

Dear Commissioner,

Last week the Committee on Agriculture and Rural Development in the European Parliament was informed about the fact, that the Standing Committee on Seeds and Propagating Material for Agriculture; Horticulture and Forestry adopted a proposal for a *commission directive providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties* on 17 April 2007.

This proposal has to be adopted by the Commission and should be followed by three similar proposals for propagating material other than seed, vegetables and fodder plants.

In 1997, the European Parliament called for a better legal framework to improve the conditions for the conservation, development and use of regional, traditional and amateur plant varieties in order to maintain biodiversity in agriculture. The EU has expressed its will to contribute to the conservation of biodiversity in several international commitments, including the Convention on Biodiversity and the Global Plan on Action for the Conservation and better Use of Plant Genetic Resources.

Now, the European Commission is finally about to adopt four regulations on the marketing of seed and planting material of specific varieties.

The Committee on Agriculture and Rural Development in the European Parliament is concerned about the recent proposals, because it considers the current Commission proposal as inadequate to serve the needs of a satisfactory in situ conservation of plant genetic resources. Instead of simplifying market-access for small scale breeders and farmers, it suggests a highly restrictive framework for the marketing of seed of conservation varieties. See detailed explanations below.

To be more, it establishes a difference of treatment between the varieties, threaten by genetic erosion, and those registered in the common catalogue, and, therefore, a difference of treatment between the concerned economic operators.

Yet, the objective differences of situation that normally justify such discriminations, should have led to facilitate, rather than limit, the marketing of conservation varieties, which are, by definition, seriously disadvantaged in comparison with the one registered in the common catalogue and marketed in a large scale.

In addition, it appears then that the restrictions applied to the marketing of seeds from varieties threaten by genetic erosion seem **disproportionate and even counter-productive**, with regard to the conservation of agricultural biodiversity (that they even contradict) as much as the protection of consumers.

Hence, regards to the situation of biological and economical precariousness of these varieties, the existence of a risk for the consumer is purely hypothetical, or even nil.

As far as the international commitments of the European Community are concerned, these propositions of the Commission tend to deny the farmers the right to produce, market and use freely ancient varieties, although threaten by genetic erosion.

The regulatory obstacles put to the production/marketing of biodiversity are, on one hand, lightened, but, on the other hand, heavily strengthened.

Hence, the Committee has some doubts if this proposal can contribute to the conservation and better use of plant genetic resources.

The Committee on Agriculture and Rural Development in the European Parliament urges the European Commission to **postpone the adoption of the present proposal and to table it again** with some major improvements which would make the use and conservation of genetic resources feasible for farmers and small-scale breeders.

On behalf of the
European Parliaments Committee on Agriculture and Rural Development

Critical points in the present proposal in detail:

Spatial restrictions: According to the present proposal, the production, the marketing and the use of seed of a conservation variety shall be restricted to their place of origin. Apart from the fact that the origin of a variety is often uncertain, this is an inappropriate trade barrier, contradicting the idea of a single market, and would be a serious obstacle for the maintenance of conservation varieties.

Quantitative restrictions: The quantity of seed for a conservation variety is restricted to 0,3% or 0,5% (dependent on the species) of the seed quantity used for all varieties of that species in the same year in the member state or the equivalent of 20 hectares. This is a very small amount and would not be sufficient for varieties of some species to build up a sustainable market position which would be necessary to prevent the extinction of these varieties.

Controls: The controls of seed production on site, quantity of marketed seed and of the surface planted with the variety that would result from the present proposal would be expensive and do not comply with the principle of proportionality, regarding the economic relevance of conservation varieties.