

**OF&G response to the
Plant Varieties and Seeds Strategy -
Call for Ideas**



Organic Farmers & Growers CIC (OF&G) is the largest certifier of organic land in the United Kingdom.

Founded forty years ago as a marketing cooperative for organic farmers OF&G went on to become the first body to receive government approval for an organic inspection and certification scheme in the UK.

This document is our response to the UK government's consultation on the regulation of genetic technologies. We consent to this response being made public.

As an Organic Control Body our role is to ensure that the Organic standards¹ are carried out on organic farms and in food businesses across the UK, and to offer support and guidance for businesses who are making the switch to organic.

We certify the complete food supply chain from primary production, feed and seed to processed product including storage, warehousing, distribution and retail.

From our offices just outside Shrewsbury in Shropshire, we provide services to organic businesses across Great Britain and Northern Ireland, the Isle of Man and the Channel Islands.

In this document we have recorded our response to the Plant Varieties and Seeds Strategy - Call for Ideas from Defra, Scottish Government, Welsh Government and DAERA.

¹ Organic standards; Retained Regulation (EC) No. 834/2007, (EC) No. 889/2008, (EC) No. 1235/2008 and Organic Products Regulation 2009.

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Plant Varieties and Seeds Strategy - Call for Ideas - September 2022.

Defra-Plant-Varieties-and-Seeds@defra.gov.uk

This is the response by Organic Farmers & Growers CIC.

Introduction

Question 1-5

1. No, we do not need this response to be kept confidential
2. Steven Jacobs
3. steven@ofgorganic.org
4. Organic Farmers & Growers CIC
OF&G was the first body to be approved by the UK government to inspect and certify organic food and farming - <https://ofgorganic.org/>
5. I am happy to be contacted about my responses.

Proposed vision

Question 6

The proposed vision is not sufficient to the challenges our society faces with the twin crises of climate change and biodiversity loss and the subsequent negative feedback loops associated with the outcomes from both.

Therefore, we would propose a vision that has a deeper clarity of purpose and a greater focus for delivery.

Seed laws should provide for differentiated rules that better reflect the different scale of seed markets, recognising the need to balance the appropriate level of reassurance with the costs and administrative burden imposed.

The rules pertaining to plant and seed health today stem from a separate piece of legislation which applies to all movement of seeds, and not their marketing. In order to offer wider guarantees of traceability outside the formal variety registration and seed production rules, the scope and details of the seed marketing legislation also needs to adjust accordingly.

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Proposed outcomes

Questions 7-10

Nutritional Security

Three of the nine planetary boundaries have now been crossed; climate change, rate of biodiversity loss, and human interference with nitrogen and phosphorus cycles together with the use of fresh water ([Steffen et al., 2015](#)).

Food security or more importantly nutritional security is a very serious concern in the light of worsening droughts, floods and rising levels of dietary related illness - <https://www.gov.uk/government/news/phe-publishes-latest-data-on-nations-diet>

For food supply networks to most ably respond we must ensure there is a concerted focus to system approaches where land management relates both to the health of natural ecosystems as they respond to climatic changes while at the same time enabling food production over the long term and projecting many decades into the future.

We therefore advocate the importance of diverse seed production within food and farming systems, and for such production to be supported through appropriate legislation. This includes recognising the value of seeds adapted to local farming systems and the contribution that diverse seed variety populations make towards building resilient food chains and adapting to spatial-temporal variability of ecosystem services.

Intellectual Property Rights

Markets are subject to very sharp price volatility. This can be due to a number of factors including meteorological, however, historically the greatest price shocks are driven by market behaviour especially where commodity price speculation is most heavily influenced in areas where there is a sizeable concentration of power, a dominance over the supply chain by very few and relatively very large corporations.

For a Plant Varieties and Seeds Strategy to succeed with the outcomes listed above there would need to be a pathway to meeting not only the climate and biodiversity targets but also a formal recognition of the international influence here in the UK from those few large multinational business currently dominating seed breeding.

Issues with economic scale are particularly pronounced in key areas. For instance, wheat futures where bets on the future supply have a very dynamic and dominant effect on the price of wheat. Wheat prices spiked before and after Russia's invasion of Ukraine

Economists refer to commodity speculation in the context of unfair advantage due to volume of trade in competitive markets. Where a business is of a size that massively dwarfs others in the supply-chain we will see key players who gather more data and glean greater knowledge which gives them advantage through critical insight into what is happening when and where. This has been shown to lead to very strong market manipulation.

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This issue goes all the way back from the grain to the seed and to Plant Variety Rights.

To successfully counter unequal and unfair practices resulting from excessive market consolidation Intellectual Property Rights (IPR) will need to be given very careful and detailed consideration.

The rights and protection of genetic resources perform a significant role in the business models of those working within the food system from plant variety breeding to end users and from large organisations to Small and Medium-sized Enterprises.

IPR can be a driver for investment in plant variety breeding but can also confer significant market control to those who have IPR ownership.

It is therefore necessary to explicitly address the issue of IPR in terms of the beneficiaries and to ensure that mechanisms are in place to manage how any conferred market control is exercised.

Diversity

The prevailing farming model across globalised supply chains and that has dominated markets up until now has been built on two assumptions: that the climate is stable and that bringing on to the farm artificial inputs manufactured largely from process derived from the mining and refining of fossil fuels is a sustainable method of food production.

We now know that this is not in fact the case. A reliance on synthetic external inputs and globalised markets is unsustainable because it relies on investment in the extraction of natural capital and the manipulation of money markets. There is no ethical consideration and no requirement to invest in truly sustainable alternatives.

The United Kingdom is a signatory to the United Nation Convention on Biological Diversity - <https://www.cbd.int/countries/?country=gb>.

The European Union have made provision for heterogenous plant material to be offered legal protection outside of commercial DUS and VCU seed rules.

For reference COMMISSION DELEGATED REGULATION (EU) 2021/1189 is where the the key regulatory changes are with Organic Heterogeneous material -

'In order to address the needs of operators and consumers of plant reproductive material of organic heterogeneous material concerning the identity, health and quality of such material, rules should be established..'

- <https://www.organicseurope.bio/what-we-do/eu-organic-regulation/>

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We propose a similar approach is given licence here in the UK by support for the establishment of specific conditions under relevant legislation governing the marketing of seed of agricultural plants to take account of these issues.

General questions

The following is taken from the UK Grain Lab / Gaia Foundation advocacy paper submitted to DEFRA/APHA in 2021. The full paper will be sent along with this submission.

- **Organic seed supply:**
 - To boost the range and availability of seeds developed specifically for organic and regenerative systems of farming. In particular, there is a pressing need for UK legislation to provide the same opportunities as the new EU rules on organic production.
 - This includes the development, notification, marketing, and control of seeds of organic heterogeneous material, based upon a simple notification system to public authorities, mirroring the regime set out by EU Commission Delegated Regulation 2021/1189 of 7th May 2021.
 - In addition, mechanisms should be set out to ensure that organic varieties, which are not completely heterogeneous yet not uniform enough to qualify for variety registration in the UK, can still be commercialised (whether through a temporary experiment like the EU, or through the adoption of adapted DUS and VCU protocols for varieties developed solely for organic production).

The following is taken from IFOAM Organics Europe [*Position Paper on the review of EU rules on Plant Reproductive Material - Harnessing the potential of cultivated plant diversity for sustainable agriculture published September 2022*](#)

2.5 Organic Varieties

Organic varieties suitable for organic production have been defined in the New Organic Regulation (EC) 2019/848, which has been a great step forward. Further steps need to be taken to facilitate the access to the market for these varieties that are particularly suited for organic conditions.

Proposition:

- Adjusted (mandatory) DUS and VCU criteria are needed for organic varieties suitable for organic production. The 7-years temporary experiment to be conducted by DG SANTE (and to start in 2022) is set out to address this issue, but it is crucial that there is room for this experiment and its early outcomes to be taken into consideration if new PRM rules are elaborated.

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- Those organic varieties suitable for organic production that go through the normal DUS regime can also obtain plant variety protection if this is requested by the breeder.
- Already, there should be an option for less stringent market assessment (reduced number of parameters for DUS) and adjusted or optional VCU testing to allow innovative products for special uses for niche markets (e.g., triticale for bread making, carrots for juice, pea for mixtures).

International and industry initiatives

Organic Heterogeneous Material (OHM) is broadly defined in the New Organic Regulation 2018/848/EU as ‘material with a high level of genetic diversity, intended for the market and for which DUS criteria (Distinctness, Uniformity and Stability) are not applicable’².

The new EU organic regulation will not automatically be adopted here in the UK and it is therefore necessary for the organic sector to consult with businesses, seed breeders and with scientists and others in order to properly consider options and to establish a course of action. The EU common catalogue has provision for conservation varieties offering member states the option of derogating away from DUS and VCU rules on seed varieties³.

The decision to offer protection for landraces and naturally adapted varieties has been underlined by among other august bodies the conclusion of the Convention on Biological Diversity and under Commission directive 2008/62/EC⁴.

The conclusion of the Convention on Biological Diversity reads like it is, a mandate for the protection of genetic material⁵. The CBD was approved by the European Economic Community in 1993. Unfortunately progress in the UK has generally been poor – *UK government said it failed on two-thirds of targets, and RSPB analysis is even bleaker and suggests the UK is moving backwards in some areas*⁶.

We believe that by working together with transparency, honesty and integrity we can deliver much more positive outcomes for all regions of the United Kingdom. We look forward to helping build a diverse and robust UK Plant Varieties and Seeds Strategy.

² <https://www.organicresearchcentre.com/news-events/news/organic-seed-and-organic-heterogeneous-material/>

³ https://ec.europa.eu/food/plant/plant_propagation_material/legislation/conservation_varietes_en

⁴ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32008L0062>

⁵ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.1993.309.01.0001.01.ENG&toc=OJ%3AL%3A1993%3A309%3ATOC

⁶ <https://www.theguardian.com/global-development/2020/sep/14/lost-decade-for-nature-as-uk-fails-on-17-of-20-un-biodiversity-targets-aoe>