

EN

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Answer given by Ms Kyriakides
on behalf of the European Commission
(7.11.2024)

1. The farmers' rights are recognised by the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)¹. No regulation may contradict the ITPGRFA, as stipulated in Article 9(3) that '*Nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate*'. Saving and using of farm-saved seed/propagating material are not subject to the current EU seed legislation² and the Commission's proposal for a new Regulation on plant reproductive material³ does not introduce any rules on these either. Exchange and selling however are regulated in order not to undermine the general seed certification system which ensures the identity and quality of seed for farmers. Other legislation may be applicable as well, for instance on plant health⁴ and on plant variety rights⁵.

2. The Commission's proposal introduces several new measures aiming to increase agrobiodiversity. These include facilitated market access for genetically diverse reproductive material, for example conservation varieties and heterogeneous material, as well as a framework for exchanges of seed in kind between farmers. These will contribute to the availability and use of more diverse reproductive material in agricultural fields and gardens.

3. Stakeholders had the opportunity to provide feedback during the consultation period⁶ but they do not participate in the negotiations on the Commission's proposal. These negotiations are strictly carried out between the two co-legislators - the European Parliament and the Council - and the Commission.

¹ <https://www.fao.org/plant-treaty/en/>.

² https://food.ec.europa.eu/plants/plant-reproductive-material_en.

³ COM(2023) 414 Proposal for a Regulation of the European Parliament and of the Council on the production and marketing of plant reproductive material in the Union, amending Regulations (EU) 2016/2031, 2017/625 and 2018/848 of the European Parliament and of the Council, and repealing Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC (Regulation on plant reproductive material): <https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=COM:2023:414:FIN>.

⁴ https://food.ec.europa.eu/plants/plant-health-and-biosecurity/legislation_en.

⁵ https://food.ec.europa.eu/plants/plant-variety-property-rights_en

⁶ All feedback responses are published on the 'Have Your Say' web portal at https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13083-Plant-and-forest-reproductive-material-revised-rules_en.