

Liberate diversity

Leen Laenens,
BioForum Vlaanderen

Short history (1)

- UPOV convention 1961
 - Aim: protection of new varieties of plants by an intellectual property right
- 1966: European common catalogue
 - Any commercialisation, whether free or for payment, is outlawed for the varieties not listed in the national or European catalogues.
 - Varieties must fulfil the DUS criteria:
 - Distinctness: variety must be distinguishable in one or more characteristics from any other variety known in the EC
 - Uniformity: the plants are similar or genetically identical as regards the characteristics
 - Stability: after successive propagation, it remains true to the description of its essential characteristics

Short history (2)

- Development of other agricultural practices
 - “conservation”, “amateur”, local, peasant varieties or landraces, etc
 - genetic variability needed and welcomed
 - DUS criteria not required and not wanted
- 98/95/CE:
 - Acknowledges the importance of the conservation of genetic resources and the necessity to introduce a legal basis to that end
- 2005:
 - possibility of a separate list for conservation varieties
- 2 directives on conservation varieties:
 - 2008/62/EC (agricultural landraces and varieties)
 - **2009/145/EC (vegetable varieties)**

Landraces, conservation varieties, amateur varieties,....: importance for the organic sector

- Need for adapted seeds
- Organic farming is much more locality dependent, it adapts to the natural conditions
- Organic farming limits itself regarding external (chemical) inputs
- Priority to polygenic tolerance, not fragile single-gene solutions
- No use of molecular level breeding techniques
- Exchange of genetic material between farmers

Directive 2009/145/EC: aim - 1

Recital 2:

*In order to ensure in situ conservation and the sustainable use of plant genetic resources, landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion (**conservation varieties**) should be grown and marketed even where they do not comply with the general requirements as regards the acceptance of varieties and the marketing of seed.*

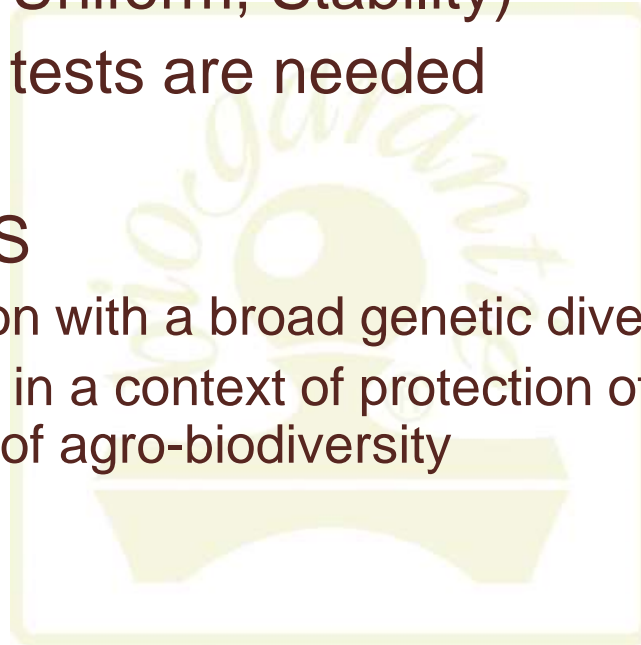
Directive 2009/145/EC: aim - 2

Recital 3:

*In order to ensure the sustainable use of plant genetic resources, varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions (**varieties developed for growing under particular conditions**) should be grown and marketed even where they do not comply with the general requirements as regards the acceptance of varieties and the marketing of seed.*

DUS criteria?

- Varieties still have to comply with the DUS criteria (Distinctness, Uniform, Stability)
- But no official tests are needed
- However, DUS
 - = contradiction with a broad genetic diversity
 - = not wanted in a context of protection of genetic resources / preservation of agro-biodiversity

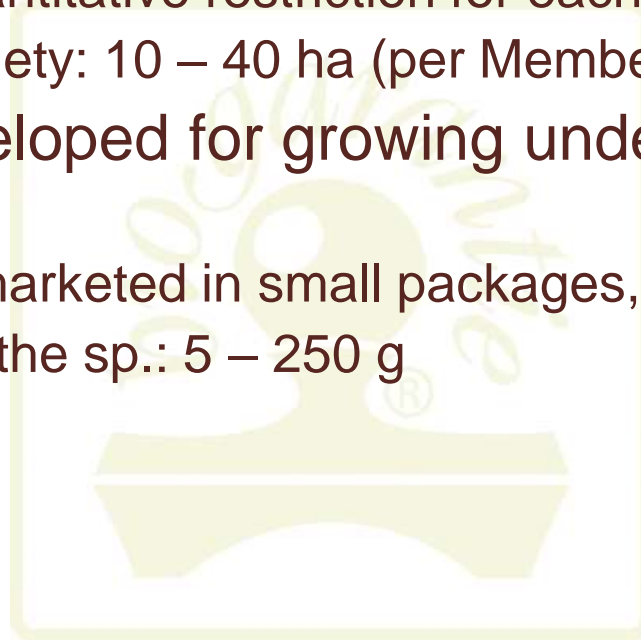


Region of origin (conservation varieties)

- Identified by Member States
- = locality or localities, region or regions, in which the variety has historically been grown and to which it is naturally adapted
- Production of the variety, seed production and commercialisation of the product: in region of origin
- Exceptions possible (additional “comparable” regions have to be approved by the MS, priority for region of origin)
- Regional restrictions = limit possibility to enhance genetic diversity

Quantitative restrictions

- Conservation varieties:
 - Annex 1: quantitative restriction for each sp.
 - For each variety: 10 – 40 ha (per Member State!)
- Varieties developed for growing under particular conditions
 - Have to be marketed in small packages, annex 2
 - Depends on the sp.: 5 – 250 g

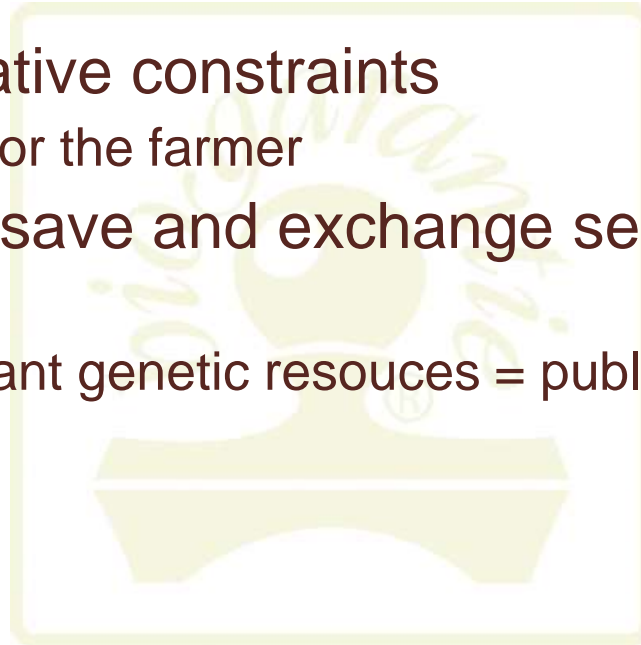


Exchange of seeds between farmers?

- Exchange of seeds is important to enhance the genetic diversity and protect genetic resources
- Conditions must be fulfilled if farmers want to market their own bred seeds
- Marketing (definition in directive 2002/55/EC):
*Marketing shall mean the sale, holding with a view to sale, offer for sale, and any disposal, supply or transfer, aimed at commercial exploitation of seed to third parties, **whether or not for consideration***

administration

- Exchange of seeds: little economic benefit for the farmer
- Vs. administrative constraints
 - = extra cost for the farmer
- Farmers who save and exchange seeds should be encouraged
 - Protecting plant genetic resources = public service



Conclusion

- Current seed legislation is not able to protect the genetic diversity and the plant genetic resources
- EU seed legislation will be revised
- Action is needed from the organic sector
 - Marketing should be made possible for conservation varieties,...; administrative burdens should be removed
 - Farmers should have the right to contribute to the conservation and development of agricultural biodiversity
 - DUS criteria have to be adapted to allow intra-varietal diversity
 - More transparency is needed in the methods of seed breeding for users and consumers
- 25 – 27 March: meeting of the European Seed Network “Let’s liberate diversity” (Graz)