

Plant reproductive material law: Introducing the biodiversity perspective

The EU plant reproductive material law: Registration

“Granny Smith”, “Golden Delicious” and “Ida Red” – we all know these apples. But did you know that in Europe, there are thousands of apple *varieties*? If you did not, it’s not your fault. Most of them cannot be marketed: They are not in the variety catalogues. The catalogue is an obligatory register for varieties. How to get registered? The reproductive material must fulfil the EU’s requirements of a “variety”. In contrast to the common-sense-understanding, a variety on the market must be **distinct, uniform and stable** (“DUS”):

- **Distinctiveness:** The plant must be different from all other varieties in at least one trait;
- **Uniformity:** The plant and its fruits must all look almost identical;
- **Stability:** The plant and its fruits must all look alike across generations.

“DUS” is a typical characteristic of high bred varieties. In nature, there are no plants that fulfil the DUS-criteria. Also, **most heritage and ecological varieties are not DUS**, but diverse, with a broad genetic basis. Thus, seeds or other plant reproductive material of diversity plants which do not fulfil the criteria are automatically excluded from the market. They are unable to enter the catalogue. DUS criteria are first of all a condition to be granted a Plant Variety Right, an Intellectual Property Right for plant varieties. DUS allows to recognise the variety over the years.

In addition to DUS, agricultural crops must pass the **VCU-Test**. Their “value for cultivation and use” is being tested. VCU can be only attested if the new crop variety brings in an advantage – compared to the ones which are already registered. Also the VCU test discriminates against ecological varieties as they are compared with conventional varieties and as tests are made under high input conditions.

The plant variety database: a fake diversity

DG SANCO denies the registration’s impact on the loss of biodiversity. “In the past 15 years, the number of registered varieties has in fact increased significantly”, says SANCO. However, counting names of varieties in the catalogues is not adequate proof for increasing biodiversity in European agriculture. The number of entries does not really reflect genetic diversity, neither on an infra- nor on an intra-varietal level. Varieties in the catalogue are often closely related, differing only slightly and are not always available to the users. Many varieties show very limited intra-varietal variation, which is due to the uniformity criterion and also relates to the technical conditions for plant variety protection. On the contrary, varieties with a broad genetical background can often not be registered both for technical and financial reasons. However, the proposal demands that only varieties can be marketed. The exemptions to this rule (Heterogeneous material, Niche Markets and Officially Recognised Descriptions) do not solve this problem.

The registration criteria – DUS and VCU – discriminate against heritage and ecological varieties.

The Solution:

- ✓ Ensure that open pollinated varieties and seeds bred for organic farming or specific local conditions are not discriminated against by norms of (even voluntary) registration, certification and plant health requirements.



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