



Food and Agriculture Organization
of the United Nations



WOCAT

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UNIVERSITÄT
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CDE
CENTRE FOR DEVELOPMENT
AND ENVIRONMENT



Impacts of seed laws on the functioning of FMSS, experiences from Europe

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E-LEARNING SERIES

Sustainable Forest Management Impact Program on
DRYLAND SUSTAINABLE LANDSCAPES

Rete Semi Rurali – Italian Seed Network

di RSR.

Per diventare socio bisogna inviare una domanda al Coordinatore della Rete con allegato il verbale dell'organo di amministrazione dell'organizzazione che autorizza l'adesione, statuto e atto costitutivo, una dichiarazione di conoscenza e accettazione integrale di Statuto, e Regolamenti della Rete, e un impegno al rispetto delle deliberazioni legalmente adottate dagli organi associativi. L'Assemblea, ricevuta la domanda di ammissione, provvede quindi a decidere se accettare o rigettare la domanda di ammissione.

Per informazioni scrivere a info@semirurali.net.

Ad oggi (settembre 2023) i soci di RSR sono:

AIAB – Associazione Italiana per la Agricoltura Biologica – Bova Marina (RC)

Arcoiris srl – Modena (MO)

APS Devélo Laboratorio di cooperazione
Peschiera Borromeo (MI)

APS “Marina Serra” – Tricase (LE)

Associazione Agricoltori e Allevatori Custodi di Parma
Parma (PR)

Associazione Coltivare Condividendo
Seren del Grappa (BL)

Associazione per l'Agricoltura Biodinamica
Milano (MI)

Associazione di Produttori Agricoli POLYCULTURAE
Rovasenda (VC)

Associazione Simenza Cumpagnia Siciliana Sementi Contadine – Raddusa (CT)

ASCI – Associazione per la solidarietà per la campagna italiana – Torino (TO)

A.Ve.Pro.Bi – Associazione Veneta dei Produttori Biologici e Biodinamici – Villafranca di Verona (VR)

Centro Sperimentale Autosviluppo – Domusamigas
Iglesias (SU)



Civiltà Contadina ODV – San Leo (RN)

Con.pro.bio Lucano – Metaponto (MT)

Consorzio Produttori Solina d'Abruzzo Soc. Coop. Agric. – Sulmona (AQ)

Consorzio della Quarantina – Torriglia (GE)

CTPB – Coordinamento Toscano Produttori Biologici
Firenze (FI)

Des.Bri – Comitato verso il Distretto di Economia Solidale della Brianza – Villasanta (MB)

Distretto di Economia Solidale Altro Tirreno
Vecchiano (PI)

Diversamentebio – Rubano (PD)

Geoponika – Roma

Germinal Società Cooperativa Agricola di Comunità
Demonte (CN)

Grani di Tradizione dell'Oltrepò – Montesegale (PV)

Il Forno di Vincenzo ODV – Eboli (SA)

La Fierucola Associazione APS – Fiesole (FI)

La Piazzoletta – Semproniano (GR)

La Pimpinella APS – Villa Lagarina (TN)

La Terra e il Cielo Soc. Agr. Coop. – Arcevia (AN)

Le Zolle srl – Roma

Terra di Resilienza Cooperativa sociale arl
Morigerati (SA)

Seed Vicious APS – Scandicci (FI)

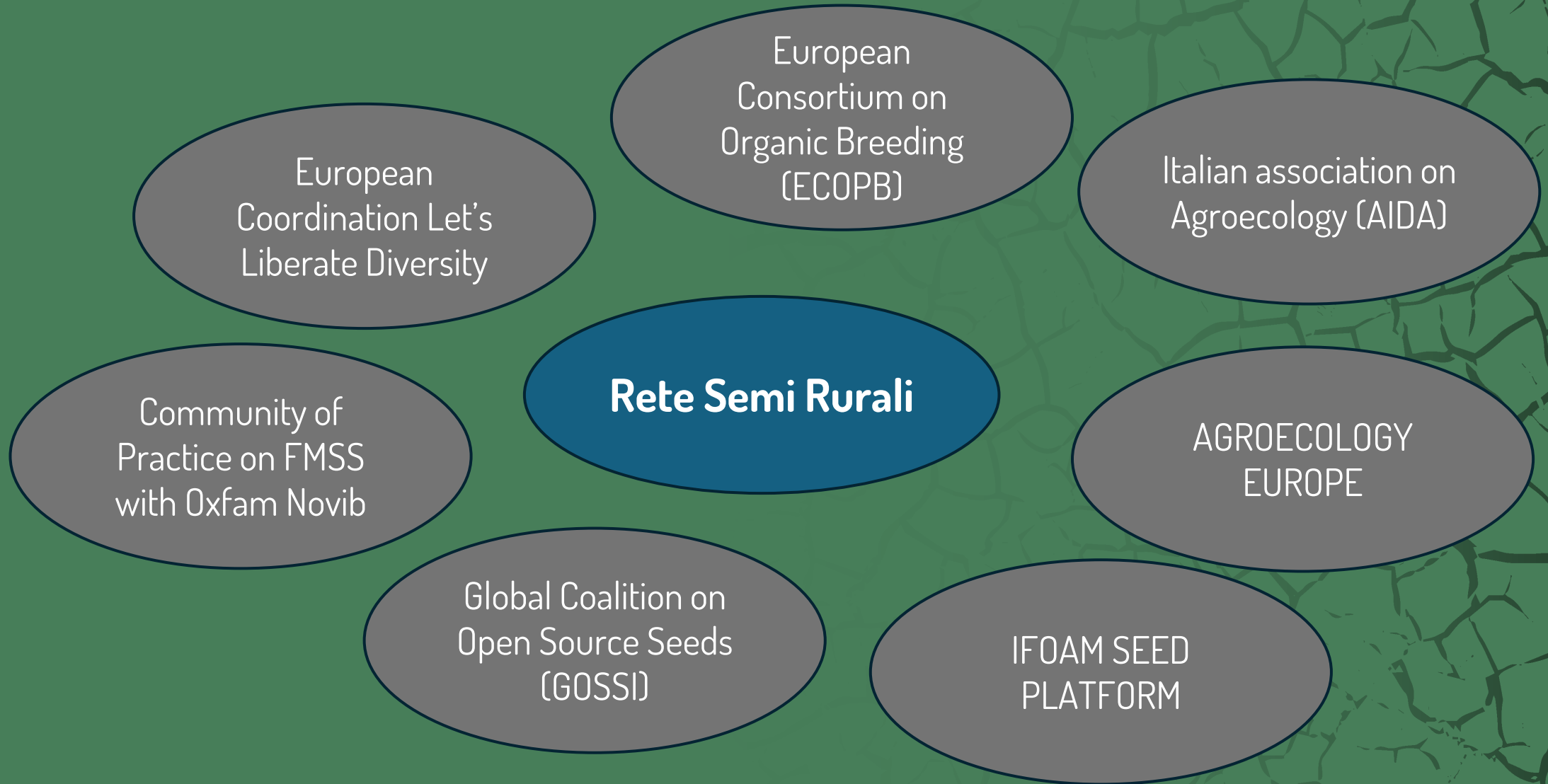
Seminati – Marcon (VE)

Smarties.bio srl Società Agricola – Chioggia (VE)

Terra! APS – Roma

WWOOF Italia – Lavoratori Volontari nelle Fattorie Biologiche – Castagneto Carducci (LI)

Our networks



Lentils

Tomato

Sunflower

Maize

Barley

Rete Semi Rurali

Soft wheat

Chickpea

Durum wheat

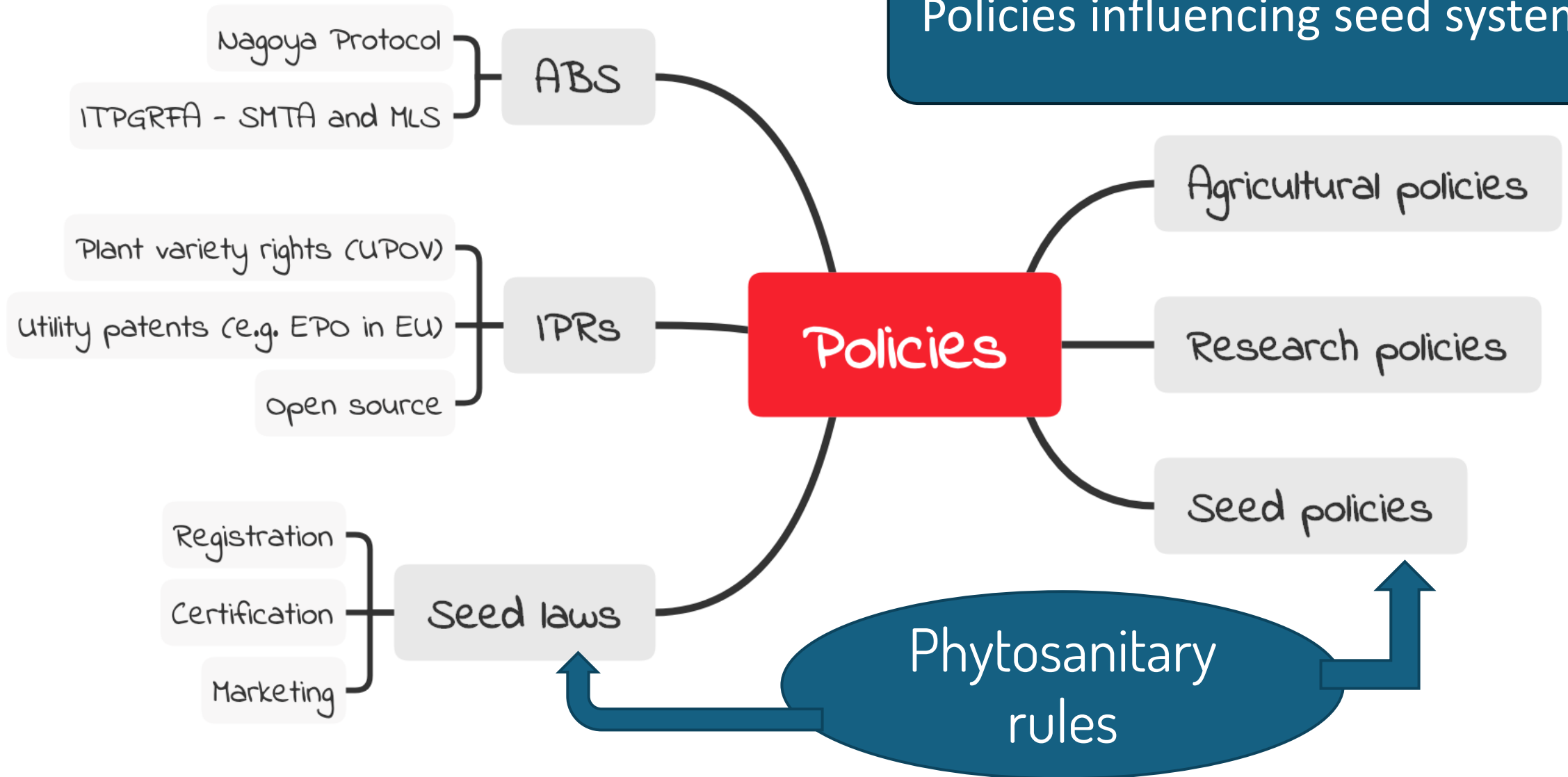
Oat



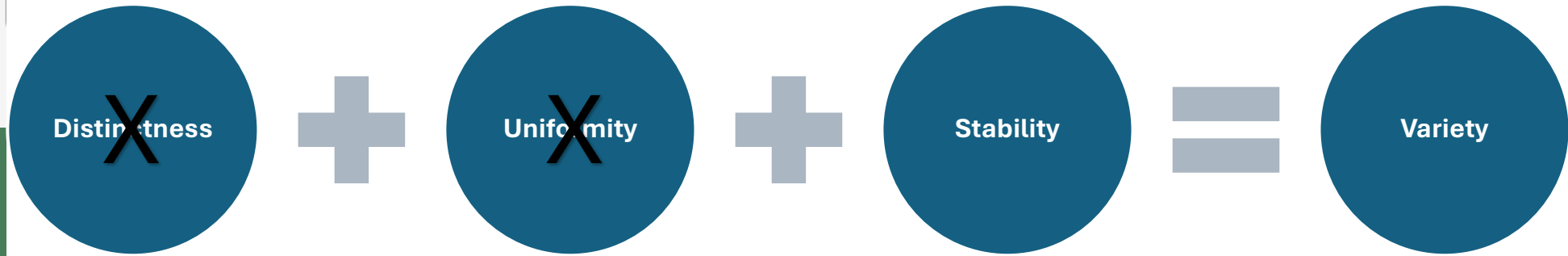
My focus:

- How the system work in Europe
- 1998 first derogations on Conservation varieties
- Organic Heterogeneous Materials (OHM)
- The new Seed reform

Policies influencing seed systems



How they work?

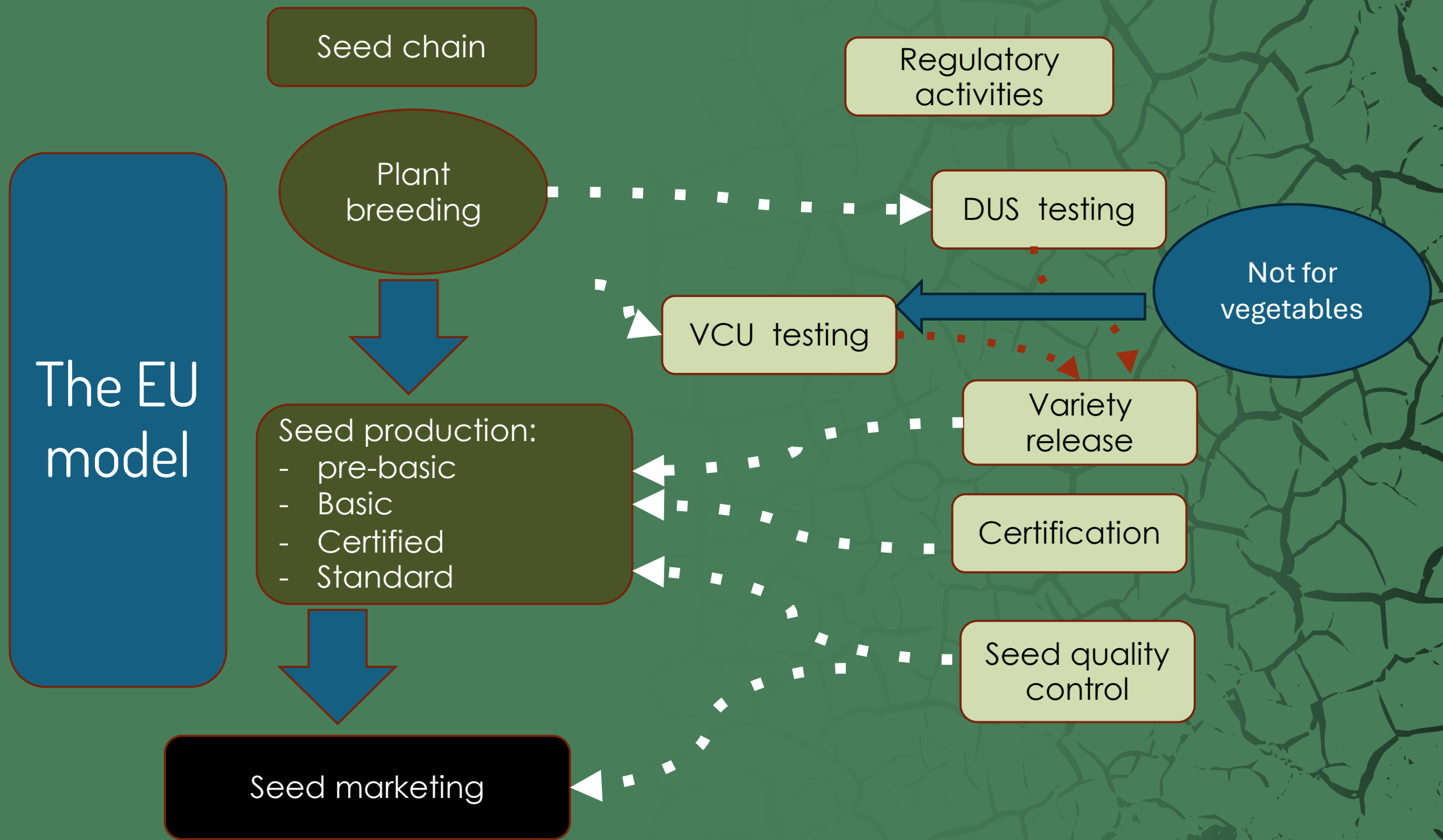


Europe is the master...

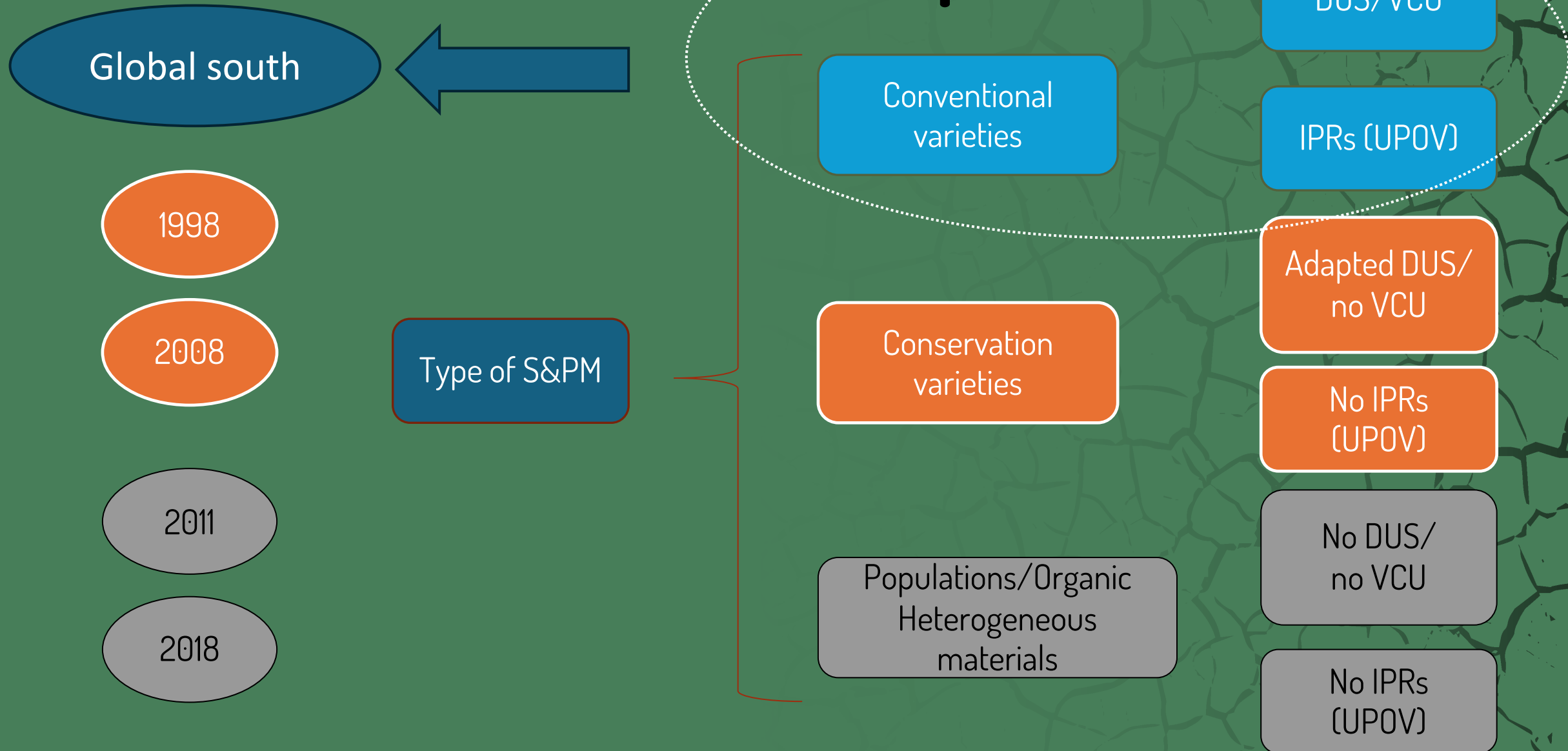
Europe has developed the legal framework that is now promoted and exported into other regions (e.g. seed laws, plant variety protection under UPOV);

The process of copying and pasting EU rules by the Global South is based on the old framework developed in the '60 - '80 and it doesn't consider the new developments;

EU is a key player in bilateral trade agreements, which in many cases have as a side-effect the adoption of the old EU legal framework.



The situation in Europe



Conservation varieties

derogation

Data coming from
non-official
testing/experiments/
data

Not official DUS
testing

90% of true to type according
to the official description

Description
by the
maintainer

No VCU testing

Variety
maintainer

For free
in Italy

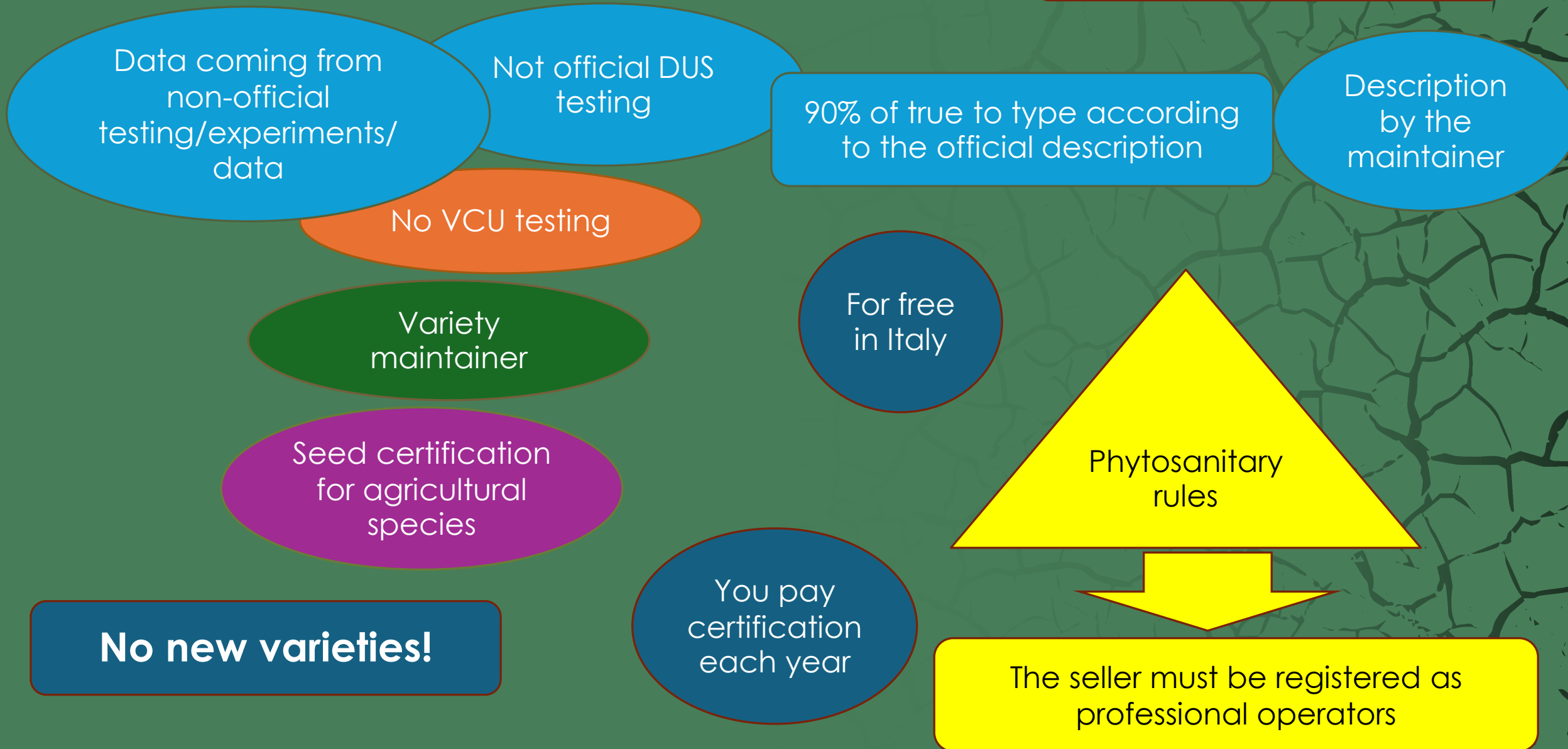
Seed certification
for agricultural
species

Phytosanitary
rules

No new varieties!

You pay
certification
each year

The seller must be registered as
professional operators



ORGANIC HETEROGENEOUS MATERIAL



*A new marketing regime
for diversified seed populations*

WHAT IS ORGANIC HETEROGENEOUS MATERIAL

Art. 3 (18) of the new Regulation defines OHM as:

« a plant grouping within a single botanical taxon of the lowest known rank which:

- (a) presents common phenotypic characteristics;
- (b) is characterised by a high level of genetic and phenotypic diversity between individual reproductive units, so that the plant grouping is represented by the material as a whole, and not by a small number of units;
- (c) is not a variety within the meaning of Article 5(2) of Council Regulation (EC) N° 2100/94;
- (d) is not a mixture of varieties; and
- (e) has been produced in accordance with Regulation n°2018/848. »

OHM thus refers to « varieties », in the common sense of the term, whose **individuals are not all absolutely identical or homogeneous**, but instead show a great diversity of botanical traits, while retaining common characteristics that make it possible to identify them as belonging to a specific « variety ».



OHM is not to be considered as a « variety » within the meaning of the legislation on Plant Breeder's Right, because it is not uniform.

It thus **can't be protected by an intellectual property right** and consequently belongs to the public domain.

In order to be placed on the market under this designation, OHM **must have been produced under organic farming conditions** for at least one generation for annual species and two generations for biennial and other perennial species.



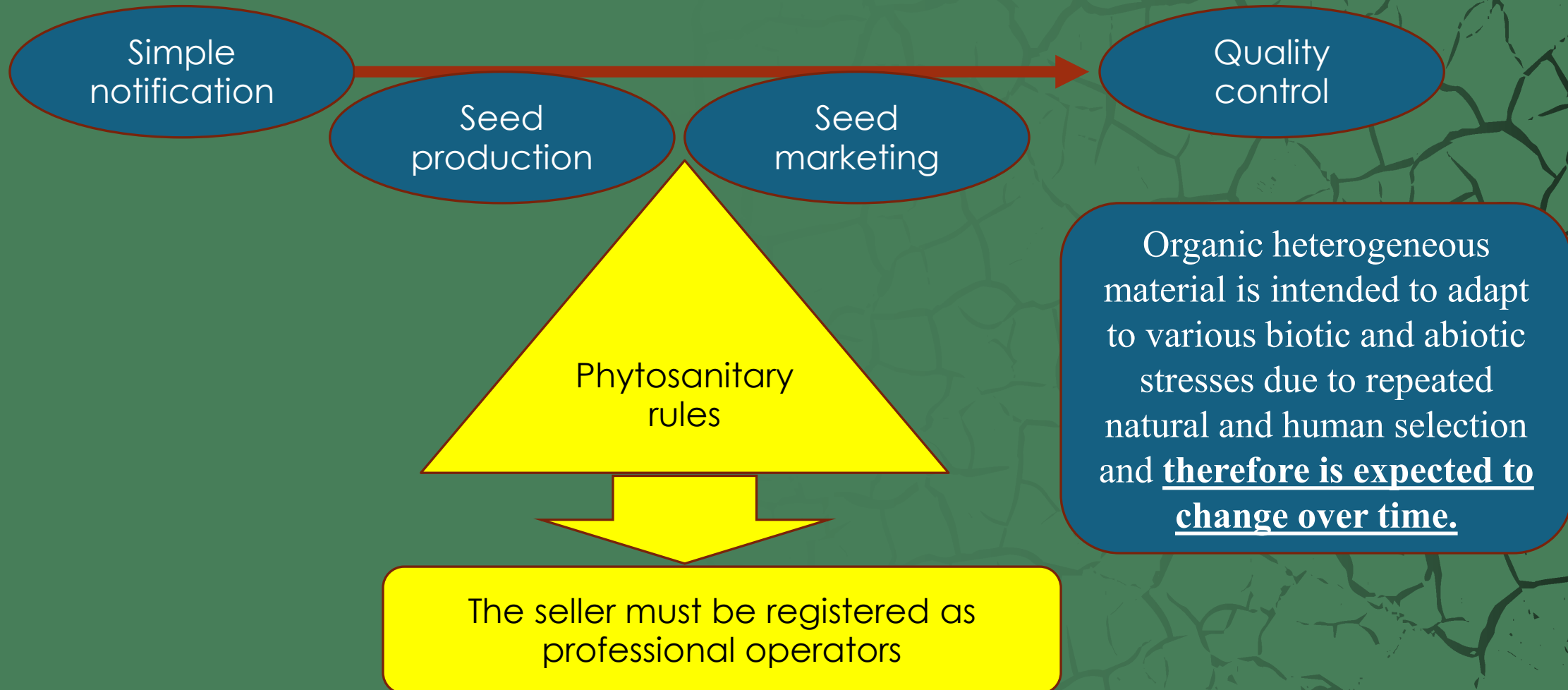
Heterogeneous materials: how to breed



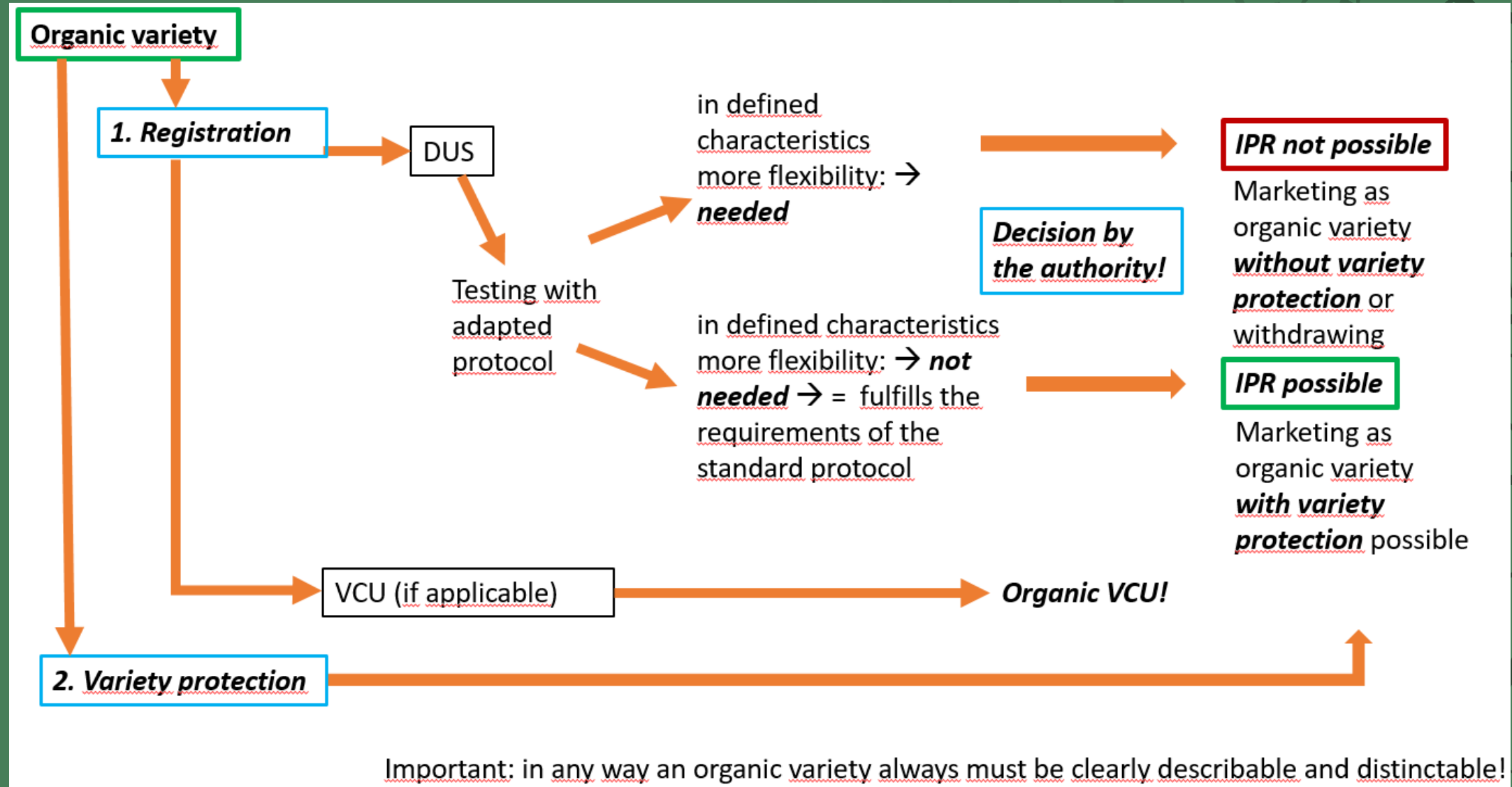
The material referred to in paragraph 1(b) may be generated by one of the following techniques:

- (a) **crossing of several different types of parental material;**
- (b) **on-farm-management practices, including selection, establishing or maintaining material, which is characterized by a high level of genetic;**
- (c) **any other technique used for breeding or production of organic heterogeneous material, taking into account particular features of propagation.**

Heterogeneous materials: how to register, market and control



Organic varieties and variety protection



One size fits all.... It is not more realistic..

Research

Variety
release

Seed multiplication

Commercialization

€

IPRs (UPOV or
Patent)

distinctness

uniformity

stability



Periodico trimestrale gratuito

#28 | Ann

COLTIVIAMO LA DIVERSITÀ

il NOTIZIARIO di

Periodico trimestrale gratuito

#35 | Anno XII | Novembre 2023

COLTIVIAMO LA DIVERSITÀ

il NOTIZIARIO di



SEMI LEGALI

**Lettera congiunta alla
Commissione Europea**
Una visione comune per la diversità
coltivata

**Il punto di vista dei
contadini**
Dal Coordinamento Europeo
Via Campesina

**Il punto di vista del
biologico**
Da IFOAM Organics Europe



COSA SUCCEDDE A BRUXELLES

Legislazione sementiera:
Cosa propone la
Commissione europea?

**La diversità non è
negoziabile!**
La posizione di Arche Noah

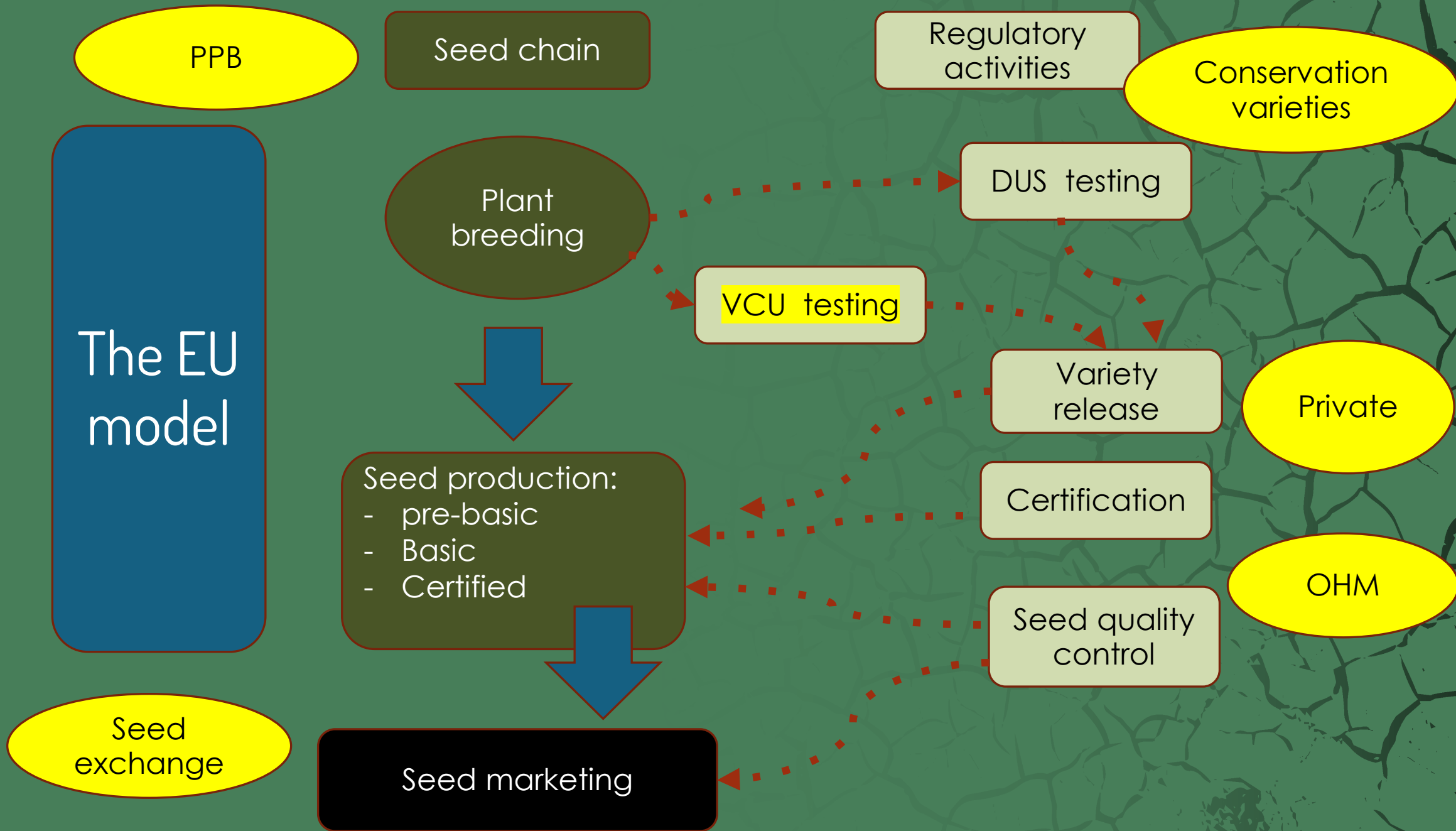
Il personaggio
Charles M. Rick



The new
Reform!

Iter del processo di riforma della legislazione sementiera UE





HU PCY proposal on conservation variety

(29) 'conservation variety' means a ~~variety that is:~~

(a) **a landrace or variety which is:**

- (i) ~~traditionally grown or locally newly bred~~ under specific local conditions in the Union, and adapted to those conditions; and
- (ii) characterised by ~~a high level~~ **reduced uniformity** due to a certain level of genetic and phenotypical diversity between individual reproductive units; **except in the case of species that are vegetatively propagated; and**
- (iii) **has an official recognized description.**

(b) **a locally newly developed variety which is:**

- (i) derived from participatory on-farm selection, and is developed for adaptation to local agro-climatic conditions and farming systems;
- (ii) characterised by reduced uniformity due to a certain level of genetic and phenotypic diversity between individual reproductive units, except in the case of species that are vegetatively propagated; and
- (iii) **has an official recognized description.**

(c) **a variety that was deleted or expired** from the Union variety register for at least two years, and reregistered for conservation purposes and accepted by a professional organisation of the Member State.

Relaxed DUS
No VCU
Non official
testing

Standard certification,
post control

Article 30

Seed exchanged in kind between farmers

1. By way of derogation from Articles 5 - 25, farmers may exchange seeds in kind, if such seeds fulfill all of the following conditions:
 - (1) are produced in the respective farmer's own premises;
 - (2) are derived from the respective farmer's own harvest;
 - (3) are not subject to a service contract conducted by the respective farmer with a professional operator performing seed production; and
 - (4) the seed is used for dynamic management of farmer's own seed for the purpose of contributing to agro-diversity.

The Bread Wheat Evolutionary Population

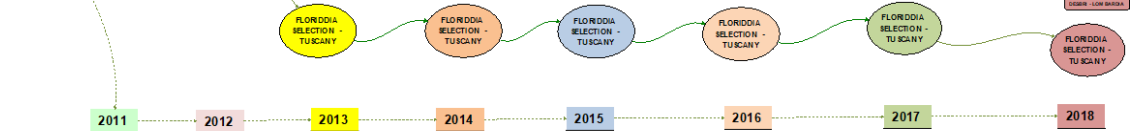
The certified seed became commercially available in 2017 thanks to 2014/150/EU



**FIRST SOWING IN
OCTOBER 2010**

2011

2012



Our OHM logo



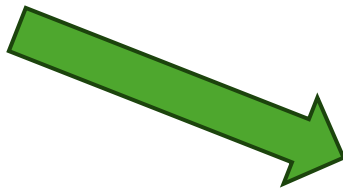
Rete Semi Rurali
Materiale Eterogeneo Biologico
[**Frumento tenero - FURAT**]



Name of the farmer producing
seeds



Name of the OHM



Name of the species



Rete Semi Rurali
Materiale Eterogeneo Biologico



Rete Semi Rurali
Materiale Eterogeneo Biologico



B. RISO
NATURA NOBILE



MISCELA RISI MEDI
RESILIENTE
RISO



BIO

SEMILAVORATO

IT-BIO-005
AGRICOLTURA ITALIA



cell. 377 49 99 109
mariadirov@gmail.com
www.risosolidaleroovasenda.com

An open source pledge



Queste sementi non sono protette da proprietà intellettuale, acquisendole hai il privilegio di utilizzarle in piena autonomia, con alcune limitazioni.



**Questa semente
è il risultato
di anni di ricerca
partecipata.**

Il nucleo iniziale è stato costituito nel 2009 all'ICARDA (Centro di ricerca agricola in Siria) su indicazione di Salvatore Ceccarelli mescolando il seme di 2000 linee provenienti da tutto il mondo. Nel 2010 è arrivato in Italia nell'ambito del progetto di ricerca europeo SOLIBAM (2010-2014), grazie ad AIAB partner del progetto. Negli anni successivi, un numero crescente di agricoltori, in collaborazione con Rete Semi Rurali, lo ha coltivato e riprodotto, partecipando alle sperimentazioni volte a valutarne la capacità di adattamento nell'ambito del progetto europeo DIVERSIFOOD (2014-2019), di cui Rete Semi Rurali è partner. La semente SOLIBAM Tenero Floriddia Popolazione è coltivata dal 2010 sulle colline centrali della Toscana, su terreni argillosi.

La commercializzazione di questa popolazione non omogenea è possibile grazie alla Decisione della Commissione Europea 2014/150/EU che permette in via sperimentale la commercializzazione delle sementi di "materiale eterogeneo" di alcuni cereali. Si tratta di una rivoluzione nel settore sementiero perché per la prima volta viene consentita la vendita di sementi di varietà non omogenee, con procedure fitosanitarie adattate a questo nuovo contesto.



Rete Semi Rurali
Materiale Eterogeneo Biologico

IN PARTICOLARE HAI:

1. la libertà di riseminare le sementi in azienda;
2. la libertà di condividere o vendere le sementi ad altri con procedure di certificazione adattate a questo nuovo contesto;
3. la libertà di sperimentare e studiare le popolazioni e di condividere o pubblicare informazioni a loro relative;
4. la libertà di selezionare o adattare le popolazioni, fare incroci con esse o usarle per costituire nuove linee e varietà.

IN CAMBIO, TI IMPEGNI A:

1. non limitare l'uso di queste sementi o dei loro derivati con brevetti o altri strumenti di proprietà intellettuale;
2. ad includere questa dichiarazione in ogni trasferimento di queste sementi o dei loro derivati;
3. a rendere disponibili i prodotti della ricerca fatta partire da questa popolazione.

Rete Semi Rurali  *Materiale Eterogeneo Biologico*

A well defined graphical identity

The rules on IPRs, the seeds are not protected by PVRs but there is an open source pledge

The « social » rules you agree on opening the seed wrap

The history of the CCP and the breeding process

The Pledge

rights

- Freedom to resow the grains/seeds
- Freedom to share/market the seeds
- Freedom to further develop the OHM

obligations

- Do not apply any IPRs on the seeds and their developments
- To use the same pledge in spreading the seed
- To make available to the providers further developments of the OHM

Lessons learnt...



Seed marketing is not the only possibility;



Participatory, decentralised and multi-actors innovation/breeding;



Need to have a common vision shared by the actors;



Need a legal pluralistic framework;



Need of new professionalisms (e.g. *free actors/innovation brokers*).

Weaknesses..

1. Different languages, values and visions on confrontation;
2. Social processes are fragile and time consuming;
3. Innovation is still considered only from a technological point of view;
4. Transfer of technology narrative
5. How to finance breeding for diversity? (e.g. consumers? Value chains?).

E-LEARNING SERIES

Sustainable Forest Management Impact Pro
DRYLAND SUSTAINABLE LANDS

Thanks!

