

ARCHE NOAH and GLOBAL 2000:

Restrictive and complicated proposal for a regulation on seed and plant propagating material needs fundamental changes

The two NGOs appeal to members of the EU-Parliament and the EU-Council – The proposal needs to be fundamentally revised

Vienna, 7.5.2013: Yesterday, the European Commission presented the official proposal for a regulation on seeds and propagating material (S&PM). An in-depth analysis of ARCHE NOAH, an association for conservation and diffusion of agro-biodiversity, as well as GLOBAL 2000, turned out negative: A main demand of many actors from all over Europe, the removal of obligatory official registration of varieties, has not been met. This would, however, be the most direct and most unbuerocratic way of promoting biodiversity, of disburdening small enterprises und state budgets, and of securing freedom of choice for consumers, says Heidemarie Porstner, agriculture officer of GLOBAL 2000. Excessive statutory requirements for the marketing of S&PM do not serve public interest, but only give competitive advantages to big transnational corporations.

Beate Koller, director of ARCHE NOAH, analyses: „The primary goal of the S&PM regulation is raising the productivity and intensifying an industrialised, export-oriented agriculture. Against this backdrop, the intended exceptions for niche markets and old varieties do not amount to more than a window dressing and are not suited to stop the loss of biological diversity.”

The regulation’s exceptions for allowing diversity, when analysed in details, turn out ridicule: Historical, geographical and quantitative restrictions for old and rare varieties imply barriers for diversity and its potential. However, adaptability and further development are main components for keeping cultivated plants alive, explains agriculture officer Porstner. Given rising demand for rare varieties, it’s a parody to try to explain to consumers that limiting the supply is meant to protect them. The opposite is true: In a first step, supply is being massively restricted, and secondly, consumer’s choice as well.

For decades, disproportionately strict rules have been governing the EU seed market. Now the moment has come to fundamentally put these biodiversity-hostile provisions into question. Neither from the perspective of agriculture, nor from the perspective of consumers it is comprehensible why seeds have to be officially registered in costly procedures like a dangerous drug before being allowed to enter the market. The public benefit of these procedures is highly questionable, says Koller.

The so-called DUS-test on distinctiveness, uniformity and stability presses cultivated plants into a technical-juridical corset. The motivation is, however, not to serve the interests of farmers, but allowing plant breeding companies to obtain an exclusive plant variety protection for their newly bred varieties (which is not the issue the proposed regulation is dealing with). Since many modern varieties are genetically very similar, the demands on uniformity are often absurdely high; at the same time, high plant uniformity is strongly questionable from an ecological point of view. “Why is it that breeders and farmers who are neither aiming at plant variety right protection

nor breeding for industrial agriculture still have to bring their plants through the same procedure?”, Koller is asking.

Actors neither working with old varieties that are already known on the market nor aiming at plant variety right protection, could under the proposed regulation continue his or her activities under paragraph 36 for niche markets. This is only true, however, for small enterprises with less than 10 employees and a yearly business volume of less than 2 million Euro. Seeds and plant propagating material may only be sold in small quantities and solely to end-consumers. Additionally, the commission wants to secure its right to decree the concrete requirements on packaging, labelling and even the way of marketing through a delegating act at any given moment. This could de facto render this niche so complicated and bureaucratic that it would not offer a real space for concerned enterprises.

“What is this all about?”, Heidi Porstner of GLOBAL 2000 is asking. Dissemination of non-industrial varieties should have been liberated since a long time. Civil law offers adequate protection for consumers, in the realm of food laws a truthful labelling is deemed satisfactory, and in gastronomy the recipe for making Viennese schnitzel does not have to be accorded with the authorities either.

ARCHE NOAH director Beate Koller the scope of the proposed regulation. “In the proposal, we are missing a clear limitation of the regulation to the marketing of S&PM with a view to commercial exploitation and above certain quantities. The requirements are absolutely disproportionate,” she emphasizes. The proposal applies to the dissemination of non-registered plants between farmers and from farmers to private persons. Farmers would have to register themselves as “operators” and comply with a range of requirements; otherwise they risk an administrative fine. “This comes down to suppressing an age-old practice of peasant farming, which up to today has been the most important motor in developing today’s diversity of cultivated plants,” Koller criticizes.

The new EU-regulation, as a matter of fact, leaves no space for national derogations. Heidemarie Porstner also sees deficits in the democratic procedure: “Many important aspects are supposed to be decided upon by the commission in the aftermath and behind closed doors via so-called delegated acts. That way, many details are withdrawn from democratic control aiming for the common welfare.”

Beate Koller worries about a future export of these restrictive legislation to non-EU-countries, resulting in a criminalisation of farmers in developing countries. “Through trade agreements, we do not only export seeds, but also our laws to other countries. Especially in countries where seeds are produced by farmers and not corporations the planned regulation would be a disaster.” It should be considered that farmer-produced seeds amount to feeding seventy percent of the world’s population.

Koller and Porstner agree: “This proposal urgently needs to be revised. The EU-commission’s only reaction to international pressure from civil society were cosmetic changes, but the fundamental critique of the proposal has not been considered. We are determined to monitor the proposal’s further development in order to prevent the agroindustrial lobby from causing a catastrophe.”

On www.freievielfalt.at it is still possible to sign a petition against the now publicised proposal.