



SEED

Som fir d'Erhalen an d'Entwécklung vun der Diversitéit

18th May 2021

COMMON POSITION ON FUTURE EUROPEAN SEED LAWS TO FAVOUR TRADITIONAL CULTIVATED PLANT DIVERSITY

European Commission DG SANTE

Dear **Dorothee André**,

Dear **Thomas Weber**,

Dear **Paivi Mannerkorpi**,

Dear **Diana Charels**,

We, artisanal seed growers, breeders, multipliers and distributors of traditional seeds, farmers, market and home gardeners, researchers, administrators and civil society organisations, as actors of traditional cultivated plant diversity¹ working with traditional seeds capable of evolving in agroecological contexts,

Hereby outline our position regarding the envisaged initiative of the European Commission on EU seed laws as providing a valuable opportunity to develop a broad and inclusive legal framework for the marketing of seeds.²

¹ In the context of our work, we define "traditional cultivated plant diversity" as based on seeds that are selected through traditional breeding methods, that can be reproduced through artisanal techniques and that are not protected by intellectual property rights (IPR).

Furthermore, we define "traditional cultivated plant diversity" by both a horizontal and a vertical dimension:

- horizontal diversity, representing inter- and intra-specific and inter- and intra-varietal diversity expressed through and across a multitude of local or locally adapted cultivars
- vertical diversity, representing evolutionary on farm development through artisanal seed reproduction allowing continuous genetic and epigenetic processes of adaptation within the region origin and more widely.

² collective term used in this document including all kinds of plant reproductive material (PRM)

I. GENERAL STATEMENTS

We see traditional seeds, that is, seeds that are bred, selected, maintained and improved by using artisanal techniques, that present a good level of intravarietal genetic diversity and that can be reproduced within circular local and regional food systems as an indispensable pillar of sustainable and resilient food systems, with regard to food availability, food quality and food security.

We are furthermore convinced that local and regional farmers' and citizens' seed systems offer specific ecological, economic and social services within a framework of traditional cultivated plant diversity that a privatised and centralised seed industry, in spite of all its professional and technological capacities, cannot provide.

We therefore favour seed laws that explicitly recognise the important role of traditional seeds not complying with UPOV standards as well as the need to support farmers' and citizens' seed systems.

We recognize the contribution of traditional reproducible seeds and local and regional farmers' and citizen' seed systems to halt and reverse the dramatic ongoing genetic erosion of traditional cultivated plant diversity.

We believe that local and regional seed sovereignty, traditional cultivated plant diversity and food security are intrinsically connected and intertwined and need a specific legal framework not only in Europe but on a global level.

Thus, we consider our approach as being in concordance with several UN and FAO initiatives since the 1980's aiming at a sustainable use of plant genetic resources and the protection of farmers rights.³

Within the European Union, the recent "Green Deal" with the "Farm to Fork Strategy" and the "Biodiversity Strategy" explicitly underline the EU's political will to promote local and circular food systems and to preserve agrobiodiversity. We regard these programmes as validating and supporting our viewpoint.

Furthermore, we see our approach as a vital part of movements underway with respect to local food councils and initiatives for an ecological transition.

We also express our support for Article 19 of the recently adopted UN Declaration on the Rights of Peasants (UNDROP) and believe that it provides an excellent basis for developing seed laws protecting both traditional cultivated plant diversity and farmers' rights.

Finally, we underline our conviction that our approach fits within the scope of the UN Programme "Harmony with Nature".

³ FAO resolution 8/83 on plant genetic resources / Leipzig Declaration 1995 / Global Action Plan I and II (1996, 2011) / International Seed Treaty (2001) / Nagoya Protocol (2010) / Agenda 2030 (2015) (non exhaustive list)

II. NEW SEED LAWS FOR TRADITIONAL CULTIVATED PLANT DIVERSITY

As actors promoting traditional seeds within farmers' and citizens' seed systems, we suggest the following points for inclusion within a properly balanced for EU regulation on seed production and marketing:

1. We consider that there should be a clear distinction, but no discrimination, between the following categories:

- high performance varieties corresponding to UPOV standards (e.g. hybrid varieties)
- genetically diverse and less homogenous varieties registered with less stringent DUS criteria (e.g. for specific farming methods such as organic farming)
- traditional seeds for cultivated biodiversity registered with relatively soft requirements concerning description, homogeneity, health and other quality standards (e.g. conservation and amateur varieties or "Organic Heterogeneous Material")
- informal non-registered seeds for cultivated biodiversity with no particular requirements (e.g. from and for amateur seed networks or for specific local markets).

2. We favour the continuity of a EU policy that considers seeds bred through molecular biological techniques as falling under a specific and separated legal framework.

3. We recognize the freedom of choice for seed suppliers as regards the category of seeds that they want to breed and produce from and for. We furthermore underline our conviction that farmers, market and home gardeners should have an unhampered freedom of choice concerning the seeds they want to use.

4. We therefore recommend the implementation of an explicit and full legal status on equal terms with seeds complying with UPOV standards for different categories of traditional seeds, such as

- newly bred and existing organic varieties
- newly bred and existing heterogeneous populations
- existing Informal local cultivars (landraces and heirloom seeds).

III. DETAILED PROPOSALS FOR LEGAL PROVISIONS ON SEEDS

While recognizing the choice of operators to breed varieties that comply with UPOV standards and varieties that can be protected by IPR, we favour seed laws that explicitly encourage traditional cultivated plant diversity by

- recognising the work for traditional cultivated plant diversity as a service in the public interest
- providing for the possibility of public funds for actors working for traditional cultivated plant diversity
- providing a legal basis for informal seeds as "commons" that can circulate freely.

At the same time we would like to see the implementation of an official status for traditional seeds not complying with UPOV standards that goes beyond a mere reserve or niche status and we believe that there should be legal provisions that are apt to protect them against biopiracy and privatisation.

We would also like to see new seed laws that explicitly foster the production, development, multiplication, marketing and use of traditional seeds not complying with UPOV standards by

- further reducing administrative burdens for small producers
- creating tools and means for further help and support from authorities as regards registration and quality testing procedures for informal seeds
- further facilitating the conditions of marketing for informal seeds.

We think it essential to promote the possibilities of seed exchange across the borders in order to broaden genetic diversity instead of limiting local cultivars to their regions of origin which leads to the opposite result.

In summary, we would like to see on the European and on national levels the implementation of public initiatives and the creation of specific tools that can foster and support traditional cultivated plant diversity.

We are ready to discuss the necessary specific definitions and requirements that need to be expressed in legal provisions for the different categories of traditional seeds.

CONCLUSION

Our approach is not based on opposition to large-scale seed suppliers and technological breeding methods but instead represents a simple and straightforward demand for the recognition of artisanal seed production and farmers' and citizens' seed systems on equal terms and as a protected and respected activity.

We consider that the existing framework for conservation and amateur varieties as well as Article 13 of the new organic Regulation EU/2018/848 demonstrate good steps in the right direction, but we firmly believe that there is room for improvement.

We thus suggest to take a step further away from the concept of "diversity as an exception" as expressed in the actual lists for conservation and amateur varieties and the newly created categories of organic varieties and organic heterogeneous material.

We welcome discussion and debate on the issues raised in this Common Position and look forward to participating in the ongoing process of reform with respect to EU laws on seed production and marketing.

Namur, Schwebbsange, 18th May 2021

For RMRM

Frank Adams

President of the transregional network RMRM

For SEED

Georges Moes

President of SEED Luxembourg

