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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Current legislative proposals:
Proposal for a Regulation of the European Parliament and of the Council
on the production and placing on the market of plant reproductive material
in the Union, amending various Regulations and repealing some Directives
The importance of small farmers and farmers' networks for a sustainable
EU Seed Regulation
- Information from the Austrian delegation

Delegations will find in the Annex an information note from the Austrian delegation on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 25 March 2024.

Proposal for a Regulation of the European Parliament and of the Council on the production and placing on the market of plant reproductive material in the Union, amending various Regulations and repealing some Directives

The importance of small farmers and farmers' networks for a sustainable EU Seed Regulation

- Information from the Austrian delegation -

Austria welcomes the Commission's proposal for the new Seed Regulation in principle and considers it to be successful and balanced in many aspects. There are, however, still certain important points related to environmental and biodiversity protection, some of which are genuine core concerns, that are open or not yet satisfactorily regulated and deserve the attention and engagement of environment ministers.

Status quo and requirements for seed regulations

The notion of 'seed' is regulated in various EU legal acts. The placing on the market of plant propagating material (seed, tubers, etc.) is currently regulated by ten marketing directives (e.g., for cereals or vegetable plants). The proposed regulation intends to lead to harmonisation and should create uniform rules. Seed constitutes the very basis of our farming systems and daily nutrition. That is why we in Europe must ensure that the supply of diverse, locally-adapted seed is guaranteed for everyone. The local production of diverse forms of seed enables both independence from global supply chains, thus contributing to food security in times of crisis, and the development of varieties that thrive in low-input farming systems, thereby helping farmers to transition away from the use of environmentally- and climate-damaging pesticides and synthetic fertilisers. Furthermore, greater genetic diversity – in terms of both varieties and species – is a vital tool for enabling the adaptation of cultivated plants to changing weather conditions and to the increased pressure from new plant diseases.

Open points and points for improvement

Overall, the Commission's proposal appears balanced. On the one hand, it takes into account the requirements of professional agriculture for healthy, well-germinated and high-yielding seed and planting material, whilst on the other it seeks to ensure that aspects of biodiversity and plant genetic resources are preserved. Both pillars of seed and planting material law, seed certification and variety approval are retained. It is positive that seed companies can be authorised by authorities to carry out some of these activities. This provides for less bureaucratic processing.

Although certain aspects of the proposal help conserve plant genetic resources and facilitate the exchange of seed in the private sector, we note that this does not fully apply to the free distribution of self-produced (home-grown) seed between farmers.

Austria would like to draw attention to the following points:

- Crop diversity use by farmers is particularly important for healthy ecosystems and long-term food security. The spread and sustainable use of seed and crop diversity are crucial for sustainable, independent and crisis-proof agriculture and agricultural biodiversity. In this context, farmer networks and the work of small farmers are essential pillars of our food systems. It is crucial that farmers can pass on their own plant reproductive material in return for financial compensation, where no plant breeder rights are in force.
- Regional varieties that are adapted to climatic conditions are of enormous value in times of climate crisis; these often rare and old varieties from small breeders contribute to the preservation of regional genetic diversity. This should not be jeopardised by overly complex approval procedures or fees.
- The transfer of plant reproductive material for the purpose of conservation needs to be excluded from the scope of the regulation for institutional and other not-for-profit actors.

- The transfer of plant reproductive material for the purpose of conservation should be possible without objectively unfounded obstacles. For example, this material does not need to be subject to requirements on germination rates and the transfer of the material to farmers should be facilitated.
- Nevertheless, it is important that the proposed exceptions do not create parallel markets or undermine plant health, plant breeders' rights and quality requirements.
- We do not consider the requirements for vegetatively propagated material for fruit and wine to be very practical. The more difficult conditions for the approval of varieties of vegetables should also be rejected.
- In addition, small- and medium-sized enterprises should not be unduly burdened by the planned tightening of inspection and documentation obligations. Additional administrative burdens and costs should be avoided.
- In general, national and regional particularities need to be taken into account when implementing the proposal.
