



Bifurcated Carrots

Promoting biodiversity

To Mr. Tonio BORG  
Commissioner in charge DG SANCO  
European Commission

Amsterdam, 10 December 2012

**Second commission draft proposal on a Marketing of Plant Reproductive Materials (PRM) threatens global biodiversity and the rights of individuals as well as farmers, plant breeders and seed suppliers operating at the micro-enterprise level.**

Dear Mr. Borg,

I am writing to you as an international Internet blogger based in The Netherlands. Through this blog I represent its many tens of thousands of readers and participants. More information on BIFURCATED CARROTS is included at the end of this letter.

We are very concerned on this proposal's impact on biodiversity, the environment, the livelihood of small farmers, independent plant breeders and seedsmen, together with the associated loss of consumer choice. Above all else the scale of this regulation, and associated administrative and bureaucratic requirements, cannot realistically be borne by these small actors. The devastating effect of this legislation as it stands would be felt on a global scale.

**General Remarks**

Having reviewed both the initial 'non-paper' draft as well as the current one, it's clear there's a trend towards maintaining the current system of PRM regulation with a narrowing of existing derogations. This is in direct conflict with stated goals of this legislation, namely to promote biodiversity and stimulate micro-enterprises. These trends will only serve to decrease consumer choices in Europe, and increase hunger and poverty in the developing world.

Our position is first and foremost there should be no varietal registration and no certification of PRM, or at the very least this should be unofficial and not mandatory. Our position is any sort of official registration, mandatory or not, will create a sort of elite class of PRM that would represent unfair competition to micro-enterprises.

**All actors working on the micro-enterprise level should be exempt from any obligations under this regulation.**



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Quality of PRM cannot be achieved through DUS or VCU requirements. This can only be achieved through free market competition including fair participation of micro-enterprises. Since the DUS and VCU requirements do not relate to safety and have no obvious benefit to the consumer, they do not belong in this regulation.

Every effort must be made in this legislation to reduce the burden on small enterprises. For this reason, the many small or vague rules that have no added value to the food chain must be justified or removed. Furthermore, in the interest of democracy, transparency and clarification is need on the many delegated and implementing acts in this regulation.

### **Specific Issues**

In the event it is not possible to simply omit PRM registration and certification, as well as exempt micro-enterprises from this regulation in it's entirety, we ask for the following specific changes.

Art 2 Scope, should state that farmers saving, using, exchanging and selling their own seed should be exempted from this regulation. This is according to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). In addition, small amounts of rare or traditional seeds should be allowed to be exchanged for other things of value besides PRM, including small cash payments.

Art 3.3 Please reinstate the expression "with a view to commercial exploitation" that existed in previous drafts to the definition of 'placing on the market'.

Art 3.4 'operator' should be rephrased to ensure amateurs or others doing professional work without a view towards commercial exploitation should be excluded from the definition. Furthermore the reference to 'retailing' from within the definition of operator should be broadened to include other activities like packaging and processing, to ensure small actors working with small quantities of rare or traditional seeds are not regulated as operators.

Art 10.3 'officially recognized description' should not exclude varieties that predate this regulation.

Art 27.2 Requiring specific sorts of packaging be used for small packets of seeds places an unreasonable burden on small operators. Requirements like tamper-proof packaging or particular types of seals often require the purchase of expensive equipment, and can prevent the use of cheaper or more environmentally friendly packaging. Even minor packaging requirements can add unrealistically to the labor involved in packaging small lots of seeds. This sort of requirement should be deleted from this regulation and left to free market forces.

Art 54.1(a) please reinstate the possibility to register varieties using an officially recognized description, as was the case in earlier drafts of this proposal.



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Art 13.3, 17.4a, 51.1, 52e, 55.2, 82.5, 97.5, please remove all references to region of origin. It makes no sense to relate varieties to their region of origin, because after being grown in a different region they will change and adapt.

Annex 1. This should be limited to 8-10 genera and species having a direct use as a commodity crop used in processed foods, such as corn or soy. All 'dual-use' genera and species, having practical use in other industries should not be included. In particular, *Cannabis sativa* L. should not be included.



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In closing I would like to add that I would appreciate an answer to this letter, as well as remain available to answer any questions you may have regarding it's contents. I thank you very much for your time and consideration.

Sincerely,

Patrick Wiebe  
Blogger

BIFURCATED CARROTS is an international blog based in Amsterdam, Netherlands. On a 12 month, annual basis, it receives visits from approximately 100.000 individuals, who both read and participate in the activities of the blog.

On a monthly basis it's normal to receive visitors from 100 or so of the 193 member states of the United Nations. On a yearly basis BIFURCATED CARROTS receives visitors from all but a small number of these states.

Participants include almost all sorts of people imaginable. This includes other bloggers, gardeners, small and large farmers, employees of multinationals, plant breeders, scientists, members of international institutions like seedbanks, the FAO and European Commission, professional chefs, genetic engineers, political activists, journalists and many others.

BIFURCATED CARROTS is engaged in in situ genetic preservation, through it's seed exchange network and other informal PRM exchanges. It's also actively involved in exchanging the knowledge and information necessary to make use of these resources.

BIFURCATED CARROTS promotes biodiversity, environmental issues, and the rights of small farmers, independent plant breeders and traditional seedsmen.