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To the Council of the
European Union
Ministers of Agriculture

Brussels, 20th May 2021

Re: Copa-Cogeca and Euroseeds joint letter to Ministers regarding the NGT and PRM Commission's studies

Dear Madam, Sir,

In November 2019, you requested the European Commission to conduct studies regarding the state of affairs and suitability of existing EU legislation on Novel Genomic Techniques (NGTs) and on possible improvements of the existing framework for plant variety registration and seed marketing. At the upcoming Council meeting, you will now be presented with the Commission's findings and first assessment.

Now is the time to be proactive and define legal frameworks that pave the road towards innovative and longstanding answers to the Commissions Farm-to-Fork and Biodiversity Strategies and climate change. New innovative plant varieties with better resistances against fungi, a better carbon footprint, higher yields and nutrient efficiency, more protein content, lower Nitrogen needs and many other performance traits can and must be part of this answer.

Farmers must have access to these better varieties as soon as possible to be able to mitigate the climate challenges ahead and become a main driver towards a lower carbon footprint from our way of living.

We trust in Council, European Parliament and Commission to enable us to bring the long-lasting solutions so urgently needed for the benefit of the environment, society and the breeders and farmers of Europe.

The study on NGTs, based on extensive stakeholder consultation and documentation as well as many years of continuous input from science, business, farmers and many others, rightly acknowledges that the existing legislative framework is not able to properly take account of the scientific progress which occurred since its adoption. Consequently, numerous provisions of the current rules are either ambiguous or cannot be properly applied to the products resulting from some of the applications of the latest methods. This results in blockages, legal uncertainties, lack of practical progress and, ultimately, in a reduced availability of innovative products for European breeders, farmers and consumers. Furthermore, conflicts with long-standing trade principles, enshrined in multilateral as well as bilateral trade agreements to which the Union is party, can easily be predicted. All this calls for swift, constructive and practical action that provides the EU with a more differentiated and thus practically implementable legal framework for the future. Europe's seed and farming sectors continue to stand ready to support such action and we would like to take this opportunity to call upon you to spearhead and drive this process with respective Council conclusions.

The Commission's response to Council's request for a study on the EU's variety registration and seed marketing legislation, on the other hand, seems to contain numerous conclusions that are

contrary to or possibly misinterpret the input received from key stakeholders such as the seed suppliers and users represented by our respective organisations. But it also seems to contradict principal findings of the extensive consultations during the “Better Regulation” evaluation of 2008 ff as well as the Commission’s justification of its own legislative proposal of 2013. Again, we would like to confirm our readiness to engage in the further discussion on the way forward; and we specifically point to the extensive input supplied both during the Better Regulation process and the recent, rather limited consultation.

However, we would like to take this opportunity to underline that both seed suppliers and seed users by overwhelming majority have continuously expressed their principal support for the current regulatory system which effectively balances the need for strict and effective guarantees of identity, performance, quality and health of seed products for all seed users, regardless of the size or orientation of their farming business, with a broad range of options that allow for flexibility for specific seed products, markets and also non-commercial users. Latest examples for this flexibility are the discussions and first decisions taken in relation to heterogeneous plant reproductive material and organic varieties suitable for organic farming.

The EU system has effectively supported the development of a competitive European seed industry that reliably supplies Europe’s farmers with top quality seed from an ever-increasing range of different varieties. This success is not least due to the oversight of highly professional administrators in national ministries and variety offices.

Based on the continuous exchange between seed sector, farmers and responsible authorities, we do not share the conclusion that the administration of the EU’s legislation has been overly rigid, inflexible or technically inept. More fundamentally, we disagree with the Commission’s statement that the legislation does not support the Green Deal’s Farm-to-fork and Biodiversity strategies and objectives.

To substantiate this disagreement, we would like to draw your attention to the new 2021 study of HFFA Research on the “Socio-economic and environmental values of plant breeding in the and selected EU Member States - an ex-post evaluation and ex-ante assessment considering the Farm-to-Fork and Biodiversity strategies” (v. <https://hffa-research.com/news/study-published-the-socio-economic-and-environmental-values-of-plant-breeding-in-the-eu/>). This most recent study reconfirms findings of 2015 as well as of various other works that all conclude that plant breeding has been and continues to be key driver of competitiveness as well as resource efficiency, thus boosting both the socio-economic and the environmental sustainability of our agri-food production, and with that fully supporting the two EU strategies’ objectives.

Euroseeds and COPA-COGECA therefore expect a more in-depth consultation and evaluation to arrive at properly differentiated as well as more focused recommendations for targeted improvements of the EU’s highly successful EU system for variety registration and seed marketing. However, we underline once again the principle view of Europe’s seed and farming sectors to maintain and further strengthen the constitutional and internationally aligned pillars of the EU’s system to assure the proper information of identity, performance, quality and health of seed products for all users. We would very much welcome a confirmation of this assurance by respective guidance to the European Commission through the Council’s conclusions.

Yours sincerely,



Garlich von Essen
Secretary General
Euroseeds



Pekka Pesonen
Secretary General
Copa-Cogeca

Cc: Commissioner Stella Kyriakides