



February 2007

European Group of Initiatives "Let's Liberate Diversity"

**Topic**

The Directive 98/95/CE in relation to seeds and the reproduction of plant material for possible productive use and the commercialisation in relation to in situ conservation and the management of genetic resources: contributions for a regulation which favour the use and conservation of On Farm genetic resources conservation in Europe.

**Previous**

The 14th of December 1998 the European Union Council adopted the Directive 98/95/CE of 14th of December 1998 which modifies, respect to the consolidation of the internal markets, genetically modified plant varieties and the genetic resources, the Directives 66/400/CEE, 66/401/CEE, 66/402/CEE, 66/403/CEE, 69/208/CEE, 70/457/CEE and 70/458/CEE about the commercialization of beetroot seeds, fodder crop seeds, cereal seeds, potato seeds, oleaginous and textile crop seeds and horticultural crop seeds, also about the common catalogue of the agricultural crop species.

The premises brought by the commission for the emission of this Directive referred to the communitarian legislation about the commercialization of seeds used in agriculture, must take particularly into consideration the orientations of CAP in the benefit of product quality and the agro- environmental measures collected in the proposals of Agenda 2000.

The Directive not only guarantee the free circulation of seeds in Europe but also promotes the commercialization of traditional crop species and local varieties with the aim of encouraging in situ conservation and the sustainable management of plant genetic resources linked to certain natural habitats in danger of genetic erosion.

**Object**

We, members subscribed to European Group of Initiatives "Let's Liberate Diversity", together with civil society organizations would like to express our worry about the development of the Directive and the implications that this development could have for the sustainable management of plant genetic resources by farmers in Europe.

The Commission signed the International Treaty about Plant Genetic Resources Conservation for Food and Agriculture in June 2002 and approved the agreement by Council Decision on the 24th of February 2004 (Note 1), where it is gathered in Annex B (instrument of approval) the commitment to comply with the disposals of the Treaty, juridical entailing, adopted on the 3rd of November 2001 in FAO's Conference.

The Commission also approved a communication (Note 4) with the aims that should be achieved through specific action plans (Note 5) for the integration in sectorial policies of the aspects related to biodiversity, and specially the agricultural sector (Note 6).

Through these agreements the European Union has acquired commitments for the recognition of genetic resources as the base for food security and the sustainable development and the importance of its conservation to prevent the lost of genetic diversity of the species, races, varieties and autochthonous ecotypes.



Between these commitments are the promotion of an integrated focus for the protection, conservation and sustainable use of genetic resources for food and agriculture and particularly the recognition of farmer's efforts and the local communities in the sustainable use and conservation of their genetic resources on farm, through the promotion of politics and agricultural rural development programmes.

It is of vital importance for civil society the appropriate development of a legislative framework to ensure that farmers could keep supporting with their great knowledge the conservation and development of plant genetic resources.

It is very worrying, then, that in the discussion process of the Directive related to the conservation of genetic resources none of these international commitments are getting assumed according to the working document content which the Permanent Seed Committee manages.

These contents are faraway and diverted from the original idea of the Directive 98/95/CEE of the Council of 14th of December 1998(Note 7), specially regarding the fundamental need to guarantee the conservation of plant genetic resources and the establishment of an appropriate juridical base which in the framework of the disposals relative to seeds marketing make possible the conservation in situ of species in danger of genetic erosion (17) and (18) where it's recognised also the need of creating a juridical base for the establishment of the conditions in which seeds could be commercialise for organic growing.

#### **We apply for**

- ⇒ The redirection of the Directive to agree with the document contents to create a framework, which promotes the use and conservation in situ, on our farms of plant genetic resources.
- ⇒ The establishment of appropriate measures to protect and promote farmers rights following the provisions of article 9 of the International Treaty about Plant Genetic Resources for Food and Agriculture, specifically:
  - a) the protection of traditional farmers knowledge for the conservation of plant genetic resources for food and agriculture;
  - b) the fundamental right to participate in the benefits-sharing derived of the use of plant genetic resources for food and agriculture; and
  - c) the right to participate in decision-making policies at national level, regarding the conservation and sustainable use of genetic resources for food and agriculture.

*Yours sincerely,*

*European Group of Initiatives "Let's Liberate Diversity"*



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**Notas**

1.- Decisión del Consejo de 24 de febrero de 2004 relativa a la celebración, en nombre de la Comunidad Europea, del Tratado Internacional sobre los Recursos Fitogenéticos para la Alimentación y la Agricultura (2004/869/CE).

2.- FAO (2001). International Treaty for Plant Genetic Resources for Food and Agriculture. FAO Conference, Rome (Italia).

3.- Decisión del Consejo de 25 de octubre de 1993 relativa a la celebración del Convenio sobre la diversidad biológica (93/626/CEE). Diario Oficial n° L 309 de 13/12/1993.

4.- Comunicación de la Comisión al Consejo y al Parlamento Europeo, de 5 de febrero de 1998, sobre una estrategia comunitaria a favor de la diversidad biológica. COM (98) 42 final, no publicada en el Diario Oficial.

5.- Comunicación de la Comisión, de 27 de marzo de 2001, relativa a los planes de acción sobre biodiversidad en los ámbitos de la conservación de los recursos naturales, la agricultura, la pesca y la cooperación al desarrollo y de la cooperación económica.

6.- Comunicación de la Comisión, de 27 de marzo de 2001, al Consejo y al Parlamento Europeo sobre el Plan de Acción sobre Biodiversidad en la Agricultura. COM (2001) 162 final. Volumen III.

7.- Directiva 98/95/CE del Consejo de 14 de diciembre de 1998 que modifica, respecto de la consolidación del mercado interior, las variedades de plantas modificadas genéticamente y los recursos fitogenéticos, las Directivas 66/400/CEE, 66/401/CEE, 66/402/CEE, 66/403/CEE, 69/208/CEE, 70/457/CEE y 70/458/CEE sobre la comercialización de las semillas de remolacha, de las semillas de plantas forrajeras, de las semillas de cereales, de las patatas de siembra, de las semillas de plantas oleaginosas y textiles, de las semillas de plantas hortícolas y sobre el Catálogo común de las variedades de las especies de plantas agrícolas. Diario Oficial n° L 025 de 01/02/1999.

**Annexe.** Specific recommendations to be taken into consideration

- i. The local seed varieties are of interest to many farmers and home gardeners who grow organically or for the local markets. Therefore these vegetables local seed varieties should be considerate as “conservation varieties”.
- ii. Some of the conservation varieties have been grown for a long time away from their region of origin; sometimes they have even disappeared from these regions of origin. The risk of genetic erosion it’s an essential criteria for the definition as well as the adaptability to “regional and local conditions”. The limitation of seeds sale to the region of origin or adoption seems legitimate but it could not be obligatory in all cases as it could be a main risk of losing a lot of varieties.
- iii. The varieties eliminated from the catalogues have to be also recognised as conservation varieties without having to wait various years.
- iv. The economical and technical requirements entailed to the authorization of the commercialization must be destined to local markets and most of all they should be accessible to all farmers who which to promote On Farm conservation. The actual seed certification process isn’t appropriated.
- v. When a specie is at risk of genetic erosion the seeds under conservation variety category should have the possibility to represent the majority of the commercialised quantities for the specie.
- vi. It is also very important to take into consideration the exchanges of small seeds quantities between farmers. Swiss approved in 1991 the exchange of small quantities of non-registered seeds. This has permitted to preserve a diverse number of local and traditional varieties, without putting at risk the commercial activities of seed companies, which are working with the catalogue. The European Directive should inspire in this model.