



Should the existing regime be changed?

The Community Plant Variety Right regime may be 15 years old but is not outdated. There are objective signs that the agricultural, trade and market environment still fundamentally works the same way than back in 1995. The same players (farmers, plant breeders and seed processors) are still acting.

Stimulating innovation is now a EU priority and under the current regulation, there are more new varieties entered than ever before. Plant breeders are trading successfully and sustainably

With regard to the collection of fees, solutions exist both at national and European levels:

- In United-Kingdom, the Seed Act of 1998 provides for the legal requirement to hand information on farm saved seeds upon request.
- Europe-wide, the plant breeders could reshuffle the contract with the seed merchants in order to get from them the information they need, as suggested the European Court of Justice.

A majority of the stakeholders considers that the system is correctly functioning to the exception of the collection of fees for farm saved seed at national level in some countries. However, these difficulties do not mean that the European Regulation is fundamentally flawed.

Safeguarding Agricultural production farm saved seed

What is farm saved seed ?

Farm-saved seed are seeds harvested from certified seeds produced by the seed industry, but multiplied by the farmer on the farm for economic reasons or to avoid to be too dependent from the seed industry.

In practice, a first harvest is obtained from certified seeds and a new generation of grain is harvested in the field in July-August. Farmers retain a part of the harvest to the farm, they calibrate and process (or not) with a mobile seed processor to reproduce their own seed for planting the following fall and spring. Farm-saved seed represents the part of grain harvested and stored at the farm for their multiplication.

The preparatory work for the cultivation can be done by the farmer himself or through services suppliers: this activity is called the mobile seed processing.

The principle commonly known as "agricultural exemption" is recognized by the UPOV convention and Regulation 2100/94. Article 14 allows farmers to use for propagating purposes in the field, on their own holding the product of the harvest which they have obtained by planting, on their own holding, propagating material of a variety covered by a Community plant variety. To exercise this right, farmers, except the small farmers, are "required to pay the owner fair compensation." It also states that "the product of the harvest can be prepared for cultivation by the farmer himself or with the support of a services supplier [...]".

A double limit was set to the "agricultural exemption":

- this right applies to the exclusion of hybrid varieties,
- this right applies only to a closed list of 21 varieties

None of these two limits have been foreseen by the UPOV Convention.

The benefits of farm saved seeds are economical

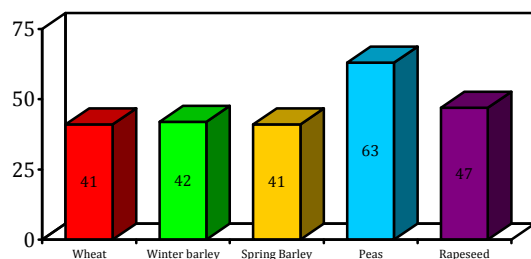
In a context of diminishing marginal productivity, financial gain provided by the seed farm is critical to the competitiveness of European agriculture.

In the UK, it is generally accepted that:

- at least 30% of planted seeds are farm saved seeds;
- at least 75% of farm-saved seeds are processed by mobile seed processors;
- at least 70% of British farmers have used farm-saved seed and at least 50% of farmers are using it every year.

Importance of Farm Saved Seed in United-Kingdom (2009/2010 - in %)

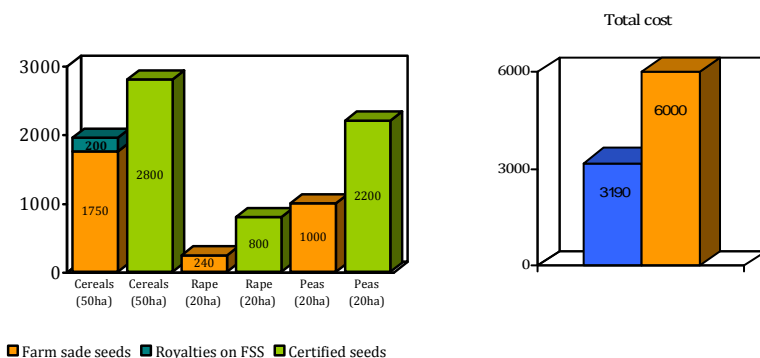
Source: BSPB



In France, about 50% of grain surfaces are from farm-saved seed (2.5 million hectares) and 200 000 farmers produce their own seeds (self-production value of € 150 million), equivalent to €60 million saved in the whole country.

Cost in Euros for seeds in a farm-type (equivalent yield) in France

Source : CNDSF



For example, for a farm with 50 acres of wheat, 20 ha of rape and 20 hectares of peas, the net savings are € 2,870, a drop of close to 50% of the costs.

The benefits of farm saved seeds are ecological

Farm saved seed reduces significantly the use of insecticides by replacing the standardized approach used for certified seed with a tailor made policy made possible by **mobile seed processors going to the farms**:

- The farmer adjusts the dose on the seed **in relation to the needs**;
- A study of 2005 of the *Association française des Semences Autogames* indicates that **the producer on the farm generally reduces doses, following** his diagnosis of risks;
- The farmer has the free **choice of treatment**;
- The varietal blend is easy and convenient and is recommended by scientists and **significantly reduces the use of pesticides**;
- The farmer is **empowered** as his close environment is concerned.

In addition other environmental benefits are taken into account:

- **Biodiversity**, supported by the mix of varieties and the possibility for farmers to keep on using old varieties that would be off the market for economic reasons;
- **Reduction of transport**. On the opposite, a certified seed can be produced, sorted and processed and eventually distributed in systematically different places. The environmental impact of logistics and transport is clear;
- **No waste**: the quantities produced are self sown. Waste of industrial seeds are 10 000 tonnes per year (waste);
- Guaranteed **traceability** of the seed crop;
- **Security of supply**: in case of shortages of seeds, the farm saved seed is a successful alternative for farmers;
- **Food Sovereignty**: producing the seed, the farmer controls the first input of his/her production;

The benefits of farm saved seeds are social

Rural employment is valued, the rural zones are revitalized.

- **Hundreds of rural jobs** each year (from head of sorting station to assistants) and a significant injection of funds in the local rural economy,
- Numerous processors moving from farm to farm,
- **Practice with a future**: 56% of farmers under 35 opt for self-production of seed on the farm.