



**Position Paper on the review of  
EU rules on Plant Reproductive  
Material**

Harnessing the potential of cultivated  
plant diversity for sustainable  
agriculture.

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## Summary

The organic movement welcomes the plans of the Commission to better align the legislation on plant reproductive material (PRM) with the goals of the European Green Deal and the Farm to Fork, Biodiversity and Climate Adaptation Strategies. Furthermore, the PRM marketing rules must follow up on the progress made with the current Organic Regulation (EU) 2018/848, to facilitate access to a wide range of cultivars adapted to regional climatic and organic growing conditions as well as market channels. At the base, a well-defined scope of the future rules on PRM lays the groundwork for commercial marketing of PRM to professional operators. The right of farmers to save, use and exchange farm-saved seeds and PRM is paramount, and the rules should reflect this. In addition, further steps are needed to facilitate access to the market for varieties that are particularly suited for organic conditions. This includes adjusted and more flexible (mandatory) registration criteria for varieties suitable for organic production. Testing varieties for Value for Cultivation and Use (VCU) not only under conventional but also organic conditions should eventually become standard. At the same time, existing building blocks for diversity such as Amateur Varieties, Conservation Varieties and Heterogenous Material should be maintained, potentially under a umbrella of “diversity PRM”. Finally, clear distinction of scope between the PRM Marketing Rules and the GMO legislation must be insured, including potential legislative change for ‘New Genomic Techniques’.



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# 1 Introduction

IFOAM OE welcomes the plans of the Commission to better align the legislation on plant reproductive material (PRM) with the goals of the European Green Deal and the Farm to Fork, Biodiversity and Climate Adaptation Strategies. In order for the seed marketing rules to be more integrative and host the increasing need to support conservation of agro-biodiversity on the fields and adaptation to climate change, the rules will have to deliver on a number of aspects.

Organic farming needs diverse Plant Reproductive Material and harmonised and true access to a wide range of cultivars adapted to regional climatic and organic growing conditions and market channels. This will require measures to facilitate the registration of varieties, including for organic farming, and to enable easier market access for traditional and locally adapted varieties. The possibilities in the new Organic Regulation (EU) [2018/848](#) were an important step towards the increase and diversification of the seeds and other plant reproductive material available for organic farmers, including the simple notification for Organic Heterogenous Material and the aim to facilitate the registration of varieties for low-input systems like organic farming. The PRM marketing rules must follow up on that and show coherence with the current Organic Regulation (EU) 2018/848 including the upcoming temporary experiment for organic varieties suitable for organic production.

With this position paper, IFOAM Organics Europe would like to highlight the areas of the EU rules on PRM that require particular attention.

## 2 Organic demands in view of the review of EU PRM rules

### 2.1 Scope – Professional and non-professional

It is crucial that the scope of the future rules on PRM is well-defined. This will provide a clear environment for organic professional operators to act within the rules and at the same time facilitate the work of seed diversity organizations that deliver an important contribution to conservation and propagation of genetic resources.

#### **Proposition:**

- The scope of the PRM rules should cover only the commercial marketing of PRM to professional operators.

### 2.2 Structure

The PRM marketing rules currently have the form of 13 Directives that have been transposed to national legislation. With a view to the future rules, the merits of horizontal Regulation and Directives shall be carefully weighted.

#### **Proposition:**

- Given the specificities of each crop group (e.g., trees cannot be treated like vegetables), it would be logical to keep the crop directives and, on top, create a horizontal regulation with the main definitions. This would also create more of a level-playing field across the EU.

### 2.3 Exchange of PRM between farmers

The right of farmers to save, use and exchange farm-saved seeds and PRM is paramount and included in the International Treaty on Plant Genetic Resources for Food and Agriculture. Furthermore, it has to be acknowledged that there is a lack of certified seeds available to (organic)

farmers in many parts of the EU, which is currently cushioned by member state rules that tolerate farmer seed exchange. In some Member States, farm-saved seed is therefore a significant source of seeds, in particular for arable crops. Ad-hoc rules that provide the option for seed exchange in kind and with compensation are therefore essential to avoid gaps in seed supply for farmers. “In-kind” would cover exchange of farm-saved seed, free of charge or for a fee, directly with other farmers, without commercial intermediaries or a public offer of marketing. This applies to farmer’s PRM exchange of non-protected varieties. Attention must be given to limit the spread of PRM-borne diseases to a minimum in these exchanges.

**Proposition:**

- There must be the option for farmers to exchange seed or other plant reproductive material (PRM) in kind and (with compensation). All varieties that are not listed as a protected variety in the CPVO/UPOV catalogue should be freely exchangeable.
- Exchange of non-protected farm-saved seed “in-kind” should not be considered as seed marketing, and therefore be explicitly out of the scope of the seed marketing rules.

## **2.4 List of regulated species**

There is currently a list of agricultural species (Directive 2003/90/EC), which must comply with CPVO or UPOV test guidelines.

**Proposition:**

- The list of regulated species should be the same across all MS, to maintain a level-playing field across the EU. However, the number of species on the list should not be increased, and potentially reduced. This is because mandatory tests create additional costs and administrative burdens to bring PRM to the market. The scope of the list must therefore remain limited.
- In addition, there could be national voluntary (non-binding) lists, to provide additional information if the national/regional context demands.

## **2.5 Organic Varieties**

Organic varieties suitable for organic production have been defined in the New Organic Regulation (EC) 2019/848, which has been a great step forward. Further steps need to be taken to facilitate the access to the market for these varieties that are particularly suited for organic conditions.

**Proposition:**

- Adjusted (mandatory) DUS and VCU criteria are needed for organic varieties suitable for organic production. The 7-years temporary experiment to be conducted by DG SANTE (and to start in 2022) is set out to address this issue, but it is crucial that there is room for this experiment and its early outcomes to be taken into consideration if new PRM rules are elaborated.
- Those organic varieties suitable for organic production that go through the normal DUS regime can also obtain plant variety protection if this is requested by the breeder.
- Already, there should be an option for less stringent market assessment (reduced number of parameters for DUS) and adjusted or optional VCU testing to allow innovative products for special uses for niche markets (e.g., triticale for bread making, carrots for juice, pea for mixtures).

**2.6 ‘Diversity’ PRM**

Organic production is at the forefront of cultivating highly diverse genetic resources on the field. This includes but is not limited to Amateur & Conservation Varieties and Organic Heterogenous Material (OHM). To illustrate this diversity, the establishment of ‘Diversity PRM’ as an umbrella category could be helpful. Furthermore, it’s important to clarify that in current practice, amateur & conservation varieties are in some cases also used by professional (organic) operators, since they are often well-adapted to local and regional conditions. Moving them out of the scope of the professional marketing rules without a readily available registration pathway for these niche varieties would drastically limit the number of varieties available to (organic) farmers.

‘Diversity PRM’		
<i>Varieties developed for growing under particular conditions (“Amateur Varieties”)</i>	<i>Conservation Varieties</i>	<i>Heterogenous Material</i>
Simplified registration for professional use	Simplified registration for professional use	Notification

**Proposition:**

- Existing definitions for Varieties developed for growing under particular conditions, Conservation Varieties and Heterogenous Material should be kept and regulated in a similar manner for the professional market, potentially under the umbrella of “diversity PRM”. This is needed to establish a simple and clear system that is open to professionals.
- Both categories for Conservation Varieties and Varieties developed for growing under particular conditions should be adjusted to better suit the professional users.
- The limitation of Conservation Varieties to geographic origin should be reassessed, as this restricts the genetic potential of these landraces.
- Since Organic Heterogeneous Material can be marketed after notification but without registration in the Organic Regulation (EC) 2018/848, the procedure of notification should also be implemented in the PRM rules review. The definition of organic heterogenous material in the Organic Regulation 2018/848 must be maintained, in this context.

**2.7 Variety registration**

Variety registration in the EU relies on DUS and VCU standards. In this context, the current approach towards measuring the value for cultivation and use (VCU) of varieties is problematic, as its mostly geared towards measuring yield under high-input conditions. A paradigm shift is necessary to shift the VCU criteria towards evaluating behaviour under low-input conditions such as organic production. A VCU adapted to organic input conditions would greatly improve the situation. While yield is crucial for organic farmers as well, it is given too high importance compared to other factors and the thresholds are currently a limiting factor to bringing new varieties to the market.

Variety testing offers various benefits, but the costs are economically significant as well and there are differences among MS regarding the costs of the procedure, also due to subsidies. Registration procedures are currently different among MS, which leads to different registration fees, different time of submitting plant material, different standard varieties, different input levels, different

numbers of locations and most important very different thresholds for VCU testing. It is up to each Member State, how much priority they give to yield, resistance traits or quality traits.

**Proposition:**

- Registration procedures and thresholds should be adjusted according to the objectives of the Green Deal and to the targets of the Farm to Fork and Biodiversity strategies, aiming for more sustainable agriculture that is relying on less synthetic pesticides, less fertilizer losses and for 25% organic land in the EU by 2030 and traits important for climate change adaptation.

### 2.7.1 VCU with sustainability parameters

The use of the term “sustainable” is not suited well to describe varieties or cultivars in isolation. What defines sustainability is the farming system that a variety is embedded in. Taking organic agriculture as an example, it is the wide range of good practices (no use of synthetic pesticides and fertilizers, soil-bound production, use of organic manure, closing the nutrient system, etc.) which characterize the organic farming systems as sustainable.

**Proposition:**

- For VCU with sustainability parameters to have any meaning with regard to the actual conditions on the field, it would have to be based on testing under sustainable (low input) conditions and account for biotic and abiotic stresses. VCU under organic conditions is one of the options to achieve that. A VCU with sustainability parameters should not be an additional mandatory requirement but could rather replace part of the tests under current VCU.
- A VCU with sustainability parameters must not create additional administrative burdens that ultimately restrict market access.

### 2.7.2 Organic VCU

To improve the conditions for the development of varieties suited for organic, more flexibility and adapted criteria for the registration of Organic Varieties suitable for organic production are crucial. For arable crops, the cultivar also needs to pass the national thresholds defined for the Value for Cultivation and Use (VCU). Here, the organically bred cultivars are discriminated, as these VCU tests are in most cases performed under conventional farming systems.

**Proposition:**

- VCU testing under organic should eventually become standard in all MS. A network of organic and conventional sites should be established in all Member States to address the needs for different farming systems and allow transition towards sustainable food systems in Europe. In the organic sites of each network, also conventionally bred cultivars that are relevant for organic farming should be evaluated for their VCU under organic conditions. The Member States in which organic VCU is already implemented are reporting positive experiences.
- Differences among Member States regarding the readiness for organic VCU must be considered. For those countries in which there are currently no organic sites, conventional trials could be set up with low input conditions as a first step.
- Organic VCU could be done by breeders themselves under official supervision if official testing is not (yet) possible. However, it must be voluntary in such a context.

- As is currently the case, VCU should not be mandatory for all crops and the list of species for which VCU is mandatory should not be extended.

## 2.8 New processes and digital transformation

Digital Sequence Information (DSI) is a useful tool in the conservation and sustainable use of genetic resources for food and agriculture. Countries rely on access to and exchange of DSI, also for agricultural use. However, the exchange of physical plant (genetic) material is even more essential for plant breeding. Farmers constantly need new varieties, as growing conditions on the fields and market demands change rapidly. Climate change makes it even more urgent for farmers to have access to a wide range of adapted varieties. Access to genetic material is therefore essential for innovation in breeding.

At the same time, bio-molecular techniques that make use of molecular markers are entering the realms of variety registration, which is currently based on phenotype. While the application might be useful in some contexts and for some operators, phenotype remains a reliable and effective basis for identification of trait expression.

### **Proposition:**

- The use of bio-molecular techniques (BMT) in the registration process must remain optional to not put additional burdens on breeders and small operators during the registration process. The possibility to conduct the registration process as its currently done, exclusively based on phenotype, is essential.
- (Digital) Traceability of genetic material can be valuable for breeders to trace back the origins of (physical) material and should include a mandatory reference to the breeding or genetic engineering technique applied.
- There should be no intellectual property rights on digital sequence information.

## 2.9 Official controls

If more tasks could be conducted under official supervision by the breeder during the certification process, this could yield benefits for breeders under certain circumstances. However, caution must be applied as there are potential pitfalls when delegating tasks to breeders/seed companies. This is because SMEs with limited resources depend on the expertise of national competent authorities for certification and especially registration.

### **Proposition:**

- The expertise of national authorities must not be jeopardized in the long run by delegating tasks to breeders/seed companies in the registration process, a process that could eventually lead to decreasing capacities in the authorities.
- However, tasks conducted by breeders in the certification process could lower the cost of certification and therefore be beneficial. Impacts on administrative burden must be analyzed with these aspects in view and consider the implications for SMEs in particular.
- Harmonization of the rules on official controls should not lead to additional costs for breeders and SMEs.
- Regarding coherence with the plant health and official controls regulation, a risk-based assessment is needed, considering the scale (size of the produced seed lot). Only a risk-based assessment would reduce the burden for operators. Overly strict rules should not impede PRM exchange among breeders.

## 2.10 Coherence with GMO Regulation

### **Proposition:**

- The clear distinction of scope between the PRM Marketing Rules and the GMO legislation must be insured, including potential legislative change for '*New Genomic Techniques*'.