



The EU Seed Regulation proposals - a chainsaw to crack a nut

Under the guise of 'simplifying' Europe's seed regulations, the EU is proposing a new seed law. Introduced in May, and widely criticised, the draft regulation is on its way through the EU machine. Ben Raskin, Head of Horticulture at the Soil Association, explains why he thinks it's the wrong tool for the job.

In July, Defra organised a day for representatives from the horticultural sector (organic and conventional) to discuss the EU Commission's proposals for a new seed law. By the end there was a nearly unanimous view that it is not the best way of solving what are, at worst, small problems to a small minority of people, and might lead to less seed being available.

Some of the stated aims are laudable, for instance to promote agricultural biodiversity, sustainable production and innovation, but the EU seems to want to achieve these by imposing a huge administrative and cost burden onto producers.

And there is much work still to be done to ensure that the regulation does not in fact result in a significant reduction in agricultural biodiversity.

On the plus side there are specific exemptions for populations (such as those that have been bred by ORC) and land races, with a five year marketing trial proposed. ORC's Martin Wolfe and Bruce Pearce played a significant role in making this happen. There are also exemptions to fees and some red tape for micro-businesses of less than 10 people or €2 million. These are very welcome and an improvement on the current system.

However, what fits arable doesn't suit vegetable and isn't ornamental

I won't go through the whole 146 page proposal in detail but here are a few of examples of how a law designed for broad acre arable seed production appears to have little relevance and significant risk for vegetable and ornamental producers.

Firstly there is the proposed increase in scope of the regulation. Until now variety control has existed only for arable and vegetable seeds. The new directive encompasses what it calls Plant Reproductive Material (PRM), which includes not only seed but also cuttings, rootstocks, module plants, and even potted plants intended for planting into a private garden.

Then there is the issue of 'Value for Cultivation and Use' (VCU). Under current regulation any new arable variety has to pass this VCU test and prove to the EU (via member states) that it is a 'clear improvement' on any existing variety before it is approved for sale.

The Commission is proposing to include VCU testing for any crop that is deemed 'significant'. Furthermore they want the power to move any plant species into this category at any time with no consultation.

Often the value of a plant might not be seen during initial testing and field trials, but only once it has been grown either for a long time or in a particular set of circumstances. Rejecting these plants is thus restricting the diversity of our future gene pool.

Perhaps one of the most confusing areas concerns the definition of a variety. This might seem obvious: for F1 hybrids it's pretty straightforward, but with open-pollinated (OP) varieties it all gets a bit more difficult. OPs are not stable, they are liable to genetic drift; indeed this is one of their most attractive qualities for many growers as you can save seed and adapt them to your own micro-climate. So for a classic tomato variety like Gardeners Delight that has been grown for many years there may be many different strains all being sold under the same name.

And if veg seed is a minefield what about ornamental plants? Under the new regulation these are likely to be covered too. Which of the nurseries that, for example, currently breed 20 different versions of Lavender 'Hidcote' will be responsible for registering and maintaining that variety with all the associated cost and red tape? Until now there has been no requirement to register ornamentals. With many growers producing different versions of the same plant, it is estimated that there will be more than 50,000 plants to register. This could not only put immense strain on the ever shrinking Defra team, but could bankrupt companies too.

Too late to change, but some things need to

There are other areas of concern; for instance the definition of a genebank or network. Garden Organic's Heritage Seed Library seems to fit, but many plant collections are owned and managed by commercial nurseries whose financial survival is intrinsically linked to the collection. The directive aims to differentiate between not for profit genetic resources and private companies, but the real world does not always fit such a black and white picture.

In the meeting, Defra were clear that there is little chance of making significant alterations to the proposals, so our main hope is to try to build in sufficient flexibility, safeguards and exemptions to protect what is left of our seed diversity.

The EU Commission says it wants to protect consumers and improve food safety without threatening biodiversity, innovation or sustainable agriculture. Some believe that these proposals will do that for arable varieties. I remain to be convinced that there are not cheaper ways to achieve a similar result.

To achieve the same for vegetable, ornamental and forestry sectors may be possible but the tool they have designed is far too powerful for the job and from where I'm standing looks like it's going to make quite a mess.

Would you be interested in growing ORC's wheat populations commercially?

We've started the process of bulking up seed and hope to be able to make the first seed available in 2015. Small quantities may be available for trial in 2014. You can register your interest with Robbie Girling at ORC.