Report on the 6th European organic seed regulation workshop

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Summary

The European Consortium of Organic Plant Breeders organized the 6th European meeting on organic seed regulation. It was held on the 21st and 22nd of September 2011 at the Organic Research Centre, UK. Belgium is to host next meeting in 2013.

In the meeting it was highlighted that the reporting on organic seed by countries to the EU needs to be more harmonised. Specifically, textual explanations of derogation reports should be included in the reports. Reports should report derogation data by category (1 to 3). The commission undertakes regular analyses of the reports to answer whether countries comply with the regulation. SCOF wishes to receive more input from organic stakeholders regarding organic seed issues. It is likely that the organic seed regulation is going to be discussed by SCOF in more depth during the next working year.

Participants discussed a system of dealing with organic seed derogation used in Switzerland. There, organic farmers or growers buying conventional seed pay the same price as they would have paid for equivalent organic seed; the price difference between organic and conventional seed then goes to a fund that helps to finance the further development of the organic seed sector. This system is restricted to certain crops and it became evident that it cannot be easily transferred to other countries. In many European countries, expert groups play an important role in the regulation of the organic seed sector. Differences and commonalities in the organizational structure of expert groups between countries were discussed. It was agreed that for the success of the organic seed sector it is crucial to implement and improve these expert groups.

Several points were raised with regard to category 1 (no derogation-category). It was suggested that it is not always necessary to have category 1 to get farmers using organic seed. It was also proposed that deadlines should be imposed to allow for 'countdowns' to when a crop goes into category 1. It was observed that in case of a narrow choice of varieties it is harder to increase to organic seed usage. Several suggestions were made regarding the harmonization and improvement of individual national databases. For some countries organic seed databases cannot be found. The wider organic movement should be made aware that investments into seed databases are necessary. Recommendations towards database harmonization included that Latin species names should be shown in the databases; meaningful units should be used for quantities of seed; linking databases further together would be valuable; databases should be made more user-friendly, and information should also be given about how soon a variety is available. Regarding organic seed mixtures, it was shown that gradually increasing the required percentage of organic components over time has been successful in a number of countries. Finally, it was stressed that to protect seed diversity the use of local varieties should not be hindered by the organic seed regulation.

In conclusion, the situation of the organic seed sector has improved in different ways in different countries over the last few years. It is worthwhile to continue the group's efforts. SCOF members encourage stakeholders to speak to their own member states so that issues around organic seed can be communicated to them.

Participants

Rikke Andersen (Aalborg Univeristy, DK); Inger Bertelsen (Danish Agricultural Advisory Service, DK); Riccardo Bocci (AIAB, IT); Peter Brinch (Grower, UK; Thomas Döring (ORC, UK); Robin Fransella (DEFRA, UK); Rob George (Soil Assoc., UK); Henk Haitsma (Vitalis, NL); Andrew Henderson (Rijk Zwaan, NL); Roger Hitchings (ORC, UK); Margreet Hofstede (Dutch Ministry of Agriculture, Nature and Foodquality, NL); Lars Holdensen (Danish Agriculture and Food Council, DK); Sally Howlett (ORC, UK); Aki Imaizumi (Kyoto University, JP); Bart Kuin (Bejo Zaden, NL); Helle Lachmann (The Danish Plant Directorate, DK); Edith Lammerts van Bueren (LBI NL) (Chair); Loes Mertens (Bolster, NL); Maaike Raaijmakers (Bionext, NL); Frederic Rey (ITAB, F); Gebhard Rossmanith (Bingenheimer

Saatgut AG, DE); Anke Stubsgaard (VFL, DK); Andreas Thommen (FIBL, CH); Lena Tinghuus (The Danish Plant Directorate, DK); Malgorzata Verleyen Szulc (Department of Agriculture and Fisheries, BE); Andrew Vincent (Elsoms Seeds Ltd., UK); Bram Weijland (Bejo Zaden, NL); Manfred Weinhappel (Austrian Agency for Health and Food Safety- Institute for Seed, A); Klaus-Peter Wilbois (FIBL, DE); Louisa Winkler (ORC, UK); James Winpenny (DEFRA, UK); Jean Wohrer (GNIS National Interprofessional Seeds Association, F); Martin Wolfe (ORC, UK); Robin Wood, (Elsoms Seeds Ltd., UK).

1 Introduction

This report summarizes the proceedings of the 6th European workshop on organic seed regulation. It was chaired by Professor Edith Lammerts van Bueren (Louis Bolk Institute, The Netherlands, and chair of ECO-PB at that time) and hosted by The Organic Research Centre (UK). The meeting takes place every 2-3 years. In the past, usually 10-13 countries have taken part, with most frequent participants being France, the Netherlands, Germany, Austria, Switzerland, and the UK, while some other countries (notably East European) have attended less regularly. The last meeting, held in 2008 in the Netherlands, resulted in a letter that was sent to the European Standing Committed on Organic Farming (SCOF) with the aim to achieve more harmonized European regulations on the use of organic seed.

While initial response to the letter from SCOF was positive, progress since then has reportedly been slow. There is therefore still an urgent need for (further) European harmonisation on organic seed regulation. In an introductory statement, Edith Lammerts van Bueren highlighted some pathways to harmonization, e.g. through revising definitions in the regulation texts, through linking seed databases, and through stronger involvement of stakeholders, in particular seed companies. The need for harmonization was exemplified in a presentation given by Frederic Rey (France). This showed that a joint analysis of derogation reports from different countries was difficult to conduct because different data formats were used and reports were written in different languages.

This report of the workshop first summarizes the reaction of SCOF to the letter written after the last meeting. This is followed by brief updates given by country and seed company representatives present at the meeting. The report finally sums up specific issues that were discussed, first in the plenary and after that in separate groups. These issues are: the role of expert groups; funding issues, derogation categories; definition of seed mixtures; seed databases; SCOF issues and the difference between the formal and informal seed systems. The report ends with some recommendations and homework for the participants

2 Response of SCOF to ECOPB letter

Robin Fransella, as UK representative at SCOF, explained that while there is no disinclination at SCOF to deal with the issue of organic seed, high workload at the commission level had prevented the issue from being taken forward. It was highlighted that for some countries organic seed databases cannot be found and that the wider organic movement should be made aware that investments into seed databases are necessary. Fransella further reported that the question of defining appropriateness of varieties (as in the regulation text) was raised at the SCOF meeting and that there was widespread recognition in SCOF that this issue needs to be addressed. However, there was no easy way to solve it and time constraints prevented this from being discussed in depth by SCOF. It was suggested that within the expert groups, seed subgroups could be set up.

Further it was mentioned that **reporting** on organic seed by countries to the EU does not require a specific template but needs to be **more harmonised** as some information is missing from some of the reports. Specifically; 1) textual explanations of derogation 2) information about why derogations were issued. 3) the availability of species or varieties on category 1 with a view to also going onto annex 1 (regulations for EU wide availability). 4) In the reports, the category system should be used

and all reports should be labelled accordingly, i.e. reports should report derogation data by category (1 to 3).
In the following discussion the role and fate of organic seed reports that need to be submitted by each country was clarified. According to some participants the preparation of the reports requires substantial effort. It was stressed that the main role of these reports is to serve as a policy instrument. The commission undertakes regular analyses of the reports to answer whether countries comply with the regulation. Fransella related that SCOF wishes to receive more input from organic stakeholders. It is likely that the issue of organic seed regulation is going to be dealt with by SCOF during the next working year.

3 Country updates

For the **UK**, Rob George from the Soil Association reported that in recent years, derogations in the UK had increased because of increases in organic land area, and seed crop failures. At the same time, there was a decrease in organic food consumption in the UK. However, it is expected that there will be more stability over the next few years. Four seed working groups are active in the UK (potatoes, grass, arable, and horticulture). Meetings of the groups take place every 12-18 months; however, the horticulture group have not met for approximately 2 years. It was reported that larger producers in the UK tend to request a larger number of derogations. It was briefly discussed whether there are chances to bring back the organic seed working network and an associated database; in 2004-5 there had been an organic seed website that allowed growers to comment on varieties. However, usage of the website had been disappointing at the time.
Klaus Peter Wilbois (FIBL) reported for **Germany** that 16 federal states are responsible for the implementation of the EU Regulation on Organic Farming. Two experts groups (arable, vegetable crops) function as advisory groups for the authorities. Lower Saxony has been given a mandate to represent the federal states and coordinates the expert meetings. There is one official organic seed database in Germany, OrganicXseeds. It includes information on supply, derogation requests, and issued derogations. Derogations are only issued for species included in the database. At the moment young plants for trees and grape vine are being entered in the database. Approximately 70 suppliers are listed in organicxseeds.de.
Single derogations are issued by the inspection body. To avoid excessive bureaucracy there are general derogations for certain species and crop groups. For certain species Category 1 is introduced from 2013 on (sugar beet, maize, mustard seed, red beet, snake gourd, black raddish). Over the last few years the amount of organic seed on offer has increased. In addition, efforts have been made to enter not only seed but also vegetative propagating material (e.g. strawbeeries, fruit trees, grapevine). However, there are also some challenges. The number of derogation issued varies between years, depending on organic seed availability of predominant varieties (e.g. due to propagation failures). Also, there is a lack of non-CMS-varieties (e.g. cauliflower and broccoli) not excluded by the EU Regulation. A further challenge is the lack of criteria for variety equivalence so that inspection bodies have no reliable basis to decline a derogation request for non-organic seed. Finally, there is a lack of harmonization between countries/lack of common regulatory and implementation approach [available on its territory Art. 48 (1)]. In particular, there are too many unclear terms in the Regulation (e.g. “database”, “report”).
For **Austria**, Manfred Weinhappel reported that there are currently no plant species listed in Category 1 because of the way the database is managed. Also, it was noted that it is not easy to convince breeders and farmers to list species in Category 1. A particular issue for discussion in Austria was seed mixtures (see below).
As Sweden’s representative Göran Ekblad was absent but informed ECO-PB by email, Edith Lammerts van Bueren, briefly reported that Sweden has two links to organic seed databases for horticultural and arable crops but not yet interactive and computerized. The supply of organic seed of cereals as well as of grass and clover fodder crops has steadily improved over the years. This year,

the use of non-organic seed is not allowed (category 1) for spring oats, spring barley, spring wheat, winter wheat, peas, bean (for fodder), winter rye, triticale, red and white clover, five grass species. There is good cooperation between actors involved in Swedish organic seed production and the expert group for agricultural organic seed. However for potatoes and for horticultural crops, the situation is less good. Only lettuce, rucola, kohlrabi and Claytonia and some herb species are in category 1. Many of the horticultural crops and varieties preferred by growers are unfortunately not registered in the database. The situation needs to be improved.

No representative from **Spain** was present, but according to a message sent before the meeting, there were worries because crop diversity had apparently decreased since the organic seed regulation had been implemented.

Helle Lachmann from **Denmark** reported that the number of horticultural derogations has gone up considerably in the last few years (2008-10), mainly because of lettuce and carrot derogations. There is no Category 1 in use in Denmark, but for many crops organic seed usage is very close to 100%.DK does have general derogations but only when no varieties are available at all or if there are no main varieties. However, it was noted that the use of this category is very restricted. As there is only one certification body, it is less likely that regulations are misinterpreted compared with countries in which multiple certification bodies operate. Denmark has one expert group for horticultural crops, and one for cereals. These groups consist of companies, plant consultants, seed suppliers and other experts. Previously, farmers were not explicitly included, but this changed more recently for horticulture. Members are not paid for participating in the expert groups.

The situation is different in the **Netherlands** from where Maaike Raaijmakers reported. There are several crops on Category 1, but no major crops were added since 2008. The number of seed companies involved in organic seed production in the country is reduced because Monsanto bought some of these companies and these have ceased to be interested in producing organic seed. In 2009 a new expert group was started for vegetatively propagated crops. Current difficulties in the Netherlands include failure of seed production resulting in a shortage in organic seed, seed company buy-outs and lack of knowledge about the appropriateness of imported varieties.

To make category 1 more flexible the so-called flexibility rule is introduced. This allows farmers to use new varieties that show substantial improvements over other varieties which are currently in use. Normally the sector would need to wait for organic seed production to catch up, this would disadvantage organic growers. With the flexibility rule it is possible to start producing organically earlier, by getting derogations allowed for a couple of years. A further country-specific rule is that farmers have to order their seed potatoes before a certain date (1st of Feb) to qualify for a derogation in this crop. The biggest barrier to more organic seed being sold was seen in the limited availability of organic seed of varieties that perform well and the lack of international harmonisation.

For **France**, Fred Rey, reported that in the last few years there has been an increase in organic seed suppliers (86 in 2007, 110 in 2010). The French organic seed database is administrated by GNIS and national committee. There are four expert groups (vegetable, cereal, forage, vegetatively propagated crops). These groups manage four seed lists in permanent discussions as well as annual meetings. The lists are (1) a General derogation list; (2) a Normal list; (3) a Warning list; and (4) a No-derogation list (= category 1). There are currently 14 species/variety types in the No-derogation list. The 'Warning list' is for candidates for the No-derogation list, i.e. crops that are close to being fully organic and could be moved into Category 1 list in the near future. For seed mixtures, farmers have to have a derogation for every individual component of the mix; this is a reason for a relatively high number of derogations. Obstacles to future progress in the organic seed sector include a lack of motivation from seed companies; a lack of harmonization for seed mixtures of forage crops where there are different rules in different EU countries; and the current hurdles in the registration procedures for organic varieties.

Fred Rey further reported on the French Organic Seed Project which involved phone surveys of organic farmers and internet based surveys for wheat, horticulture, and trees. For vegetables there was a 20% response rate which corresponds to about 4000 growers. Most vegetable growers (~80%)

supply local markets and cultivate ~ 2 ha per farm. Local market producers supply ~ 70 varieties (c.f. 26 varieties for wholesale market producers). More than half of growers buy transplants. Therefore, the impact of transplant growers was deemed very important. The majority of growers (~90%) are willing to use organic seed. The 10% who don't are mainly wholesale market producers. In last 3 years 44% of growers used only organic seed. When asked 'Are you happy with org seed available?' growers replied that this depends on the crop. 80% were satisfied with the situation in beet root, but only 60% were happy with broccoli variety choice in organic seeds. It was concluded that there have been improvements over last 3 years and organic vegetable seed use was high in France, but stakeholders were not yet fully satisfied. It was noted that the small producers are most intensive users of organic seed. In the discussion this finding was confirmed for other countries (e.g. UK)

As Malgorzata Szulc reported, **Belgium** depends on seed suppliers from other countries since there is no organic seed production in the country, including seed potatoes. As a consequence, there is also no annex 1 in Belgium. Because of the three languages spoken in Belgium, companies need to have representatives in the country who can communicate in the language the particular farmers use. The number of individual derogations in Belgium has decreased since 2009. Belgium has the same seed mixtures rule as France (i.e. each component has to have its own derogation). Because of the lack of native Belgian organic seed production, buyers depend on foreign seed companies putting their product on the Belgian database. However, if this practice can entail an increase in transport costs for import, in which case farmers appeal to authorities to be exempt from using seed on the database. A further complication was that currently there is no common vision on the issue within Belgium. It was suggested to initially start on Flemish fields and see what can be replicated in Wallonia.

For **Italy**, Riccardo Bocci (AIAB) reported that there no such lists as in the other countries (e.g. Category 1 etc). A committee has been set up that deals with the issues of organic seed in Italy. There is a strong pressure from the seed industry. Currently organic production of seeds in-country only provides 20% of Italy's needs. It was reported that the national organic seed database is inappropriate and Italian farmers are not using it. Derogations in cereals have declined 1999-2009. Farmers started to save seed on-farm. Many farmers ask for derogations for local varieties that are not on database. 50% farmers use own seed; 44% buy from market. 66% of the 44% buy organic certified seed. Overall, only 29% of seed is used by farmers in Italy is organically certified. Training for farmers is needed to improve the quality of farm saved seed. There is also the need to address legislative issues; farmers should be encouraged to maintain diversity, but this issue is currently not accounted for in seed legislation. It was clarified that it is not permitted to sell farm saved seed to other farmers. It was highlighted that there is abundant local diversity, especially in the South where there are many traditional varieties.

Andreas Thommen noted that there are not many seed companies in **Switzerland**. Therefore, the Swiss organic seed database includes Dutch and German seed companies. Winter wheat is one of few crops where Swiss farmers can produce organic seed. This is facilitated by the label system (BioSuisse) for organic bread wheat. The difference in cost between organic and conventional seed costs goes to a fund for seed producers, but this is privately organised, not a government based scheme. Organic seed makes up 4% of total sales of cereal seed. There is little competition in the market. For crop production with transplants it was noted that most material is bought from Italy because Swiss production is not of sufficient quality. It is not possible to get licences from Italian producer to produce in Switzerland. It was further reported that Bio Suisse charge fee for using non-organic propagation material, e.g. seed potatoes. This money goes to organic producers to try and reduce the cost of the organic seed potatoes. In cereals the fee used to support projects on seed health. The organic seed database not used very much (i.e. OrganiXseeds database) in Switzerland.

4 Perspectives from seed companies

Andrew Henderson introduced **Rijk Zwaan**. The company produces organic seed from 105 varieties in 10 crop species. It mainly sells into Germany, the Netherlands and France. The UK is not a strong buyer at present. Recently the number of varieties has been increasing and new markets in South and Central America and the USA are being developed. Rijk Zwaan has demonstration sites in Germany, Spain and the UK. The company sees potential growth in the organic market. However, it was also reported that untreated non-organic seed is increasingly bought by larger producers due to price pressure from supermarkets, esp. in biennial crops. Non-treated sales went up by 50% and organic by 23% last year (globally).

Bejo was introduced by Bart Kuin, area manager for Western Europe. Bejo is originally a conventional seed and breeding company but has an organic section as well, including the Bejo Organic Business Unit (BOBU). Steam treatments for seed are being used for organic seeds. Bejo started in the organic seed market in 1998 (first harvest year). To minimise disease /pest risk and to ensure continuous year round supply, the company has production sites all over the world. Most organic seed is sold in Northwest Europe and USA. Non-chemically treated (NCT) and organic seed is around 5% of Bejo activities. About 30% of this is organic and 70% is NCT.

Vitalis Biologische Zaden was introduced by Maarten Vrensen (The Netherlands). The company only sells organic seed (no conventional, no NCT), with the aim to make the entire lifecycle of the crop plant organic. Vrensen suggested that consumers would be disappointed to know that seed used for producing organic food is not organic, even if production system is. Germany is main market for Vitalis. It was reported that current UK sales were disappointing while the French market was buoyant. Main sales are annual salad crops, with 350 varieties in 23 crops. It was felt that many UK growers actively refuse to use organic seed, and would rather have conventional seed under derogation.

Finally, Loes Mertens introduced **De Bolster**, a small, independent Dutch company with 15 employees involved in organic seed production and organic plant breeding. It supplies the amateur and professional market and has ca. 100ha seed production area spread over a number of EU countries. It exports to all EU countries (large and small quantities) and has currently seen substantial sales growth. The company aims to conserve traditional varieties and to support the organic sector by investing in breeding and cooperation with other companies and other people in the supply chain. Since 2002, the company has released four varieties. All selection is performed under organic conditions. A hurdle for further development is the lack of common EU legislation. An international adoption of the annex list was seen as an opportunity.

A seed company group was formed during the workshop and a summary of their **discussion** was presented at the end of the meeting. All agreed (1) that the aim should be to sell or use more organic (vegetable) seed, (2) to have fewer reasons to ask for derogations, (3) to have more seed companies involved in producing org seed, and (4) to reduce the price of organic seed. Ten years ago, barriers for seed companies were that growers felt organic seed was unhygienic, unhealthy and too expensive. Seed companies have shown growers that organic seed does work, but they are still not using organic seed as much as they should. The seed company group believed that the biggest barrier to use of organic seed is the price difference to conventional seed; however, in the discussion this statement was not universally agreed.

It was proposed that there should be a subsidy for the price difference between organic and conventional seed for an agreed number of years for a small number of crops, including, e.g. carrots. As a consequence, more seed companies would get involved in the organic sector. Also, potential players have no clear direction as to what they should do next because current regulations are not clear or coordinated enough between countries. It was suggested that a subsidy system could be implemented through the rural development agendas. Economies of scale are thought to be important for the further growth of the organic seed sector. However, it was also noted that there is a potential conflict between large scale seed production systems and conservation of plant diversity.

5 The role of expert groups

In many European countries, Expert Groups (EG) play an important role in the regulation of the organic seed sector. Selected representatives were asked to report and comment on the systems currently established in their countries.

For the **Netherlands**, Maaike Raaijmakers reported that the EG advises the government and follows agreed criteria to make decisions on derogations. As long as these are followed, generally the Dutch government accepts the advice of the EG i.e. the EG has a quasi-official position. Members are farmers, seed company representatives, transplant growers, and research experts. Membership is based on invitation. Farmers are recruited from regional farmers' organisations known for their expertise in a given crop. The total number of members in the EG is 10-15. Farmer members get travel expenses plus 100€ per meeting paid. The EG regularly discusses which crops can go into Category 1 and looks at derogations from the last three years to define if major varieties are still missing in the organic seed offer. If crops are already on Category 1 the EG looks whether they can stay there or if there is any reason for them to be removed or if the flexibility rule should apply. The EG receives input from seed companies as well as from farmer (members in the EG) who have to consult colleagues prior to meeting to gather information.

For **Switzerland**, Andreas Thommen reported that the EG is normally a subgroup of BioSuisse. Farmer members are paid a nominal amount. Members receive lists of what seed is available. The EG advises BioSuisse who have to officially agree, but there is rarely any disagreement. Where there are no farmer experts, traders may make up the EG. They may not be organic, therefore it is more important in this case to have a second level (i.e. BioSuisse) in order to make an independent decision.

Jean Wohrer commented that the system in **France** is very different. There are two EGs: one to work on the organic seed database and another one to discuss derogations. The EG is responsibility of the French Ministry of Agriculture.

For **Denmark**, Inger Bertelsen said that their EG is very simple. It only comprises the advisory service of the Danish organic association and the variety testing authority in arable crops. The EG has the same structure for vegetable crops until recently, when farmers and seed companies were included too. It was stressed that the EG makes the decision process objective. If appropriate, lists are sent to government who involve farmers groups and other stakeholders. Members of the Danish EG are not paid. The role of farmers in the EG is to determine the appropriateness of varieties. Organic growers have to use a minimum of 40% organic seed. This is the same for big and small growers. There was general support for this approach.

It was proposed that **Denmark** and **Austria** need to consider including seed company representatives on expert groups to integrate their info from trials into decisions made regarding derogation categories.

Conclusion

- *Expert groups are important to a) decide about the suitability of the organic seed offer b) to get support from famers for decisions about the Annex and c) to increase the production and use of organic seed.*

6 The price difference between organic and conventional seed

Andreas Thommen reported on the system used in Switzerland. In case of derogations, farmers or growers buying conventional (NCT) seed pay the same price as they would have paid for the equivalent organic seed. The price difference between organic and conventional seed then goes to a fund that helps to finance the further develop of the organic seed sector. This system works on a private basis (i.e. it is not a government-led regulation system). E.g. for potatoes, the derogation is only valid if the grower has paid the difference. This is verified by an invoice from the potato control body. A similar fund system is also in operation in wheat and strawberries but not for vegetable varieties; there the high diversity and also the major price difference between hybrid and open pollinated varieties make it difficult to calculate the price difference between organic and NCT seed.

In the discussion it was suggested that in France the price difference between organic and conventional vegetable seeds is not the most important factor in farmers' decisions whether to use organic seed, but it is a more important criterion for wheat and potatoes. It was commented that the Swiss system might work well because of the small size of the country, but that it would be too complex in other countries such as Germany. Similarly, it was commented that the Swiss system would not work well in the UK, as it could not be made legally binding; on a non-binding (private) basis those companies using the system would be likely to lose customers to other companies who would not charge the price difference. The possibility of compensating farmers through their membership in organic farmer associations was raised. However, a problem would arise in those countries where a large proportion of the growers are in no organisation ('EU farmers'). In these cases, there would be increased competition between those farmers who are in an organisation and those who are not if the price difference is refunded for organised farmers only.

It was further suggested that government subsidies could help to bridge the price differential, to incentivise more development of organic seed markets. It was generally agreed that traders (such as supermarkets) should be involved in finding a win-win solution; This would need to be done in a coordinated way; e.g. in the UK, large retail chain Sainsbury's said they would only pay premium for vegetables produced from organic seed if all the other big five supermarkets did this as well. For the UK, it was suggest that Defra could approach all supermarkets and invite discussions on category 1.

Conclusion:

There are several ways to solve the problems associated with the price difference between organic and conventional seeds:

- *Putting the price difference in a fund is useful for certain crops (e.g. potatoes) in small countries.*
- *Compensating farmers through their membership in organic farmer associations or by government subsidies are also an option.*
- *Traders' paying a premium for crops produced from organic seed was seen as the most feasible solution.*

7 Specific derogation categories

Across the EU, there seem to be various definitions of a **general derogation** category. In several countries, for instance Austria and the Netherlands, the general derogation only applies if there are no entries in the national organic seed databases. This means if there is only one variety is in the seed database it leaves category 3 immediately, even if this variety is not interesting for the farmers.

In other countries a general derogation applies even if there is (some) organic seed available. It was questioned if this is in line with the EU regulation. It was mentioned that the EU as a whole should apply the same rules for a general derogation category. A suggestion was to ask farmers to make declaration of what they are growing (i.e. varieties and amounts) even if a crop is on category 3. However, there was the general feeling that this would involve a high level of bureaucracy. It was questioned why it would be necessary to have the information on varieties and amounts used by farmers. It was commented that it was very useful to have this information because it gives an insight to what are the main varieties that should be propagated organically. In the discussion about the balance between bureaucratic effort and gain of information to decide which category a variety is put in, no consensus was reached.

Several points were raised with regard to **Category 1 (no derogation)**. To get crops onto the European Annex it is necessary that it becomes possible to remove a species from category 1 in case there is no, or not enough, organic seed left. The number of countries working with a national category 1 is increasing; the Netherlands, Switzerland, France and Sweden have a national Annex and Germany is planning to start with it in 2013. On the other hand carrot seed is the biggest growing group in the organic seed sector while no country in the EU has it in category 1 yet (in

France the *nantes* type is on the warning list). It was suggested that this is an illustration that it is not always necessary to have category 1 to get farmers using organic seed. If organic seed is available from the main varieties, farmers will (have to) buy it. It was proposed that deadlines should be imposed to allow for 'countdowns' to when a variety goes into category 1. Comparisons between the European countries show that there are some encouraging commonalities, but there are also differences, partly depending on expertise and specialization. E.g. Denmark is very good at grass seed production, while the Netherlands are very good at vegetable seed, which impacts on species in category 1 listings. It was suggested that countries neighbouring those countries that are successful seed producers of certain crops should have the same varieties on their category 1 lists. However, the process is still very national in its outlook, partly because variety trials tend to take place in the countries where the seed companies are based. In many cases category 1 was felt to be too strict. Robin Fransella reported that the UK is planning to establish a category 1 list but they will first restructure the mandate of their expert groups. In the Netherlands, there is a rule that if there is only one seed producer for a major crop, it will not go onto category 1 because the seed producer would then have a monopoly. It was suggested that lists of species that are candidates for category 1 should be shown to plant breeders in order to incentivise further breeding activities and investment in these crops.

Regarding **Category 2**, it was suggested that expert groups should be set up in every country to advice the government about which species should be moved into this category (coming form category 3). It was agreed that it is necessary to find means to make category 2 stricter and get out of the situation where best the variety is only available through derogation.

It was commented that the 'Warning list' is a good idea, as French already have, i.e. crops on here will be moved to category 1 within a year. It was claimed that if a strict category 2 is properly enforced, there will be no need for category 1. In Germany the application of a stringent category 2 resulted in up to over 90% organic seed use with certain crops. This only works if the choice of varieties is broad and organic seed of the main varieties is available. In Switzerland and Denmark the use of lists with equivalent varieties helps to reduce the amount of derogations for cat 2 crops. It was felt that the principle of equivalence between varieties must be backed up with good data.

A gradual approach with the aim to gradually increase the rate of organic seed use is pursued in some countries, allowing percentages of organic vs. non-organic seed on a farm (e.g. in Denmark with carrots). However, while this approach did not result in increased administrative burden, it seems only to be feasible in small countries and for certain crops. The idea is to implement percentage rules only in crops like carrots for which the seed price contributes largely to the cost price of the end product. Finally it was said organic farmers should be discouraged to use varieties from seed companies (like Syngenta and Monsanto) that do not invest in organic seed.

Conclusions:

- *Different rules are still applied by member states to define which crops are in category 3 (general derogation). The main reason to keep crops in category 3 even if organic seed is available is avoidance of administrative burden.*
- *Ways to make category 2 stricter are the use of equivalent list and the use of a percentage rule for organic seed.*
- *The use of a National category 1 is increasing. The use of a French "warning list" was seen as a good method to prepare farmers and seed companies for cat 1.*
- *Category 1 is not necessary to reduce the amount of derogations if farmers are willing to use organic seed and organic seed of the major varieties is available.*

8 Organic seed databases

There currently is no common European database. If it was set up, it would need to contain national databases within it. A disadvantage of an EU wide database is seen in that would be more protracted to solve queries than when nationally based. Several suggestions were made regarding the harmonization and improvement of individual national databases. (1) Latin species names should be shown in the databases. (2) Meaningful units should be used for quantities of seed (e.g. kg of seed or number of plants, not number of packets). (3) Linking databases further together would be valuable, e.g. to harmonise plant names in database. (4) Databases should be made more user-friendly (5) Seed companies need to regularly update entries in the database. (6) Varieties could be marked for 'appropriateness' to grow in given country on the larger databases such as Organixseeds. In Denmark entries marked: "this variety has not been evaluated in DK." (7) Information should also be given about how soon the variety should be available. This is significant because farmers often seek derogations if a company cannot deliver organic seed within a few days. However, there is a need to define what a 'reasonable time' is. To reduce problems such as this the French database has a 'claim function' so a company is taken off database if variety is not available (with agreement from the ministry).

Klaus Wilbois reported that ECO-PB commissioned a Europe wide database on CMS(-free) varieties as a positive list (only cultivars without the use of cell fusion technique). He urged other EU members not to duplicate it in their countries, but rather collaborate to save resources.

Conclusions:

- *National databases should be improved by making them more user- friendly (e.g. no PDFs) and add information about the appropriateness of the offered varieties.*
- *To encourage seed companies to regularly update entries in the database a "claim function" can be helpful.*

9 Seed mixtures

Regarding seed mixtures there are two approaches to determine the percentage of organic seed use. Either it is done by looking at each component or by basing it on the mix as a whole, i.e. by working with minimum percentage of organic seeds in the mixture. It was asked whether it was desirable to have a common European approach to the problem. Currently France, Austria and Belgium use the individual Component approach, whereas the percentage approach is followed in Germany, Switzerland, Denmark and the UK. It was mentioned that specifying individual component quantities can represent a problem because derogation would be the only option if that particular component is not available organically. It was suggested that it is therefore not allowed to put organic and conventional seed form the same variety in one mixture.

Experience shows that gradually increasing the required percentage of organic components over time can work. For example, in the UK, the percentage of organic seed was gradually increased from 30% to 70%. However, for Switzerland problems were reported to increase the percentage above 60% especially with long term pastures.

On trade issues (i.e. farmers getting mixtures from other countries where allowed and taking back to home countries where a derogation rule would normally apply) Robin Fransella clarified that derogations are only granted for an individual farm to use mixtures, not to a seed merchant to supply a mixture to a large number of farms. So seed mixtures which contain partly conventional seed cannot me exported or imported.

Manfred Weinhappel raised the possibility of labelling issues of the final products because it would mean that mixtures would be declared as a 'mixture with organic components'; (which is not an officially permitted label) rather than an 'organic seed mixture' (only allowed if the seed is 100% organic). The question was how this would it be communicated by food labelling if it is not fully organic. (According to the Dutch certifier. The label "made with." does not apply for propagation material see Vo. 834/2007, art. 23, lid 4.)

Conclusions:

- *Gradually increasing the required percentage of organic components over time can work.*

- *The rules for the labelling of seed mixtures which contain organic and conventional seed need to be clarified.*

10 Harmonisation of formal and informal seed systems

There is a need to build a bridge between farmers using local varieties and those using formally registered varieties. Currently there are hardly any local varieties, landraces or amateur varieties on organic seed database and expert groups don't take those varieties into account.
It was proposed to allow for derogation for conservation varieties, for species which are in category 1. An alternative suggestion was to include them in expert group discussions and on the database.
In some countries, for instance Italy, self propagation and exchange of seed by farmers is quite extensive. The problem is those farmers can't always prove where their seed is from and if it is organic since it is not organically registered. Another problem is the fact that this kind of seed exchange is formally illegal. It was stressed that to protect seed diversity there is a need for an informal and a formal seed system. I.e. there is a need to address the issue of diversity to ensure that species going onto annexes do not end up reducing the overall diversity by decreasing what is available to farmers and growers.
One way to help the informal seed system is the conservation seed legislation, but it is still early days and it is not working to its best at present. Riccardo Bocci suggested imagining a different organic seed sector where farmers are not only buyers of seed but also producers. This approach is underway in Italy.
Conclusions:

- *The use of local varieties, landraces or amateur varieties should not be discouraged or even forbidden due to organic seed regulations*.
- *Derogation for conservation varieties should be allowed, even for crops in category 1.*

11 Conclusions and recommendations

- The situation of the organic seed sector has improved in different ways in different countries over the last few years. The use of a National category 1 has increased and the seed companies report a rise in organic seed sales in several countries.
- There is still an urgent need for (further) European harmonisation on organic seed regulation.
- Not for all crops category 1 is necessary to reduce the amount of derogations. If farmers are willing to use organic seed and organic seed of the major varieties is available they will buy it even if the crop is on category 2.
- Installing category 1 can help to get more seed companies involved in organic seed production because they don't want to lose their (organic) market share.
- The rules for the labelling of seed mixtures which contain organic and conventional seed need to be clarified.
- Different rules are still applied by member states to define which crops are in cat 3 (general derogation). The main reason to keep crops in cat 3, even if organic seed is available, is avoidance of administrative burden.
- Traders paying a premium for crops produced from organic seed can help to solve the price difference between organic and conventional seed.
- Seed companies suggested that a subsidy system could be implemented through the rural development agendas.

- A big obstacle to further development is for some crops the main varieties come from companies that are not interested in the organic market
    - Investments into seed databases are necessary to modernise them and make them more user-friendly.
- For the success of the organic seed sector it is crucial to implement and improve expert groups.
- SCOF members encourage stakeholders to speak to their own member states about issues around organic seed.
- Deadlines should be imposed to allow for 'countdowns' to when a crop goes into category 1.
- Derogation reports should be harmonized and include more information, for instance about the reason for derogation, so they can serve better as a policy instrument .

12 Homework and future working group projects

- SCOF members will try to put the organic seed regulation on the SCOF agenda this year and will do recommendations for the content of the national seed reports.
- Harmonize dealing with and definitions of vegetative propagated crops. (Countries already dealing with it NL, FR, IT, D, SU.)
- Improve databases and access to databases (database managers, seed companies)
- Build a bridge between informal/local seed systems and the database system (ECO- PB)