



## **Complementary document: public consultation on PRM marketing rules European Coordination Via Campesina (ECVC)**

### **Plant reproductive material (PRM) regulation in the EU**

Current rules are outdated and inconsistent, but species-specific rules (fragmentation) are needed and do not conflict with a general framework.

The identity and germination rate of PRM can be regulated at the European level, but plant health (absence of pests) should be regulated first at the regional and then at the national level. European rules should only concern cross-border trade and not local or exclusively national trade.

Current rules have allowed the free circulation and availability of only industrial seeds, most of which are covered by intellectual property rights (IPRs), but most public domain, local, traditional seeds as well as adapted seeds for agroecology and organic farming remain unavailable.

Conservation varieties that are 90% homogenous, stable, and whose registration process is too bureaucratic, do not meet the objective of making traditional varieties available.

The current quality criteria for PRM aim to ban local and traditional varieties to ensure the exclusive monopoly of industrial seeds covered by IPRs.

It is the agrarian systems that are or are not sustainable, not the varieties. The same plants can be sustainable in a peasant agroecological farming system but not sustainable in industrial monocultures, while industrial varieties are unsuitable for peasant agroecology. The obligation to comply with sustainability criteria will only accentuate the erosion of cultivated diversity. The same is true for adaptation to climate change and pathogen tolerance, whether for agricultural or amateur varieties.

### **Scope of marketing activities**

For amateur varieties, it is necessary to maintain rules of identity, origin, germination rate, information on the breeding processes, and to provide packaging adapted to the needs of small farmers and not only gardeners.

The exclusion of conservation networks should be limited to the direct handover of PRM by the producer to the end user (farmer or gardener), -not to resellers-, in quantities limited to the needs of small farmers.

The exclusion of farmer-to-farmer exchanges should concern exchanges, in kind or for remuneration, of surplus seed produced by farmers primarily for their own use or that of their colleagues in the context of exchanges of services, and not for seed multiplied under contract for the global trade.

### **Alignment of the rules**

It is necessary to maintain rules that respect the specificities of each species.

Each Member State must be able, for its national market, to adapt the regulations to its particular agronomic, climatic, cultural conditions and to its political choices, including quality rules.

For unregulated species, it is necessary to maintain rules of identity, origin, germination rate, information on the breeding processes.

The use of the same variety for alimentation or for the biomass industry does not require the same quality criteria.

### **Heterogeneous material**

The main advantage of heterogeneous material is its rapid local adaptation through successive replanting or reseeded. Whether organic or conventional, heterogeneous material and its genetic parts or components should not be covered by intellectual property rights that limit the right of farmers to use their crop as a PRM. Heterogeneous material must also not contain GMOs or be derived from GMOs.

### **Plant genetic resources**

The exemptions for conservation varieties and varieties without intrinsic value are insufficient to ensure the sustainable use of plant genetic resources.

### **Sustainability**

Value for cultivation and use (VCU) or sustainability reviews should be optional and tailored to each agrarian system.

### **Harmonization of official controls**

The official controls should be limited everywhere to the loyalty of obligatory commercial claims (denomination, origin, breeding process, absence of GMO, years and places of multiplication), to the germination rate and to the control of quarantine pests.

### **Innovative processes and digital transformation**

Biomolecular techniques only serve to enhance IPR traceability and biopiracy, but are unable to account for the adaptation of varieties to farmers' needs.

### **ECVC believes that the new PRM law reform must also include the following clauses:**

- the marketing of mixtures of varieties and species, of all species, selected in mixtures for their suitability for mixed crops;
- the marketing of PRM adapted to associated crops;
- a mandatory transparency on the breeding, selection and multiplication techniques. The majority of consumers do not want GMOs, old or new, nor do they want products obtained by certain techniques exempted from GMO regulations, such as fusion cell. This transparency is essential for biological selection;
- mandatory disclosure of any intellectual property or other rights covering the PRM, their parts or the genetic information they contain. The farmers need to know whether or not they will be able to use and sell their crop freely;
- quality control of PRM marketed to the public. Self-monitoring allow non-conformities to be cleared before data are transmitted to the authorities. Smaller operators who do not have the technical and/or logistical means to perform their own checks should not be forced to entrust their performance to their larger competitors.

### **References concerning the number of small and medium-sized farms in the EU<sup>1</sup>:**

The European Coordination Via Campesina (ECVC) represents European small and medium farmers, and defends a peasant and family farming model. Here are some references concerning the situation of small farmers in the EU:

- Overall, agricultural employment in the EU has been steadily declining for decades and has fallen from 13.1 million annual work units (AWU) in 2003 to 9.1 million AWU in 2018 in the EU-27 as a whole, a staggering decline of 30% over the past 15 years. At the same time, the number of small and medium-sized farms has decreased, while the number of large farms (over 100 hectares) has increased. As a result, between 2013 and 2016, 2 million people working on peasant farms lost their jobs.
- Nevertheless: 77% of farms are smaller than 10 hectares, and 68.3% of farms have an economic size of less than €8,000.
- According to Eurostat, of the total number of farms :
  - 553,300 annual work units (AWU) work on farms with an income between €15,000 and €25,000
  - 1,352,880 AWU work on farms with an income between €4,000 and €8,000
  - 1,383,260 AWU work on farms with an income between € 2,000 and € 4,000.

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<sup>1</sup> *The EU farming employment: current challenges and future prospects*, European Parliament, 2019.