



LEGAL ASPECTS OF SEED MARKETING AND EXCHANGE

IN THE BALTIC STATES AND DENMARK FROM A SEED SAVER'S POINT OF VIEW





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*The information provided in this brochure regarding seed regulations is based solely on the authors’
understanding and are not official interpretations. For full descriptions see the relevant legal texts.

1 INTRODUCTION

People have been exchanging seeds since the beginning of agriculture. Seeds are as fundamental as air, water, or food. To be able to obtain, grow, and share seeds with other members of our communities is a human right. The present diversity of crops and their varieties, expressing a broad range of traits, has co-evolved with humans up to this day. Seeds have moved from one place to another across continents and have been passed from one generation to the next. Over time crops have adapted to varying conditions in different locations, creating a rich agrobiodiversity. We would have never obtained this palette of different crops had we not exchanged seeds.

In more recent times, however, more predictable and high-yielding varieties accustomed to chemical-based inputs have become the new “normal.” These varieties are more genetically uniform and are usually grown in monocultures. As these fewer and genetically narrower varieties have become increasingly grown for food crops, agrobiodiversity has become less commonly used, making agriculture more vulnerable. Agriculture based on monocultures and low genetic diversity is unsustainable in the long run and the opposite of natural ecosystems. In natural systems, diversity is the rule. The genetic diversity between and within varieties or populations of plants is what allows for adaptation to changing conditions, building ecosystem resilience. Finally, the diversity of crops that we have inherited is significant not only for future sustainability and food security, but also for historic, culinary, and cultural reasons. Therefore, it is important to protect heritage crop varieties.

Unfortunately, maintaining crop diversity has not been so much on the agenda of EU seed policy, as it restricts seed marketing to varieties registered in the national or EU catalogue and prioritises just a few commercial crops compared to a broad diversity of crops. To be registered the variety has to be genetically uniform, but most old heritage varieties are not. Thus, seed legislation has not improved the conservation of heritage crops but has done exactly the opposite.

2 HOW DID EU SEED LEGISLATION COME INTO BEING?

There are, however, differences in how the legislation is interpreted and used in different countries. In some EU countries, exchange of seeds of non-registered varieties is not permitted, while others have more favourable rules for seed savers, allowing the exchange or sale of seeds for non-commercial end users (e.g. Denmark). The Danish permission to exchange and sell seeds was achieved through many years of dedicated work by the Danish Seed Savers' organization and could be a model for other countries to follow towards the preservation of crop diversity.

Thus, for seed-savers it is important to understand what seed regulations mean for them from a simplified and practical perspective and to act accordingly to preserve local cultural plant diversity. We present here an overview of seed legislation in the Baltic countries and Denmark. This booklet is intended to serve as a simplified guide for seed savers in their respective countries to understand their rights, responsibilities, and restrictions, and as a tool to begin discussions with lawmakers about more diversity friendly legislation. It is not intended as a comprehensive overview of EU seed legislation and its implementation. A glossary of seed-related terminology is included in Annex II. Terms included in the glossary used in the text are in italics.

A Baltic-Danish initiative

The Seed savers from Baltic states and Denmark have launched an international project "Growing Seed Savers: Baltic-Nordic Seed Savers' Education Innovation", which aims to create a seed network as a support system for old varieties and their growers. This project aims to share the knowledge that Danish Seed Savers have built up over several decades of experience and strengthen growing Baltic interest in issues of crop agrobiodiversity, seed-saving practices, and seed legislation. The four organizations are combining the best innovative methods used by each to develop interactive training courses as well as to involve local authorities working with seed legislation by organising interactive workshops. More information at <https://growingseedsavers.org/>

In order to understand current EU seed laws, let us look at how the seed laws developed. During World War I, countries and armies suffering from food shortages were not uncommon. A need to feed large numbers of soldiers, loss of human resources in food production (due to hiring of soldiers), and increasing urban populations led the governments of European countries to prioritize agricultural productivity. With a widening of the horizon of scientific knowledge, breeders attempted to standardise crops with increasing attention to genetic purity, uniformity, and germination rates. Eventually, seed certification became a requirement, as agriculture focused on fewer varieties of crops.

After World War II, the "Green Revolution" began. The agricultural sector became heavily industrialized during the 1950s and 1960s in an effort to boost post-war food production. Fossil fuel use and mechanization surged. Through refining agricultural practices and breeding, increasingly higher yields were made possible but with a growing need to use chemical fertilisers and pesticides. It became easier to produce more food involving fewer people in agriculture. Although this variant of food production has become one of the main means to produce commodity crops and animal feed these days, it has a negative impact on biodiversity and ecosystem health globally, causing soil erosion and eutrophication of water bodies.

These seed standardisation developments gradually influenced EU seed laws, targeted at large commercial end users. However, these laws also affect small hobby gardeners and subsistence farmers, and largely ignore heritage plants or the preservation of crop diversity. Many heritage varieties are not adapted to modern agricultural practices. Even though many have good taste properties, they are not uniform, they may yield poorly or unevenly, and the products may not be easily transportable or have a long shelf life. Therefore, these cultivars have been used less and less by commercial growers. Predictable, homogenous, and highly bred crops were preferred for purely economic reasons, making harvesting easier, production more standardised, and yields higher under particular growing conditions with high reliance on agro-chemicals. Heritage varieties most often cannot easily meet the standardised variety criteria of distinctness, uniformity, and stability (DUS tests), and cannot be registered, therefore their seeds cannot be marketed. Most older heritage varieties have thus been left outside the law, which is one of the reasons for the decline of cultural plant diversity.

3 EU SEED LEGISLATION IN DENMARK AND THE BALTIC STATES

EU seed legislation includes a set of eleven directives that are periodically renewed. EU Directives, unlike Regulations, set out the main goals for member states to achieve in their legislation, without fully dictating the means of fulfilling those goals. Thus, there is some degree of freedom left for member states on how to draft and implement these laws, as long as the aims of the Directives are reached or not undermined. EU seed legislation concerning the marketing of Plant Reproductive Material (PRM) lays down the rules for what kind of seeds can be marketed by whom and under which pre-conditions or requirements for different crops. Since 2009, EU legislation has also allowed the registration of conservation varieties. These are local varieties threatened by genetic erosion and thus in need of conservation in situ (in farmers' fields). They can be reproduced and sold if they meet somewhat lowered criteria for variety registration.

Since the Baltic states joined the EU in 2004, the EU seed directives have been implemented quite strictly, often not leaving room for seed exchange of unregistered varieties. But in Latvia and Lithuania some recent changes took place in 2013 and 2019, respectively, to allow seed savers a little bit more freedom in non-commercial exchanges thus creating possibilities for preservation of heritage varieties and crop diversity. In Estonia seed savers have engaged in dialogue with official institutions in 2019 regarding friendlier legislation for heritage plants and the legality of marketing and exchanging seeds of unregistered varieties. In Denmark, the seed exchange practice among seed-savers was tolerated for a long time but since 2015 seed marketing and exchange among the seed-savers has been legalised. Seed exchange is limited to only vegetable crops in Lithuania and Latvia, whereas in Denmark, the scope is wider and also includes field crops. Other European countries have varying laws in terms of freedom for seed marketing and more information can be obtained by contacting local seed saver movements.

4 SEED EXCHANGE AND SEED MARKETING IN THE EU AND THE BALTIC STATES

The two most controversial points for seed savers are about the exchange and sale of heritage seeds, and how these are interpreted in national seed legislation and implemented by authorities. Below in Table 1, a brief summary is given of seed exchange and seed marketing from the seed saver's perspective in the Baltic-Danish context.

It can be seen that there are notable differences between Denmark, Estonia, Latvia and Lithuania. Seed exchange is permitted in Lithuania, but in Estonia it is clearly not allowed. In Latvia, the situation with regard to seed exchange has not been clearly defined. Marketing of non-registered seeds is not permitted in Estonia and Lithuania whereas it is allowed in Denmark and Latvia.

Questions:	DK	EE	LT	LV
Seed exchange				
Is public exchange of seeds of non-registered varieties permitted?	YES. People are free to trade and exchange seeds, when it is for non-commercial use* .	NO. Transferring of seed for free or for a fee is considered marketing, and non-registered varieties cannot be marketed.	YES. As of Jan 2019, it is permitted for vegetable** seeds only, providing the seed saver has registered and that special conditions are met. Exchange of seeds for currency is not allowed.	Ambiguous To date seed exchanges among gardeners have been permitted but there is no special clause in the legislation allowing it.
Which seed? What are the pre-conditions?	Seeds not intended for commercial exploitation.	-	Only vegetable** seed. Seed-savers need to register with the authorities every year and list plant genus, species and varieties and the amounts to be offered. Amounts are limited, and packages have to be labelled "For seed exchange."	-

Questions:	DK	EE	LT	LV
Seed trade				
Is marketing of seed of non-registered varieties permitted?	YES (but for non-commercial uses). There is an exception for sales for testing varieties for commercial use.	NO	NO	YES (vegetable* seeds only).
Who can market? Which seed?	Anyone who is not selling for commercial production. Any seeds not intended for commercial exploitation.			Vegetable variety collectors. Can market seeds from their personal vegetable** variety collections.
What are the pre-conditions/requirements/restrictions?	No limitation on the amounts.			Only seed-savers who have registered in the Collectors' Register. Need to include species, unofficial variety name, amount, name of collector, year, and the term "collector's variety" on the package label
Are there any additional requirements?	Several points that are common among all countries are: -It is required to ensure plant health in order not to spread plant diseases or pests. -For non-commercial exchanges varieties traded should not be included in the EU common catalogue or corresponding national variety registers.			

*commercial use is understood as marketing of seeds for agricultural and horticultural production.

**for the list of regulated vegetable species see Annex I.

Table 1: Brief comparison of legal requirements for seed exchange and marketing in the Baltic states and Denmark. NOTE: A more extensive analysis of legal act provisions can be found in Annex III. Decision tree schemes regarding exchange or trade of seeds in the four countries are given below as part of the country-specific descriptions.

Practical aspects of Estonian seed legislation

In Estonia seed legislation states that marketing and exchange of non-registered varieties is illegal. Also seed exchange is considered as marketing and it is not permitted for non-registered varieties. Seeds of those species that are not in the EU Common Catalogue can be sold, for example swede and dill. In the framework of the Growing Seed Savers project a discussion on these subjects was started in 2019 between NGO Maadjas members and Estonian officials. The seed savers require legal provisions enabling the marketing of heritage seeds in order to increase cultivated biodiversity. After numerous meetings, a solution was found to improve the Estonian seed legislation. Through cooperation positive changes were achieved and there is now a hope for a change in the present legislation in favour of increasing biodiversity among cultivated plants.

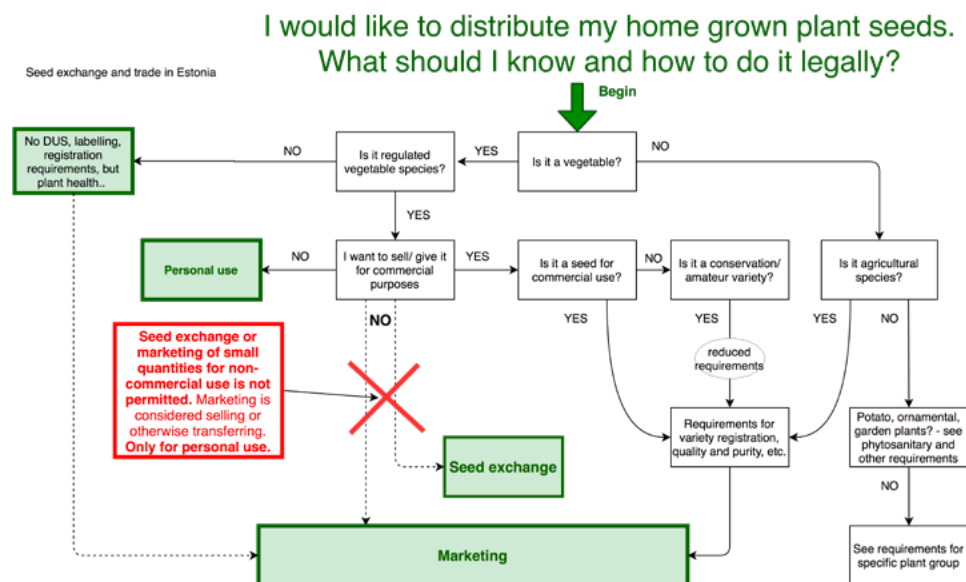


Fig. 1: Decision support tree for seed marketing and exchange in Estonia

Practical aspects of Danish seed legislation

In Denmark, changes in seed legislation to legalise marketing and exchange among seed savers were made in 2015. Seed marketing and seed exchange of unregistered varieties is permitted as long as the seeds are not for commercial use. Commercial use is understood as marketing of seeds for agricultural and horticultural production. The rules apply to sales and exchanges without payment as well. The only thing that matters is if the person or company who receives the seeds will use them commercially. This also means that companies (e.g. professional farmers, gardeners and seed companies) legally can sell unregistered varieties to private people but not to other farmers or professional gardeners. It applies to all seeds not intended for commercial exploitation. There is no limitation on the amounts.

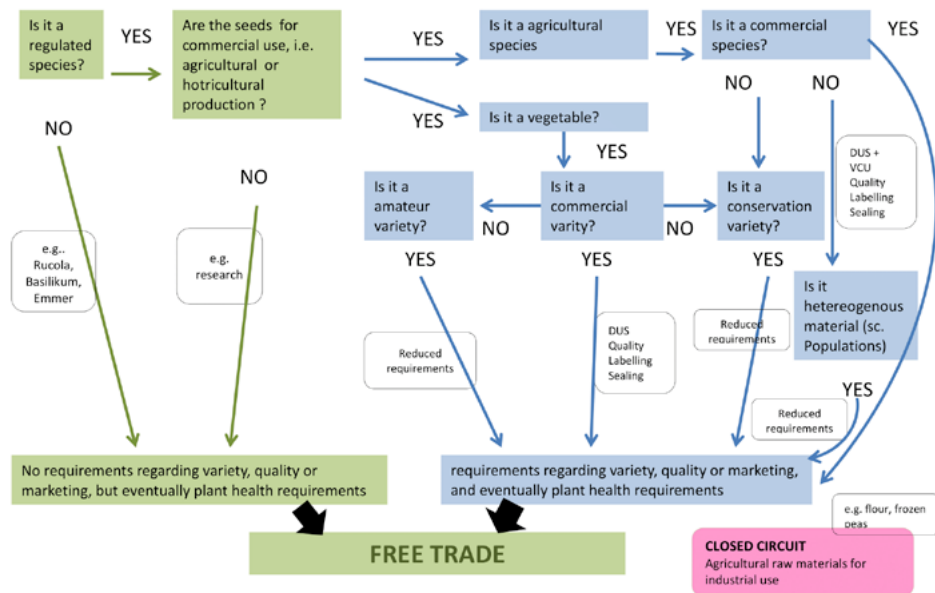


Fig. 2: Decision support tree for seed marketing and exchange in Denmark. Source: "Seeds 2, Instructions for amateur breeders, seed savers and companies about rules and practice of trade and transfer of seeds for non-commercial use and conservation" (Frø og sædekorn 2), ISBN 978-87-7120-731-6 (2015)

Practical aspects of Latvian seed legislation

The main seed law in Latvia is the Law on Seed Circulation. There are 20 sets of Cabinet of Ministers' regulations in effect for implementing the seed law. Seed exchange for non-commercial use by Latvian seed savers has been tolerated but is not yet officially permitted in the law. A public debate about sale of seeds for non-commercial use occurred in 2012 due to a small nursery being accused of violating the law permitting sale of only registered varieties. This conflict eventually resulted in the addition of a new article to the Latvian Law on Seed Circulation, defining Collectors' Varieties and creating a space for vegetable seed collectors to sell seeds from their collections as long as they register with the State Plant Protection service each year and fulfil all requirements.

I would like to distribute my home grown plant seeds.
What should I know and how to do it legally?

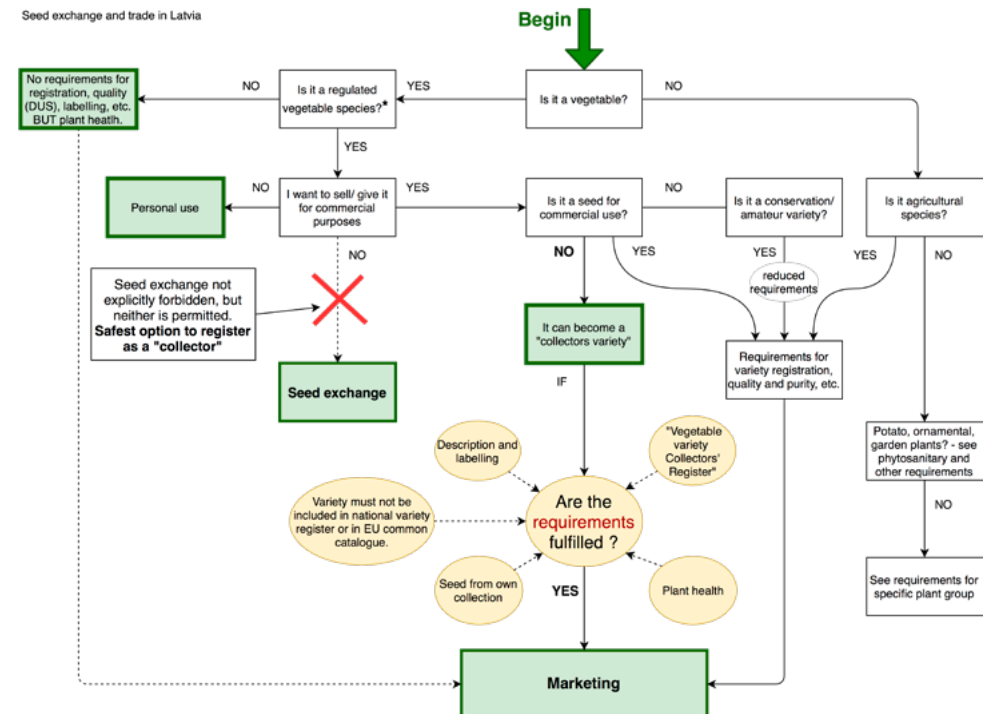


Fig. 3: Decision support tree for seed marketing and exchange in Latvia

Practical aspects of seed legislation in Lithuania

In Lithuania, non-commercial public seed exchange is officially permitted as of the beginning of 2019. Before that, marketing/exchange of unregistered seeds was prohibited by law, but through the effort of seed savers and cooperation with relevant state institutions, the first step towards preservation of heritage varieties has been reached. Now, seed savers are allowed to make a public offer of their own vegetable seeds for other seed savers, provided they follow the new requirements such as registration with the authorities, listing the seeds to be exchanged, and their amounts. There are certain amounts that cannot be exceeded and certain requirements for labelling.

I would like to distribute my home grown plant seeds.
What should I know and how to do it legally?

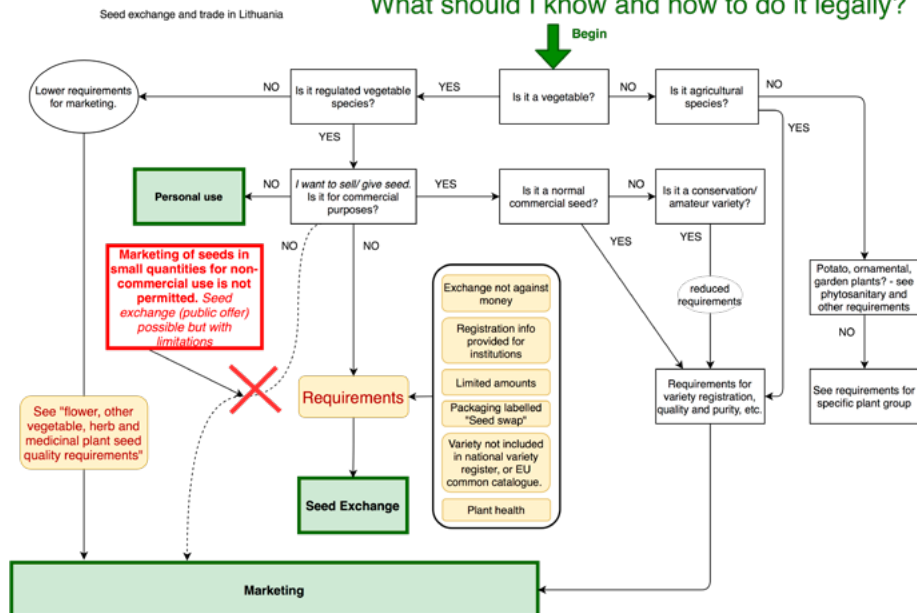


Fig. 4: Decision support tree for seed marketing and exchange in Lithuania

The New EU Organic Regulation

The new Organic regulation ((EU) 2018/848) that is set to come into force from 2021, introduces a new category called “Organic heterogeneous material” (OHM). This is plant reproductive material that does not fall into the conventional “variety” category, because it is not genetically uniform. It refers to populations or mixtures of varieties or cultivars of the same plant species and is defined in the regulation.

From 2021, OHM may be marketed for use in the Organic sector without the need to test or register it as a conventional variety and with relaxed rules for the operators. This category of seed potentially encompasses categories such as heritage varieties, landraces, populations, and farmer’s populations, thus allowing farmers to market and use a much greater diversity of seeds in farming that could lead to greater on-farm agrobiodiversity. But how it is implemented practically is yet to be decided in the Delegated acts that are being developed by the European Commission.

Final thoughts

To sum up, industrialization of agriculture and standardisation of seeds for commercial purposes has had a negative impact on cultural plant diversity. According to FAO, more than 75% of crop varieties have been lost since the beginning of the 20th century. Many crop varieties have only remained in people’s memories or have completely vanished with passing generations. The heritage varieties that remain are a treasure that can be used to adapt to climate change and move towards more sustainable agriculture. Therefore, we must prevent the further erosion of plant genetic resources, which is a threat to our food security. The best method of preservation is sustainable use.

Seed saver movements, e.g. in Austria or Denmark are good examples to follow in order to create a seed-saver’s network in the Baltic States. First, there is a need for education and experience exchange among seed-users and seed-savers. More people should become seed-savers and growers. Second, local heritage varieties should be protected and maintained. This is especially important for our future food sovereignty given the fact that the EU seed market is becoming more and more concentrated in the hands of a few large corporations. Finally, a good legislative environment for seeds of non-registered varieties is necessary to fully enable seed saving and exchange. Diversity should not be constrained by bureaucracy, but allowed to prosper by being circulated and regularly used.

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<https://ec.europa.eu/research/participants/documents/downloadPublic?documentIds=080166e5bedbe7f7&appld=PPGMS>

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ARCHE NOAH INFORMATION NOTE Seeds in the new EU Organic Regulation 2018/848
[Arche Noah information note "Seeds in the new EU Organic Regulation 2018/848"](#)

Bélanger, Julie, and Dafydd Pilling, eds. The state of the world's biodiversity for food and agriculture. FAO Commission on Genetic Resources for Food and Agriculture Assessments, (2019). <http://www.fao.org/3/CA3129EN/CA3129EN.pdf>

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Winge, Tone. A guide to EU legislation on the marketing of seed and plant propagating material in the context of agricultural biodiversity. Fridtjof Nansen Institute, (2012).
<https://www.fni.no/getfile.php/131993-1469869964/Filer/Publikasjoner/FNI-R1112.pdf>

(as listed in art. 4 of Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed)

<i>Allium cepa group</i>	Onion Echalion
<i>Allium aggregatum group</i>	Shallot
<i>Allium fistulosum</i>	Japanese bunching onion or Welsh onion
<i>Allium porrum</i>	Leek
<i>Allium sativum</i>	Garlic
<i>Allium schoenoprasum</i>	Chives
<i>Anthriscus cerefolium</i>	Chervil
<i>Apium graveolens</i>	Celery Celeriac
<i>Asparagus officinalis</i>	Asparagus
<i>Beta vulgaris</i>	Beetroot including Cheltenham beet Spinach beet or Chard
<i>Brassica oleracea</i>	Curly kale Cauliflower Sprouting broccoli or Calabrese Brussels sprouts Savoy cabbage White cabbage Red cabbage Kohlrabi
<i>Brassica rapa</i>	Chinese cabbage Turnip
<i>Capsicum annuum</i>	Chilli or Pepper
<i>Cichorium endivia</i>	Curled-leaved endive Plain-leaved endive
<i>Cichorium intybus</i>	Witloof chicory Large-leaved chicory or Italian chicory Industrial chicory
<i>Citrullus lanatus</i>	Watermelon
<i>Cucumis melo</i>	Melon

ANNEX II

GLOSSARY* OF TERMS

<i>Cucumis sativus</i>	Cucumber Gherkin
<i>Cucurbita maxima Duchesne</i>	Gourd
<i>Cucurbita pepo</i>	Marrow or Courgette
<i>Cynara cardunculus</i>	Globe artichoke Cardoon
<i>Daucus carota</i>	Carrot Fodder carrot
<i>Foeniculum vulgare Mill.</i>	Fennel
<i>Lactuca sativa</i>	Lettuce
<i>Solanum lycopersicum</i>	Tomato
<i>Petroselinum crispum</i>	Parsley
<i>Phaseolus coccineus</i>	Runner bean
<i>Phaseolus vulgaris</i>	Dwarf French bean Climbing French bean
<i>Pisum sativum</i>	Wrinkled pea Round pea Sugar pea
<i>Raphanus sativus</i>	Radish Black radish
<i>Rheum rhabarbarum</i>	Rhubarb
<i>Scorzonera hispanica</i>	Scorzonera or Black salsify
<i>Solanum melongena</i>	Aubergine or Egg plant
<i>Spinacia oleracea</i>	Spinach
<i>Valerianella locusta</i>	Corn salad or Lamb's lettuce
<i>Vicia faba</i>	Broad bean
<i>Zea mays</i>	Sweet corn Popcorn

Agrobiodiversity – according to FAO: “The variety and variability of animals, plants and micro-organisms that are used directly or indirectly for food and agriculture, including crops, livestock, forestry and fisheries. It comprises the diversity of genetic resources (varieties, breeds) and species used for food, fodder, fibre, fuel and pharmaceuticals. It also includes the diversity of non-harvested species that support production (soil micro-organisms, predators, pollinators), and those in the wider environment that support agro-ecosystems (agricultural, pastoral, forest and aquatic) as well as the diversity of the agro-ecosystems.” In this booklet we refer more to crop agrobiodiversity.

Amateur varieties – The 2009 EU Conservation Variety directive defined amateur varieties as those with no intrinsic value for commercial production, but only for biodiversity conservation. These are subject to an exemption from some of the norms of EU seed legislation.

Conservation varieties – Commission Directive 2009/145/EC was adopted in the EU in 2009, to create exceptions to the EU seed marketing laws for vegetable varieties and landraces that have been traditionally grown in specific regions but are now under threat of genetic erosion.

DUS test – The Distinctiveness, Uniformity, Stability test is a mandatory requirement for commercial seed registration. DUS tests are required for variety registration in the EU. A variety is considered distinct if it possesses one or more traits that differentiate it from other plants registered in the catalogue. Uniformity means that individual plants of the new variety must show no more variation in the relevant characteristics than one would naturally expect to see and stable if it produces plants with similar characteristics in subsequent generations. These criteria are difficult for farmers' varieties to meet due to their genetic diversity. DUS tests also carry a fee which can be burdensome for farmers to pay in order to attempt to register a variety.

The EU Seed law and variety registration – EU seed legislation stems back to the post-WWII period when there was concern about productivity and hunger. These laws require all plant varieties of which seed is to be marketed for commercial purposes to be registered in the EU Common Catalogue or a National Catalogue. In order to be registered as a variety seeds must undergo DUS and VCU tests, which are both bureaucratically and economically burdensome for farmers, and which may not be possible for farmers' varieties with more genetic diversity to pass. These laws have been implicated in causing genetic erosion, as they limit the diversity of varieties sold, and give precedence to commercial varieties. There are also specific rules on seed certification, packaging, and labelling.

Genetic diversity - The presence of genetic variability within a species, both within and across populations and varieties. These genetic differences allow for adaptation and increase the potential to breed for specific characteristics.

Genetic Erosion - Genetic erosion is the loss of genetic diversity, or the decrease of genetic variability within or between varieties, populations, or species over time. Genetic erosion can be caused by both human and environmental factors.

Heritage varieties – These are usually open-pollinated plant varieties that are at least thirty to fifty years old, having been passed down from generation to generation.

In situ conservation - In situ conservation refers to the conservation of plant genetic resources, or seeds and plant varieties, through continued cultivation in their natural surroundings or in the places where they were originally developed and have adapted to the local environment and growing conditions. On farm conservation also refers to conservation through cultivation, but may be done by farmers in other localities than the places where the plant populations and varieties originally developed. These approaches allow for continued evolution of the seeds and plant varieties as they adapt to changing conditions, but may mean that particular traits are lost. Adverse conditions could also mean that all seeds of a particular population or plant variety might be lost if they are not also stored or grown elsewhere.

Marketing of seeds - The most recent EU Seed Marketing directives define seed marketing as “the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of seed to third parties.” This is sometimes taken to mean that sale of seeds not for commercial end users (such as to private gardeners) does not constitute seed marketing and thus must not meet all of the same requirements. This is interpreted differently by different governments, however.

OHM, Organic Heterogeneous Material - The new EU Organic Production Regulation due to come into force in 2021 for the first time includes the possibility to market in the organic sector seeds that are not of one homogeneous variety, as defined in UPOV, but rather a heterogenous plant population.

PGR, Plant genetic resources – Plant genetic resources refer to all reproductive material of crop plants and their wild relatives, considered valuable for human use.

PRM, Plant Reproductive Material – any part of the plant that could be used to multiply it.

Seed certification - EU seed legislation requires that seeds to be marketed for commercial purposes are certified. This means undergoing certain tests for purity, germination rate, humidity, and sanitary conditions, as well as inspection of seed production sites. This can create an undue bureaucratic burden on small or low-income farmers, preventing them from being able to sell seed.

Variety – A term used in plant classification below the species level. Old and local varieties were selected from landraces over time, and often separated geographically, but modern varieties are developed using various plant breeding techniques. Stable and uniform varieties are important in order to market seeds and plants, but the maintenance of stable varieties can interfere with continued evolution and genetic diversity of seeds and plants.

*Source: (Project DYNAVERSITY D1.1)

ANNEX III

ANALYSIS OF LEGAL PROVISIONS REGARDING SEED MARKETING AND EXCHANGE OF UNREGISTERED VARIETIES IN DK, EE, LT, LV

	DK	EE	LT	LV
Brief description of the structure of the PRM legal acts	<p>“Order no. 1421 of 30. Nov. 2018” on vegetable seeds is the central legal act. It states that it is only meant for commercial use. The definition of “commercial use” is further explained in “Seeds 2, Instructions for amateur breeders, seed savers and companies - about rules and practice of trade and transfer of seeds for non-commercial use and conservation”.</p> <p>Importantly this is built on the preamble in the EU-legislation about vegetable seeds. Reading the preamble – the intention of the law – clearly puts regulating agriculture into focus. The Danish interpretation is thus that it has never been the intention to regulate selling or swapping seeds to private persons or among private persons. Therefore these are not included in the Danish regulation.</p>	<p>1) “Plant Reproduction and Plant Variety Rights Act” is a “central” legal act. Marketing is defined here and other provisions are set.</p> <p>2) there are also legal acts for different crop categories.</p>	<p>It is implemented as the main overarching law “LIETUVOS RESPUBLIKOS AUGALŲ SĖKLININKYSTĖS ĮSTATYMAS” (Plant seed law of the Republic of Lithuania) containing general provisions that are present in most EU directives separately.</p> <p>And then different legal acts for different crop types (i.e. vegetables, ornamental, field crops, potatoes, etc.)</p>	<p>Law on seed circulation</p> <p>Cabinet of Minister regulations for implementation for each crop category.</p>
Is marketing of non-registered varieties permitted?	YES (but for non-commercial uses). There is an exception for sales for testing varieties for commercial use.	NO	NO	YES (vegetable seeds only).
What is the wording in the legislation for definition of marketing?	<p>As commercial use, we understand the marketing of seeds for agricultural and horticultural production, i.e. commercial production.</p> <p>Marketing in this context means: sale, storage for sale, offering for sale and disposal, supply or transfer of seed. The rules apply both to sales with and without payment. It means that marketing can take place without any form of payment for the seed.</p>	<p><i>marketing is the offering of seed, propagating and cultivating material for sale, holding for sale, selling or otherwise transferring for free or for a fee.</i></p> <p>NOTE: no wording regarding commercial use</p>	<p>Marketing of plant reproductive material – selling, holding with a view to sell, offer to sale or providing by other means for third parties.</p> <p>NOTE: no wording regarding commercial use</p>	<p>the marketing of seed shall mean the sale, storage for subsequent sale, delivery or movement of seed (whether or not for consideration) if the seed is intended for commercial use.</p> <p>Exception for collectors –excludes from the scope of whole legislation:</p> <p>6. 1 The marketing of seed of vegetable varieties of the collector shall be subject solely to the provisions of Chapter X 1 of these Regulations</p>
Who can market? Which seed? What are the pre-conditions/ requirements/ restrictions?	<p>Anyone who is not selling for commercial production. This means that also commercial traders can sell unregistered seeds to privates. Any seed not intended for commercial exploitation. No limitation for the amounts.</p>			<p>Only seed-savers who have registered in Vegetable Variety Collectors’ Register. Can market seeds from their personal vegetable* variety collections. Need to label species, list unofficial variety name, amount, name of collector, year and label the packaging “collector’s variety”.</p>

	DK	EE	LT	LV
Seed exchange/ non-commercial use				
Is public exchange of seeds of non-registered varieties permitted (or prohibition is absent) by legislation in your country?	YES. People are free to market and exchange seeds, when it is for non-commercial use (commercial use is understood as marketing of seeds for agricultural and horticultural production). The sale and exchange of for example vegetable seeds to private individuals are not covered by the rules.	NO. Transferring of seed for free or for a fee is considered marketing, and non-registered varieties cannot be marketed.	YES. As of Jan 2019, it is permitted for vegetable* seeds only, providing the seed saver has registered and that the special conditions are met. Exchange of seeds for currency is not allowed.	Ambiguous To date seed exchanges among gardeners have been permitted but there is no special clause in the legislation allowing it.
Wording in the legislation text? (if other than marketing)	No special additional provisions. They have broad and very clear lawful explanation of what is commercial use (and what is not).	See definition of marketing	As of Jan 2019 exception from the definition of marketing for the seed exchange (vegetable only): „7. Marketing of vegetable seed is not considered the following: 7.1. <...> 7.4 <i>Seed that does not fit the definitions in the art. 9 [describes official categories of seed], transfer without reward to other physical persons in “locations” [public] described in article 116[and provided that special conditions are met].“</i>	See definition of marketing
Which seed? What are the pre-conditions?	Seed not intended for commercial exploitation.	-	Only vegetable* seed, public offer. Need for: -registration with authority every year and list the amounts to be offered listing species and varieties; -limited amounts -labelling of seed packages;	-
Amateur/conservation varieties?				
Is there derogation? How good is it?	You can register a variety as amateur- or conservation variety by paying a fee. This means that you can sell e.g. varieties of grains as a conservation variety for ordinary agriculture (commercial use). No varieties are on the lists!	Just very slightly lowered requirements, but still quite burdensome. (Lowered requirements for varietal purity and certification/checks)	Just very slightly lowered requirements, but still quite burdensome. (Lowered requirements for varietal purity and certification/checks)	Just very slightly lowered requirements, but still quite burdensome. (Lowered requirements for varietal purity and certification/checks)

	DK	EE	LT	LV
Other relevant derogations...?				
Transfer/marketing of seed for testing/breeding/other related activities.	Yes. Derogation is present.	Such provision could not be found. Only providing if ownership rights to the seed are not obtained.	Yes. Derogation is present (but clarification from plant protection agency needed.) There is a provision in vegetable act that "Plant protection agency permits to market a small amount of seed for scientific purposes or selection work" (article 73). There is no official/unofficial procedure given by the Plant Protection Agency.	Such provision could not be found. Only providing if ownership rights to the seed are not obtained.
Links to relevant legal acts	Links are active above. "Seeds 2, Instructions for amateur breeders, seed savers and companies - about rules and practice of trade and transfer of seeds for non-commercial use and conservation" .	Plant Propagation and Plant Variety Rights Act Categories of vegetable seed and requirements for the production and marketing of vegetable seed	Plant seed law ON THE DESCRIPTION OF THE QUALITY REQUIREMENTS FOR VEGETABLE SEED PROVIDED ON THE MARKET Other crop categories	Law on Circulation of Seeds and Varieties Rules for the cultivation and marketing of vegetable seed

The information provided is based solely on the authors' understanding of the translations of legal text parts and are not official interpretations. For full descriptions see the relevant legal texts.





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