, only if:

(a) they have:

(i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50, and fulfil the requirements for satisfactory value for sustainable cultivation and use, as set out in Article 52; or

(ii) an officially recognised description pursuant to Article 53, if they are conservation varieties;



Suggested improvement

Article 47

Requirements for registration in national variety registers

1. Varieties shall be registered in a national variety register in accordance with Articles 55 to 68, only if:

(a) they have:

(i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50, and **only for agricultural crops listed in Annex I** fulfil the requirements for satisfactory value for sustainable cultivation and use, as set out in Article 52; or

(ii) an officially recognised description pursuant to Article 53, if they are **Diversity** varieties;

Article 52

Value for sustainable cultivation and use

1. For the purposes of Article 47(1), point (c), the value of a variety for sustainable cultivation and use of a variety shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, offer a clear improvement for the sustainable cultivation and the uses which can be made of the crops, other plants or the products derived therefrom.

The characteristics referred to in the first subparagraph are the following, as appropriate for the species, regions, agro-ecological conditions and uses concerned:

Article 52

Value for sustainable cultivation and use

1. For the purposes of Article 47(1), point (c), the value of a variety for sustainable cultivation and use of a variety shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, offer a clear improvement for the sustainable cultivation and the uses which can be made of the crops, other plants or the products derived therefrom.

The characteristics referred to in the first subparagraph **will be tested under sustainable farming systems (organic, agroecological regenerative, conservation, integrated farming conditions with low fertilizer and irrigation, no pesticides and seed treatments). The characteristics may encompass** the following, as appropriate for the species, regions, agro-ecological conditions and uses concerned: [...]

Organic Varieties

Draft PRM Regulation 5. July 2023

Article 52

4. For the purposes of registration of organic varieties suitable for organic production as defined in Article 3(19) of Regulation (EU) 2018/848, the examination of the value for sustainable cultivation and use shall be conducted under organic conditions, in accordance with that Regulation, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 thereof and Part I of Annex II to that Regulation.

Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs.



Suggested improvement

Article 52

4. For the purposes of registration of organic varieties suitable for organic production as defined in Article 3(19) of Regulation (EU) 2018/848, the examination of the value for sustainable cultivation and use shall be conducted under organic conditions, in accordance with that Regulation, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 thereof and Part I of Annex II to that Regulation.

Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out **by organic professional operator(s) under official supervision** of national authorities. ~~or under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs.~~