



STELLA KYRIAKIDES
MEMBER OF THE EUROPEAN COMMISSION
HEALTH AND FOOD SAFETY

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Brussels, 19 May 2021

Dear Ms Dolan,

Thank you for your letter of 15 April 2021, which draws attention to a very important issue in the context of the European Green Deal and the Farm to Fork Strategy.

As you are aware, 29 April 2021, we published a study on the Union's options to update the existing legislation on the production and marketing of plant reproductive material (PRM).

The current legislation has succeeded in ensuring the health, quality and identity of PRM as well as value for cultivation and for its users. However, in the past decade there have been numerous new technical developments, in particular in the breeding and seed production sector, which cannot be fully addressed with the tools of the existing PRM legislation. These developments have been accompanied by a growing demand for sustainability in agriculture and adaptation to climate change, as well as the increasing need to support conservation of agro-biodiversity. Therefore, any action concerning PRM will also have to contribute, as you point out in your letter, to the objectives of the European Green Deal and the Farm to Fork, EU Climate Adaptation and Biodiversity Strategies, which are at the centre of the priorities of the European Union.

In your letter, you identify a number of issues which the revision of the legislation should consider. The study clearly recognises most of these issues and presents options to address them. Based on the outcome of the study and the information available, the Commission has concluded that there is sufficient evidence and technical basis to take policy action and prepare a legal proposal. Taking into due account the outcome of an impact assessment, the planned proposal will aim for alignment with the objectives of the European Green Deal and the Farm to Fork, Climate Adaptation and Biodiversity Strategies.

Ms Katherine Dolan
Head of sector Society for the conservation and development of crop diversity

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I need to emphasise that the future proposal will be without prejudice to the provisions of the plant health legislation and the Community Plant Variety Rights legislation. Plant health rules do not distinguish between the size of companies or commodities, due to the risk of spread and establishment of pests and plant diseases. Experiences with the implementation of certain provisions of the Plant Health Law, in particular with regard to the use of plant passports for business to business movements, are currently assessed and the results will be transmitted to the European Parliament and Council in December 2021. Intellectual protection of varieties is a separate legal framework, for which an evaluation will start in the second half of 2022.

In your letter you also refer to the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP). This Declaration is not legally binding and, for this reason, it cannot supersede existing international treaties regulating seed exchange between farmers, which are binding to the EU and part of the EU *acquis*. The EU and all of its Member States are Contracting Parties to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the EU is fully committed to implement farmers' rights as enshrined in Article 9 of the ITPGRFA.

In the coming months, we will engage in a wide-ranging communication effort on the study to share its results and to discuss its outcome with stakeholders. I am confident that there will be many occasions to have fruitful and constructive exchanges with you and the organisations you represent.

Yours sincerely,

A handwritten signature in blue ink that reads "D. Kyriakides". The signature is written in a cursive, slightly slanted style.