



Press Release – Thursday, May 7th

European Seed Regulation: **The European Commission organizes the pollution of our fields by industrial patented seeds...**

Tuesday, May 7: The European Commission adopted a proposal on Seed Regulations yesterday morning¹. This proposal is now in the hands of the European Parliament and the Council.

The European Coordination Via Campesina (ECVC) denounces this incredible gift to patents and property rights of the agribusiness industry.

This proposal represents a violent assault on farmers' and gardeners' rights. Bureaucratic control is being reinforced, and the only outcome will be to definitively kill biodiversity.

This result is therefore the opposite of the reasons put forward by the Commission to reform the existing legislation, namely a need for administrative simplification and protection of biodiversity.

"In this proposal, the European Commission leaves the door wide open to unrestricted commercialization of patented plants. The latter will obviously spread and pollute all fields, without distinction. The law is made so that it is the farmer who has been polluted which will have to pay a fine to the industry, as if he had stolen the seeds. While it is the latter who should bear the burden of farmers' fields decontamination... This is even more serious, as most of those patented plants are hidden GMOs.", said Andrea Ferrante, member of the Coordinating Committee of the European Coordination Via Campesina.

To further facilitate this process of appropriation of living organisms by the industry², the **list of all producers who re-sow part of their harvest (the "farm-saved seeds"), collected on the pretext of sanitary controls, may be given directly by member States to the industries.** They will thus be able to claim royalties from farmers. For the first time, absolutely all farmers will be inspected.

However, the right of farmers to exchange their seeds can not be limited: it is a necessary first step for Food Sovereignty, but also the first fundamental condition of the existence of farmers and organic farming. These exchanges are essential to farmers' breeding processes, to ensure constant crop biodiversity renewal. This breeding is fundamental to allowing plants to adapt to local conditions, to the extreme diversity of soils and increasing climate variability, without having recourse of exponential amounts of fertilizers and chemical pesticides.

"This is a direct attack of unprecedented violence against the rights and practice of farmers, that have enabled them to feed the people of the world until now, and will allow them to do so in the future. Forcing us to pay registration costs, control fees or unaffordable royalties, is trying to force us to turn to the seed industry, with the dependency that it represents, and their chemicals and phyto-sanitary products. And it will simply become impossible for citizens who want to eat healthily to do so.", said Guy Kastler, who is responsible for the farmers' seed file in ECVC.

The European Coordination Via Campesina calls on the European Parliament and the European Council to amend this proposal, and to endorse the right of farmers to produce and exchange their seeds as opposed to endorsing patented seeds and ownership of living organisms by industry.

If they leave the door wide open for patents on plants, all seeds will be contaminated by patented genes within a few years, and owned by a handful of multinational corporations.

That would make the Parliament and the Council, like is the Commission today, responsible for the food insecurity of European citizens in the years to come.

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-Appendix 1 (technical) : First synthetic analysis of the proposed regulation on seeds of the European Commission

-Appendix 2 : Position of the European Coordination Via Campesina on the legislation on the marketing of seeds:
<http://www.eurovia.org/spip.php?article712&lang=fr>

1 http://ec.europa.eu/dgs/health_consumer/pressroom/animal-plant-health_en.htm

2 According to ETC Group, the top 10 seed companies now control 73% of the global seed market.

"Technical appendix": First synthetic analysis of the proposed regulation on seeds of the European Commission:

**1) This better regulation package is primarily a huge gift to industry
aa Greater control of the market by industrial property rights.**

Seeds of heterogeneous patented varieties can now be sold on the market on the basis of decisions (delegated acts) of the European Commission. Directive 98/44 prohibits the patenting of varieties. The European Patent Office refuses a patent only if it is on a variety homogeneous and stable as defined by UPOV, but grants patents on heterogeneous varieties. The proposed regulation allows the marketing of seed of these heterogenous varieties, which were banned up to now. The seeds of heterogeneous farmers' varieties selected and propagated in their conditions (field crop production) will not have access to the market. Only synthetic populations or heterogeneous varieties patented by the industry will benefit from this market access.

Varieties containing patented genes or characters will be able to access much more quickly to the market without having to go through the long multiplications required for homogenization and stabilization of lines in which these characters were introduced or patented genes; In a few years, all the seeds will be contaminated by patented genes or will contain "native" patented genes, which are the property of a handful of multinational holding the largest patent portfolios;

The Community Plant Variety Office will directly manage the catalog using the same procedures as those for obtaining a Plant Variety Certificate (VOCs), which allows to enter in a protected catalog based on DUS tests already carried variety for VOCs, and will put out of the market any variety non-protectable by a VOC, except heterogeneous varieties described above.

Breeders will have a list of all the farmers who produce farm-saved seeds, allowing them to sue the latter for infringement if they have not paid their royalties or have used seed farm of non-derogation species ;

Electronic monitoring of all seed exchanges in Europe, held by the administration on the pretext of health, may be put at the service of the holders of VOCs and patent may be used to prosecute farmers using farm-saved seeds protected by a PVC, seeds (public domain or their own peasant seed) contaminated by or containing proprietary "native" characters from patented genes varieties;

Opacity maintained on the methods of obtaining the patents and the origin of genetic resources used. Consumers and farmers, organic or conventional, who do not want plants genetically manipulated by methods other than transgenesis (mutagenesis, cell fusion ...), will be forced to consume unwittingly those plants. Breeders and farmers will be threatened with patent infringement trials, without power to react whether or not they use patented seeds purchased in the market or in contaminated streams or in their fields by patented genes. Finally, no obligatory information on the origin of genetic resources used, legalizes in the facts the biopiracy;

b - Access to seed market procedures are streamlined for the benefit of the few large operators. Self-control under official control and the proliferation of mandatory testing they entail are saving for large operators who sell large volumes, but generate an impossible bureaucracy and unaffordable costs for small operators. In addition, they encourage fraud of large operators who pay large sums to private certifiers to oversee their own checks

**2) This better regulation package is a direct attack against the farmers, farming, organic, traditional, local seeds...
and the ones for cultivation for personal consumption (amateur gardening)**

Farm-saved, farmers and amateur seeds today outside the scope of the seed marketed limited only "for commercial exploitation" will be regulated.

a - The producers of farm-saved and farmers seed will have to register on a list that the authorities will transmit to breeders under Regulation 1768/95: they will therefore be delivered to holders of VOC, and develop prosecution if they do not bring themselves the proof that they were not counterfeit. They will bear and pay the cost of health and biosecurity checks (they will only be exempted of registration fees), which will encourage them to abandon their activity to turn to commercial seed. They will then record all exchanges of seeds and keep these records available to the administration. Those records will therefore be delivered to control the legality of these exchanges whose status is not clarified by the proposed Commission regulation: these farmers are not operators under the Article 1 PRM, which limits its objects to

production and marketing of seeds for the market. They should therefore be able to benefit from the exemption of the implementation of the Regulation under "exchanges in-kind between non-professional operators." But they are considered professional operators under Article 3 concerning any copying equipment, whether or not for the market.

They may only:

- Either exchange seeds under "Genetic Resources conservation organizations" approved by the authorities, without specifying whether the on-farm conservation is recognized or not;
- Either market them in the very small and bureaucratic "niche varieties" framework, provided that the Commission shall publish the necessary delegated acts, which may take many years to only lead to a bureaucratic regulation, as the latter inapplicable "conservation" directive.

In addition, this framework will require them to comply with the bureaucratic constraints and Auto-controls under official control, unaffordable for small volumes. They will also be made available to the authorities a record of the names of all farmers and other professionals with whom they exchanged seeds.

b-Seed artisans benefit from a few new features:

- **Conservation varieties.** If the quantitative and geographic marketing limitations disappear (which is a progress), these varieties should always be stable, relatively homogeneous and older (marketed before entry into force of the regulation). Conservation varieties that can not be maintained or reproduced in their region of origin (most vegetables that come from other continents than Europe), or who have no particular region of origin, should be recorded as standard variety or disappear;
- **Heterogeneous varieties,** provided that the Commission shall publish appropriate delegated acts, without imposing bureaucratic measures accessible only to patented seeds;
- **Niche varieties** can be a real opening if the bureaucracy, analyzes and autocontrols under official control unaffordable for smaller operators and small volumes do not come to cancel the advantage of not being obliged to record in the catalog. The obligation required to register not only the source of all their purchases, but also the name of each seeds buyer seems unrealistic

c-The few homogeneous and few stable organic seed will still be prohibited except in case of favorable window of heterogeneous varieties

Whatever the findings of the commission, **European citizens must now require from their European representatives and their government :**

- **Open widely the recording of heterogeneous varieties of each species provided as to prohibit the registration of any variety containing patented plants in any form whatsoever** - or get at the same time ban any patents on plants, seeds, parts of plants ... -
- **Mandating when recording information on methods for obtaining and selection on all industrial property title and the origin of genetic resources;**
- **To guarantee the right of farmers to protect private information, especially those concerning the choice of seed used;**
- **To open the market without mandatory registration of a part in any non-GMO seed marketed for non-commercial use (amateur. ..), on the other hand any direct delivery of non-GM seeds by the producer (or with an intermediate maximum provided that the producer and growing area are shown on each lot) the final grower (including professional),**
- **Recognize the selection, retention and dynamics of in situ on-farm management and farmers' rights arising from use and freely exchange seeds and peasant farm without registration requirement or constraint other than concerning quarantine pests;**
- **Adapting the health, environmental and biosecurity biological seed to maintain a public service record and control the scope of all the small operators who need it.**
- **Not to give to the European Commission, but to control their own procedures for implementing this regulation, in full transparency with respect to the public.**