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D 5.3 Report on criteria list and evaluation guide for derogation regime

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Should the publication of corrigenda become necessary, these will be posted at the project website www.organic-revision.org.

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References (footnotes next page):

[1] EC 1452/2003: COMMISSION REGULATION (EC) No 1452/2003 of 14 August 2003 maintaining the derogation provided for in Article 6(3)(a) of Council Regulation (EEC) No 2092/91 with regard to certain species of seed and vegetative propagating material and laying down procedural rules and criteria relating to that derogation.
Register: OJ L 206, 15.8.2003, p. 17

[2](EEC) No 2092/91: Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (1), as last amended by Commission Regulation (EC) No 599/2003 (2).

Register:

(1) OJ L 198, 22.7.1991, p. 1
(2) OJ L 85, 2.4.2003, p. 15

Executive summary

This report presents an analysis of the national reports according to Regulation EC/1452/2003[1] of the years 2004 and 2005, recording the number of authorisations permitted, the quantity of non-organic seeds used and the main reasons for allowing derogation for each crop or species. The work was carried out as part of the "EEC 2092/91[2] (Organic) Revision" project (No. SSPE-CT-2004-502397) within the EU 6th Framework Programme.

The main objective was to analyse national derogation reports with respect to total seed use of selected species/subspecies, and to analyse the feedback from expert interviews and meetings regarding the implementation of the new seed regulation, in order to provide recommendations for further improvement of the implementation of the organic seed regulation.

The national annual organic seed reports 2004 and 2005 differ much in form and quality. The data show considerable differences in the offer of organic seeds and the use of non-organic seeds between the reporting states.

Authorisations for the use of non-organic seeds or a general derogation mean a financial benefit for the respective farmers. Since the seed costs can not be neglected in calculating the whole sale product price, countries with high rates of non-organic seeds can take advantage of this situation on the European market.

Harmonisation of the derogation policy on EU-level as well as on national level should therefore be of high interest to the authorities. To increase the use of organic seed we propose the following measures to be considered:

Measures recommended on national level

1. Some national databases need technical improvement and more registered varieties to be a useful tool for organic farmers. International cooperation of the database managers should be enhanced.
2. A registration duty for farmers calling for a derogation of the acreage planted or the number of pot plants produced, in order to allow the evaluation of the acreage planted with non-organic seeds in the national organic seed reports.
3. Use of a standardised reporting scheme including a common species list, subtotals for crop groups (e.g. vegetables), species and subspecies to make reports comparable. Assembling of raw data versions according to a common template in order to allow a direct comparison in Pivot-tables. The reports should immediately be made publicly available, according to Article 12 and 13 of the Regulation EC/1452/2003.
4. Establishment at a national level of lists of equivalent varieties (useful for professional growers) for every subspecies (variety group) in order to facilitate the decision making of the control bodies and to make possible, that individual calls for derogation can be denied with respect to farmers needs.
5. Establish a fee system that balances the cost difference between organic and non-organic seed in order to avoid unfair competition. This money can be used to promote organic seed marketing, to support organic seed production and breeding projects as well as to reduce the price of organic seeds.

footnotes [1] and [2] : see page 6

6. Introduction of national Annexes as preliminary stage to come to a common European one (Annex 1) with respect to the national organic seed offer. Making the organic seed use compulsory would give security for the seed companies to increase the organic seed production.
7. In order to grant fair conditions among EU producers, common Annexes with neighbour countries or countries with similar production systems and markets (especially export markets) should be favoured. Annexes on national or bilateral/regional level seem to be more realistic, than a common European Annex 1. The number of species/subspecies listed in the national Annex 1 has to increase annually.

Measures recommended on EU-Commission level

1. In order to harmonize organic seed availability among EU Member States and facilitate seed companies in supplying their seeds wherever requested, it should be possible for all seed companies to enter the National database of all Members States where they have a local distributor.
2. To allow well supplied subspecies according to cultivation and use (crop types, variety groups, e.g. cherry tomatoes) to be listed on the Annex 1 instead of whole botanical species. In cases of unforeseen shortage of organic seed, national authorities should get the right to allow individual derogations according Article 5.1 of the Regulation EC/1452/2003.
3. Including the use of non-organic basic seed as reason in Article 5 (1) for derogation regarding Annex 1 species, to get more complete data in the seed reports, (in addition to already mentioned exemptions for conservation varieties and variety trials).
4. Currently it is very difficult to produce grass seed mixtures with 100% organic components. Grass seed mixtures with a legally defined minimal share of organic seed components should get the right to be listed in the organic seed databases.
5. To extend the regulation system and the reporting to vegetative propagation material.
6. Introduction of a registration duty for the variety name, the amount of conventional seeds used and the acreage planted, respectively the number of pot plants for species or subspecies with general derogation in order to get more information about the demand of poorly supplied species/subspecies.
7. Introduction of a detailed list of possible reasons for individual derogation calls defined in Article 5.1 d) of the EC-regulation in order to get precise data about the needed variety characteristics for the seed companies and as decision background for the bodies issuing the derogations. Registration duty for farmers of the agronomical reasons according the following list: variety trials, conservation varieties, basis seed for the production of organic seeds, specific soil conditions, tolerance or resistance against pests, climatic conditions or altitude, contract production with prescription of the variety, market demand or processing quality, form or quality of the seed (e.g. pilled or pre-germinated seed), other reasons (to be specified in words).
8. Setting a time limit of three years to abandon “General Derogation” for arable crops and most important annual vegetable species /subspecies.
9. Setting a time limit of five years to reach less than 5% derogations for important arable crops, annual vegetables and the most important biennial vegetables.
10. Recommend to national authorities to withdraw obstacles and implement measures, which stimulate agricultural biodiversity on organic farms.

1 Introduction

1.1 Background

In January 2004 the European Union implemented the Regulation EC/1452/2003 which regulates the use of seeds and seed potatoes in organic farming. As a requirement of this regulation each year every Member State has to produce a national report publishing all data about the availability of organic seeds and of the authorisations (derogations) to the use of non-organic seeds.

If complete, the reports register the number of authorisations permitted, the quantity of non-organic seeds used and the main reasons for allowing derogation for each crop (species). The national annual reports differ much in form and quality of the presented data. The data presented show remarkable disparity in the offer of organic seeds and the use of non-organic seeds between the reporting states.

Authorisations for the use of non-organic seeds or a general derogation mean financial benefit for the respective farmers. Since the seed costs can not be neglected in calculating the wholesale product price, countries with high rates of non-organic seeds can take advantage of this situation on the European market.

The harmonisation of the derogation policy on EU-level as well as on national level should therefore be of high interest to the authorities.

The presented comparison should lead to a harmonisation of the use of non-organic seeds in Europe. Seed suppliers should be able to trace a potential market and to increase production of organic seed.

1.2 Project aims

The following report was made in the frame of the European Union's Organic Revision Project. Aim of work package 5.3 „Organic Seeds" is to provide policy makers with relevant data about the actual use of organic and non-organic seeds in organic agriculture. Secondly recommendations for the further development of the use of organic seed and for future guidelines and EC-regulations are given. Our overall target for the organic sector is to reduce the use of non-organic seed. In the long run independence of the organic sector from conventional seed production and breeding should be aimed at.

The report is divided in the following targets:

1. Analysis of national derogation reports with respect to total seed use of selected species/subspecies
2. Feedback from expert interviews regarding the implementation of the new seed regulation
3. Elaborating standardized, simple and practicable templates and a reporting scheme for future national derogation reports

Regarding the evolution of the seed regime additional targets deal with criteria to standardize the classification of species/subspecies on “authorisation level” by national decision makers:

2.2 General classification criteria for all species, proposals for lists of equivalent variety lists, common criteria for seed quality

2.2 Species specific criteria for important cash crops and vegetables

2.2 Tutorial for the evaluation of measures taken in the Member States to put species on Annex 1 or on level “single derogation”.

2 Evaluation of the seed reports 2004 and 2005

2.1 General remarks

As a requirement of the Regulation EC/1452/2003, every Member State has to produce an annual national report publishing all data about the availability of organic seeds and the authorisations (derogations) to the use of non-organic seeds.

According to the regulation the reports should register the number of authorisations permitted, the quantity of non-organic seeds used and the main reasons for allowing derogation for each crop (species).

The available data was set in relation to the total acreage of the respective crop for arable crops. For vegetable crops acreage data were mostly not available.

The survey should help to harmonise of the use of non-organic seeds in Europe. Seed suppliers should be able to trace a potential market and to increase production of organic seed.

2.2 Reporting countries

In 2004 19 of 20 EU Member States and Switzerland delivered an annual organic seed report. One Member State (Czech Republic) did not send any report. Five Member States sent the report in accordance with the time schedule. 13 Member States sent the report too late.

Three Member States (Austria, Spain and Poland) sent an incomplete report in 2004.

The Baltic States are not obliged to produce an annual report before 2007. Romania and Bulgaria entered the EU community on the 1st of January 2007 and for three years have no obligations regarding the use of organic seed. At the same time, no activity on the issue was known in these states in previous years and as a consequence, as the project finished in the beginning of 2007, no data of the respective countries have been available.

In this report the yearly derogation reports of 2004 and 2005 of the following states were analysed: Austria (AU), Belgium (BE), Denmark (DK), France (FR), Germany (GE), Italy (IT), Luxembourg (LU), United Kingdom (UK), Spain (ES), Sweden (SE), Switzerland (CH) and the Netherlands (NL). Reports of other EU Member States were not completely available and are only occasionally quoted.

The available derogation reports where downloaded from the following official organic seed web-sites of the Member States or directly handed out by the derogation officers of the respective states (see also acknowledgments).

Table 1: Official organic seed websites of the EU Member States

MS	Database
Germany	www.organicXseeds.de
Belgium	www.organicXseeds.be
Poland	http://217.153.130.11/cms/upload/akt/wykaznasion.pdf
Finland	www.kttk.fi/data/sto/uusi_netti_taulukot/luomu_taulukot/Lisaysaineistorekisteri2005.pdf
Slovenia	
France	www.semences-biologiques.org
Spain	www.mapya.es/app/EcoSem/ListadoSemillas.aspx
Hungary	
Luxembourg	www.organicXseeds.lu
Italy	www.ense.it/biologico-indice/biologic.htm
Sweden	www.sjv.se/ekoutsade
Greece	www.minagric.gr/greek/sp.biologikh.html
Ireland	www.organicseeds.agriculture.gov.ie
Austria	http://www.ages.at/servlet/sls/Tornado/web/ages/content/3FA7B048AC9B87C9C125710E007EF7B4
Denmark	www.lr.dk/applikationer/oekosortsdb/index.asp
Netherlands	www.biodatabase.nl
Slovakia	www.uksup.sk (and go to “bioosivo”)
UK	www.organicXseeds.co.uk
Czech Rep.	www.ukzuz.cz/index_oos.php?id=osivo
Portugal	
Latvia	www.vaad.gov.lv/default.aspx?tabID=12&lang=1&id=586
Lithuania	
Cyprus	www.moa.gov.cy/moa/da/da.nsf/All/EA60CAD9F9D572BBC2257131004005A2?OpenDocument
Estonia	http://www.plant.agri.ee/default.asp?lng=eng&s=menu&ss=sisu&id=964&news=1256
Malta	No database

Source: EU-Commission

2.3 Form and quality of the reports

The analysis of the reports available showed remarkable differences in data format and quality. See table next page. For comparisons raw data in a common format would be advantageous.

Table 2: Form and quality of the reports

State	Format	General derogation (§ 5.4)	Data verification	comments
Austria	Excel-file	2 separate Word-files	Variety names not verified Missing variety names	No totals per species Number of derogations per species not calculated
Belgium	Excel file	No general derogation	Data verified	Up to two units (kg and seeds) per species
Denmark	Pdf-file	Species list included in pdf-file	Data verified	Units standardised >> easy comparison
France	Pdf-file	Separate pdf-file	Only number of derogation per species, no varieties mentioned	Quantities per species missing
Germany	Pdf- and 2 separate Word files	Separate pdf-files of each federal state	Varieties names not verified Quantity data not verified	Data seems not verified Separate word-files make searches complicate
Italy	Excel-file	No general derogation	Quantities verified Variety names verified	Totals per species/varieties displayed in one unit.
Luxembourg	Pdf-file	Separate pdf-file	Data verified	3 different units
United-Kingdom	Pdf-file	No general derogation	Varieties names not verified Quantity data not verified	Data seems not verified.
Spain	Pdf-file	No general derogation	Variety names not verified	Variety totals not subsummarized
Sweden	Word-file	Species list included	Variety names verified	
Switzerland	Excel or Word-file	Separate word - file	Variety names verified	No general derogation survey
Netherlands	Excel-file	Separate excel-sheet	Variety names verified	

(rating of the reports: A. Thommen, FiBL)

2. 4 Survey of authorisations in 2004

A complete data survey of 2004 was compiled by the EU DG Agri. See Table in the Annex, page 85. But it was not possible for us to obtain all the mentioned national seed reports.

19 of 20 EU Member States and Switzerland delivered an annual organic seed report in 2004. One Member State (Czech Republic) did not send a report. Five Member States sent the report in accordance with the time schedule. 13 Member States sent the report to late.

Three Member States (Austria, Spain and Poland) sent an incomplete report in 2004.

In the year 2004 the numbers of derogations granted range from 37 from Slovakia up to 28'898 in Italy.

- 3 Member States reported less than 100 derogations
- 4 Member States and Switzerland reported less than 1000 derogations
- 8 Member States reported less than 10'000 derogations
- 2 Member States (United Kingdom and Italy) reported more than 25'000 derogations

The authorisations for the use of non-organic seeds per organic farm in 2004 range from 0.02 in Poland (average farm size: 21.7 ha) to 6.7 in United Kingdom (average farm size: 173.2 ha). This means in Poland only every 50th farmer had to ask for derogation, whereas in UK every farmer had to handle more than 6.7 calls in average. The authorisations per farm give a hint of the administrative work and eventually costs (if authorisations are subdued to a fee) of the organic farmers. Of course these figures should be seen with respect to the average farm sizes. An idea of this relation is given by the authorisations for the use of non-organic seeds per hectare. The authorisations per thousand hectares of organic farmland range from 0.68 in Slovakia (average farm size: 544 ha) to 95.6 in Greece (average farm size: 6.3 ha). In Slovakia every 3rd farmer had to call for derogation whereas in Greece 2 out of 3 farmers had to call for derogation.

2.5 Comparison of the 2004 and 2005 reports

The table on the next page shows the dynamic of the authorisations granted over the first two years of the new EC regulation. In 2005 the number of authorisations reported range from 103 in Sweden to 28668 in Italy. The number of authorisations was stable in Italy and dropped down to less than 50% in Spain and UK. Seven EU Member States reported less derogation in the second year of the regulation.

Belgium, Luxembourg, Germany and Switzerland* reported 2005 more authorisations than in the year before. Data of other states are missing.

(*The data of Switzerland is also displaying authorisations given for transplants of fruit trees and strawberries)

Table 3: Derogation data of 2004

Member state	Species and varieties noted	Total number of species	Justification as per Article 5	Number of derogations	Quantity of seed	Chemical treatment noted	Number of organic farms	Organic farmland in 1000 ha	Number of derogations per farm	Number of derogations per 1000 ha
Austria	Yes	63	Incomplete	Incomplete	Yes	No data	19056	328.8	no data	no data
Belgium	Yes	135	Yes	1'479	Yes	No data	688	24.1	2.15	61.37
Czech Rep.	No data	No data	No data	No data	No data	No data	810	255	no data	no data
Denmark	Yes	176	Yes	1'181	Yes	No	3510	168	0.34	7.03
Finland	Yes	85	Yes	654	Yes	No	5080	160	0.13	4.09
France	Yes	135	Yes	17'536	Yes	Yes	11359	551	1.54	31.83
Germany	Yes	191	Yes	6'876	Yes	No	16476	734	0.42	9.37
Greece	Yes	98	yes	3'727	Yes	?	6187	39	0.60	95.56
Hungary	Yes	72	Yes	499	Yes	No	1255	113.8	0.40	4.38
Ireland	Yes	19	Yes	132	Yes	No	889	28.5	0.15	4.63
Italy	Yes	287	No data	28898	Yes	No data	44043	1047	0.66	27.60
Member state	**Species and varieties noted**	**Total number of species**	**Justification as per Article 5**	**Number of derogations**	**Quantity of seed**	**Chemical treatment noted**	**Number of organic farms**	**Organic farmland in 1000 ha**	**Number of derogations per farm**	**Number of derogations per 1000 ha**
Luxembourg	Yes	26	Yes	53	Yes	No data	48	2	1.10	26.50
Netherlands	Yes	104	Yes	1'883	Yes	No data	1522	41.9	1.24	44.94
Poland	Yes	24	Incomplete	42	Yes	No	2304	49.9	0.02	0.84
Slovakia	Yes	23	Yes	37	No data	Yes	100	54.4	0.37	0.68
Slovenia	Yes	41	Yes	1'930	Yes	No	1429	23.3	1.35	82.83
Spain	Yes	75	Incomplete	3'410	Yes	Yes	17028	725.3	0.20	4.70
Sweden	Yes	24	Yes	782	Yes	No	3363	180.00	0.23	4.34
UK	Yes	406	Incomplete	26939	Yes	No	4017	695.60	6.71	38.73

Source: derogation data: EU – DG Agri, acreage data: H. Willer, FiBL; percentage: own calculation

Table 4: Survey of authorisations in 2004 and 2005

State	Total number of species 2004	Number of authorisa-tions granted 2004	Number of authorisa-tions granted 2005	Authorisations granted for vegetable species 2004	Authorisations granted for vegetable spe-cies 2005	Number of organic farms 2004	Total acre-age of or-ganic farm-land in 1000 ha 2004
Austria	63	incomplete	missing			19056	3397
Belgium	135	1'479	1645	504*	682*	688	1392
Czech Rep.	No data	No data	missing			810	4273
Denmark	176	1'181	581	343*	241*	3510	2666
Finland	85	654	missing			5080	2228
France	135	17'536	16886	6882*	6324*	11359	29555
Germany	191	6'876	8440	?	?	16446	16967
Greece	98	3'727	missing			6187	8446
Hungary	72	499	missing			1255	5867
Ireland	19	132	missing			889	4408
Italy	287	28'898	28668	9327	9308	44043	15443
Luxembourg	26	53	111	3	9	48	127
Netherlands	104	1'883	1745	1723*	1473*	1522	1949
Poland	24	42	missing			2304	18345
Slovakia	23	37	missing			100	2433
Slovenia	41	1'930	missing			1429	505
Spain	75	3'410	1336	885*	835*	17028	30195
Sweden	24	782	103	20*	4*	3363	3129
Switzerland	25	394	638	53*	24*	6446	110
UK	406	26'939	9510	?	?	4017	16943

Source: own data. * Data not officially verified in the national reports; own calculation from the data in this reports. Status of September 2006.

Comment to table 4 above:

A minor number of authorisations granted does not literally mean, that the use of non-organic seeds was less. Fewer authorisations may also be due to a wide range of species with general derogation. Therefore states with no general derogation, like UK report more authorisations granted. This does not mean, that the use of non-organic seeds was higher than in other states.

A full survey of the non-organic seeds used, can only be reached, if general derogation for poorly supplied species will be supplemented with a confirmation of the use of non-organic seeds, reporting variety name, quantity and acreage data.

For future analysis the share of perennial grasslands from the total acreage should be taken into considera-tion, since there the quantity of seeds used may be limited.

2.6 Expert statements about the seed regime 2004

On the 3rd Workshop on the EU Organic Seed Regime in Vienna, in November 2005 a brief presentation of different EU Member States on reports to the Commission according Article 12 and 13 of Regulation EC/1452/2003, and plans for implementation of the EU organic seed regime in "new" EU Member States respectively has been given by the participants, see Annex. As a common statement, the following letter has been sent to the DG-Agri.

Communication to the Commission

The following common proposals were formulated in a letter on 6.1.06 by the ECO-PB workshop with request to the Commission (DG Agri, Mrs. Isabelle Peutz and Mr. Hermann van Boxem) to address the following proposals:

1. The Commission's website (http://europa.eu.int/comm/agriculture/qual/organic/seeds/links_en.htm) with links to Member State's national databases for organic seed should be updated, see the link list in the attachment).
2. The implementation of national organic seed databases has not been done according to Regulation EC/1452/2003. Some Member States still have no database at all or merely have a static list of limited practical relevance for seed suppliers, growers and inspection bodies. Therefore we would like to ask the Commission to stimulate the creation in all Member States of functioning, user-friendly, up-to-date databases with as many crops as possible.
3. We strongly support the idea proposed in the EU Organic Revision project WP 5 (www.organic-revision.org) to improve reporting on the implementation of Regulation EC/1452/2003 according to Article 12 and 13 of the Regulation. In particular, reports and data on which derogations have been granted should be made publicly available, for instance through the website mentioned in point 1 above. Such reports should follow a harmonised format.
4. There is concern about the different approaches between Member States how to tackle grass seed mixtures. Since in most countries grass seed is traded as mixtures with many components, it would cause enormous administrative effort to apply for derogations for all non-organic components in the mixture. On the other hand, certain components are usually not available organically.
   Therefore we suggest implementing the following common European approach: list all grass seed mixtures with a maximum share of non-organic seed components of 30% (by weight) in the organic seed databases, and in accordance with article 5 of regulation EEC/2092/91 for the labelling of organic produce.
5. Annex 1 of Regulation EC/1452/2003 is as yet empty. We feel that the consequences for growers should a species be put in Annex 1 are too far-reaching. For instance, not being able to react quickly to calamities in organic seed production could lead to severe shortages of such seed and the resulting crops. Furthermore, it is important that farmers are able to evaluate new varieties even if the respective species is placed in the annex. Such new varieties are usually not immediately available as organically produced.
   Therefore, we propose to revise the conditions concerning Annex 1 to allow for more flexibility in case of calamities and for research objectives, on-farm field trials carried out by farmers and variety conservation purposes.

Regulation EC/1452/2003 has been most useful to get the topic of organic seeds on the table. Further development requires specialist knowledge of organic seed production, organic plant breeding

and the implications at field level. We hereby offer all the information and networking available through the ECO-PB to support the Commission’s work in developing the EU organic seed regime.

2. 7 Derogation data of selected crops

2.7.1 Survey of the species/crops analysed

Regarding the wide range of species cultivated and listed in the reports, it was impossible to make a full comparison of all data. A choice of important species for cereals, fodder crops, protein crops, vegetables (field and indoor cultivation) and herbs has been made. To complete the data two perennial crops, strawberries and apples, were added. Even if they are propagated with transplants and therefore are not submitted to the Regulation EC/1452/2003 some Member States collected detailed data. It would be favourable to extend the regulation system and the analysis as well to vegetative propagation material.

Data of the following crops were collected and compared:

Cereals:

- Survey of cereals in general, excluding Maize
- Wheat (*Triticum aestivum*, spring and winter form)
- Durum wheat (*Triticum durum*)
- Rye (*Secale cereale*)
- Barley (*Hordeum vulgare*)

Forage crops:

- Triticale (Triticosecale)
- Mays (Zea mays all subspecies except Sweet Corn, conv. sacharata)
- English Ryegrass (Lolium perenne)
- Italian Ryegrass (Lolium multiflorum)
- Red clover (Trifolium pratense)
- White Clover (Trifolium repens)
- Alfalfa/Lucerne/Medick (Medicago sativa)

Oil and protein crops

- Field Pea (Pisum sativum l. (partim))
- Soya /Soybean (Soja hispida)

Vegetables

- Batavia Lettuce (Lactuca sativa var. capitata)
- Carrot (Daucus carota)
- Cucumber (Cucumis sativus)
- Onions (Allium cepa)
- Spinach (Spinacia oleracea)
- Tomato (Lycopersicon lycopersicum (Solanum lycopersicum))

Herbs

- Sweet Basil (Ocimum basilicum)

Perennials (fruits, transplants)

- Strawberry (Fragaria x ananassa Duch.)
- Apple (Malus domestica)

2.7.2 Comparison of cereals seeds in 2004

So far a full comparison, including total organic acreage planted, is made for cereals, since they are widespread in the European Community and complete data about authorisations were available. Secondly, these annual crops are relatively easy to propagate and every country should be able to offer an adapted range of varieties for their special needs. A third reason to choose cereals was, that the European statistics about land use do not display acreages of minor species, but show quite detailed information on the most important cereal crops.

Since the notification of the acreage data (planted with authorised non-organic seed) is not obligatory, the cultivated acreage has been estimated based on an average dose of 200 kg of cereal seeds per hectare. Since this estimation bases on a rather high seed density, the acreage planted could be even higher in reality.

These data were set in relation to the total area cultivated organically with the respective crop. Data on organic farming land use was obtainable from the Eurostat website of the Statistical Office of the European Union and from the FiBL survey "Organic Agriculture Worldwide – Land use and crop data (Willer and Baraibar, 2006).

Table 5: Authorisations for the use of non-organic cereal seeds in 2004

State	Number of derogations permitted	Non-organic cereal seeds in tons	Area sown with non-organic seeds in ha (Ø 200kg/ha)	Mean area per derogation in ha
Austria	455	522	2608	5.7
Belgium	170	123	616	3.6
Denmark	24	26	128	5.3
France	1331	1071	5353	4.0
Germany	435	479	2393	5.5
Italy	4187	9618	48'089	11.5
Luxemburg	13	7	36	2.7
Netherlands	58	31	157	2.7
Spain	1800	3010	15'050	8.4
Sweden	37	41	206	5.6
Switzerland	27	24	118	4.4
UK	85	201	1007	11.8

Table I. shows the statistics of the non-organic cereal seeds of the EU Member States and of Switzerland reporting for the year 2004.

Column 1 shows the number of authorisations permitted for cereal crops (without grain maize). Derogations were only reported, if the authorities of the respective countries did not state a general derogation according to Article 5.4 of the Regulation EC/1452/2003 for the use of non-organic seeds for cereal species.

General derogations where reported for:

- Austria (*Triticum durum*, spring form)
- Denmark (*Triticum durum, Tr. diccoccum*, *Tr. spelta* for some periods).
- France (*Secale cereale* , spring form and *Sorgo ssp*.)
- Sweden (*Avena sativa* and *Hordeum vulgare*, spring form)

No general derogations for cereal species were reported in: Belgium, Germany, Italy, Luxembourg, Netherlands, Spain, Switzerland and the United Kingdom.

Derogations authorised range from 13 in Luxembourg up to more then 4100 in Italy.

Column 2 shows the tons of non-organic cereal seeds involved.

Column 3 shows an estimation of the acreage sown with non-organic seeds based an average seed density of 200 kilogram per hectare. Since this estimation bases on a rather high seed density, the acreage planted could be even higher in reality.

The last column shows the average acreage per authorisation in hectares. This figure may serve to check the plausibility of the data and reflects also average farm, respectively field sizes. The “hectares per authorisation” may give a certain correlation with the administrative effort the farmers have to meet.

Diagram 1: Share of cereal area sown with non-organic seeds in 2004

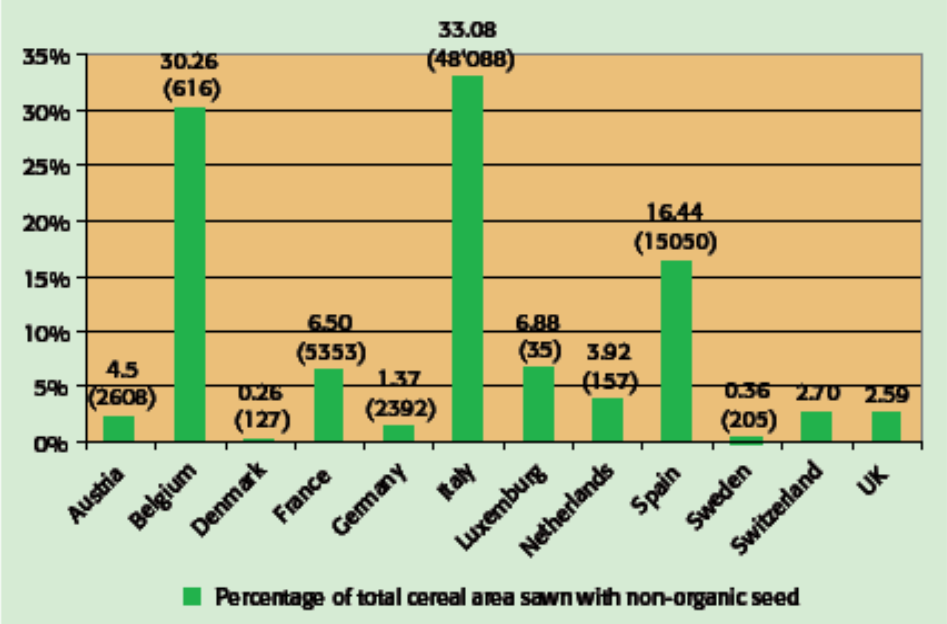


Figure 1 shows the percentage of non-organic sown area with respect to the total acreage of cereals (without grain maize). The non-organic sown area is based on an estimation of the non-organic seeds reported, divided by an average seed rate of 200 kg per hectare. The rate is indicated in percentage on top of the columns. In brackets the area cultivated with non-organic seeds in hectares.

Belgium and Italy show with more than 30 % the highest rates of non-organic seeds. For Belgium this figure represents at least 616 hectares of cereals whereas Italy has more than 48'000 hectares sown with non-organic seeds. "Explanations for the rather high rate in Italy may be, that not all of the produced organic cereals can be sold as organic products. Since many organic farmers not enter the organic market, due to limited size and/or distance from organic cereals collection facilities. Besides often organic farmers are not able to find organic seeds of the required varieties." (personal information of Cristina Micheloni, AIAB Italy).

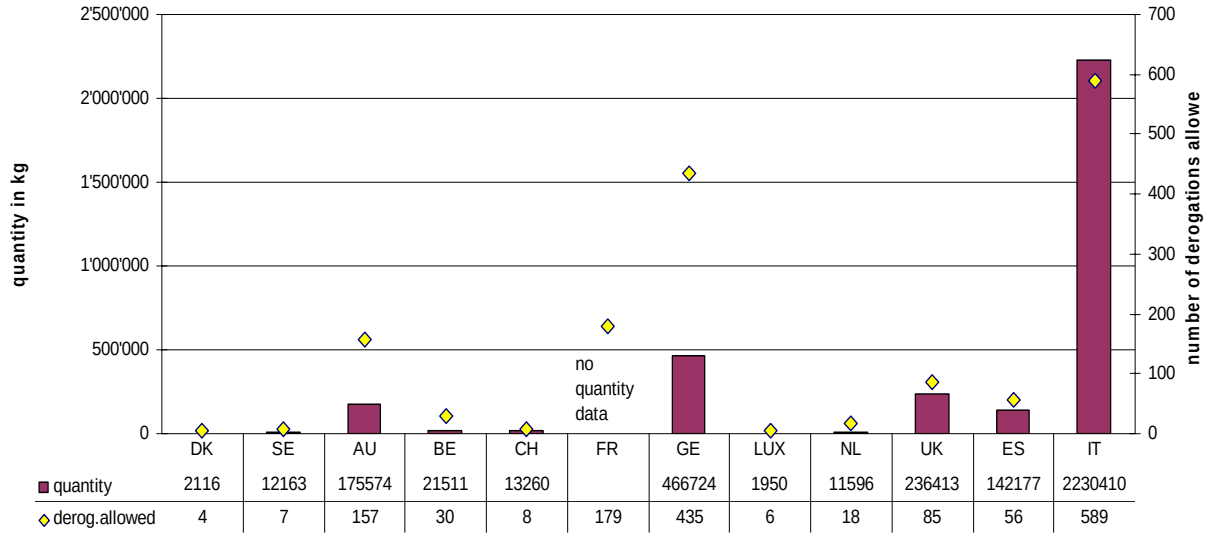
Spain reported a surface of more than 15'000 hectares of non-organic seeds cultivated. This represents more than 16% of the total organic cereal surface in Spain. Since the surface reported includes also pulses, the share would be even higher for cereals only.

France and Luxembourg had little more than 5 % of non-organic cereals seeds in use. All other states are below 5 percent.

The annual reports do not mention, if the seed propagators themselves had to call for an authorisation, if they used non-organic basis seeds for organic seed production. The derogations for Switzerland include basis seeds, which explain a big proportion of the non-organic seeds reported.

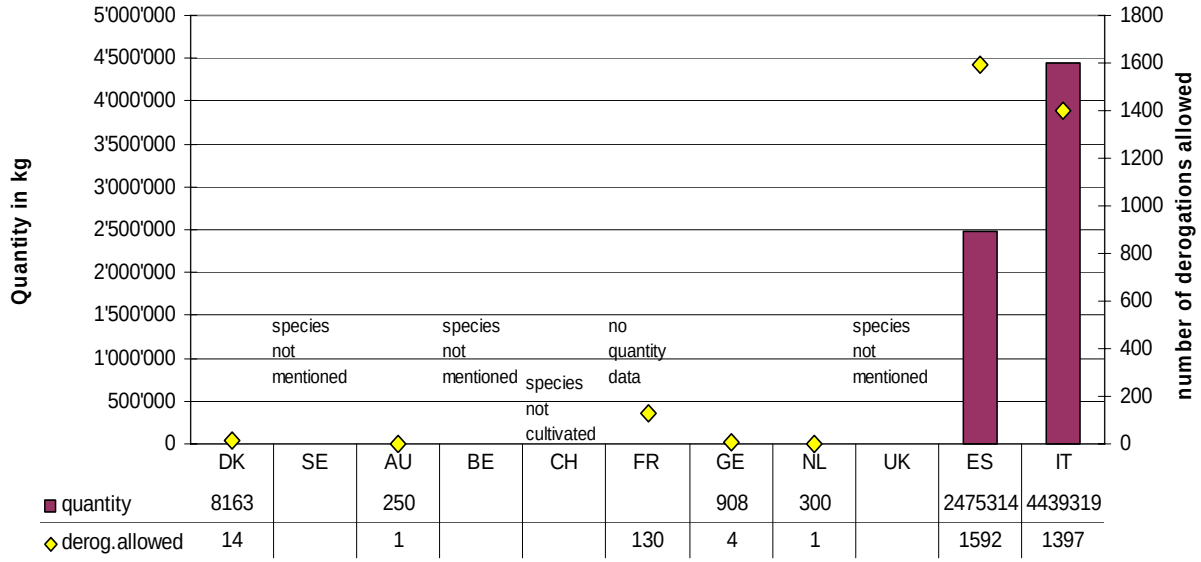
2.7.3 Wheat (triticum aestivum) 2004

Diagram 2: Authorisations for wheat 2004



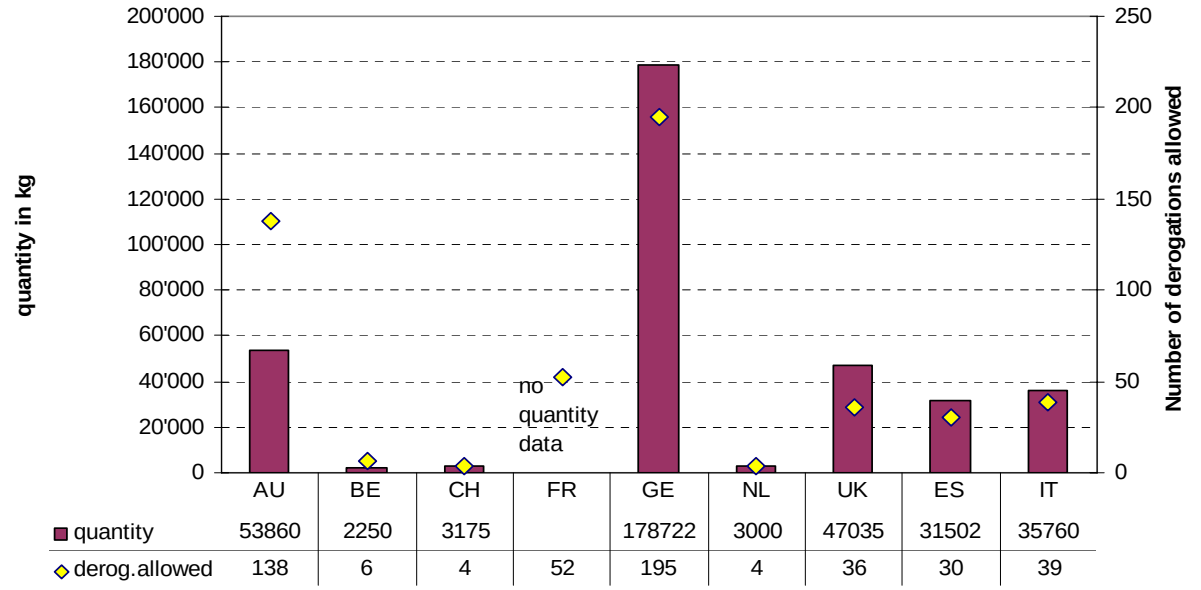
2.7.4 Durum wheat (triticum durum) 2004

Diagram 3: Authorisations for durum wheat 2004



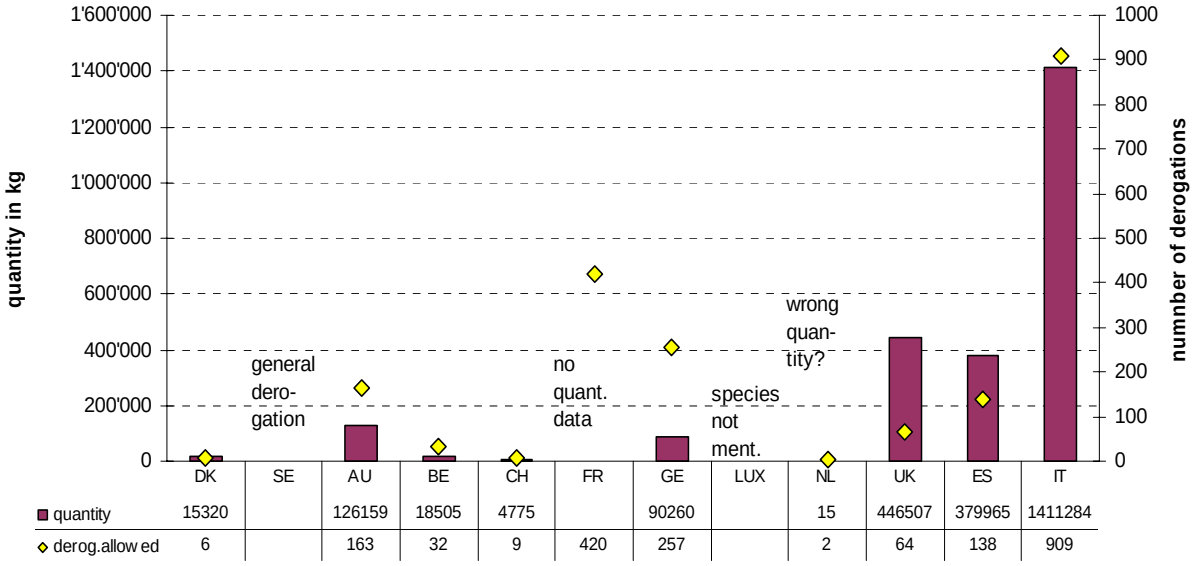
2.7.5 Rye (Secale cereale) 2004

Diagram 4: Authorisations for rye, 2004



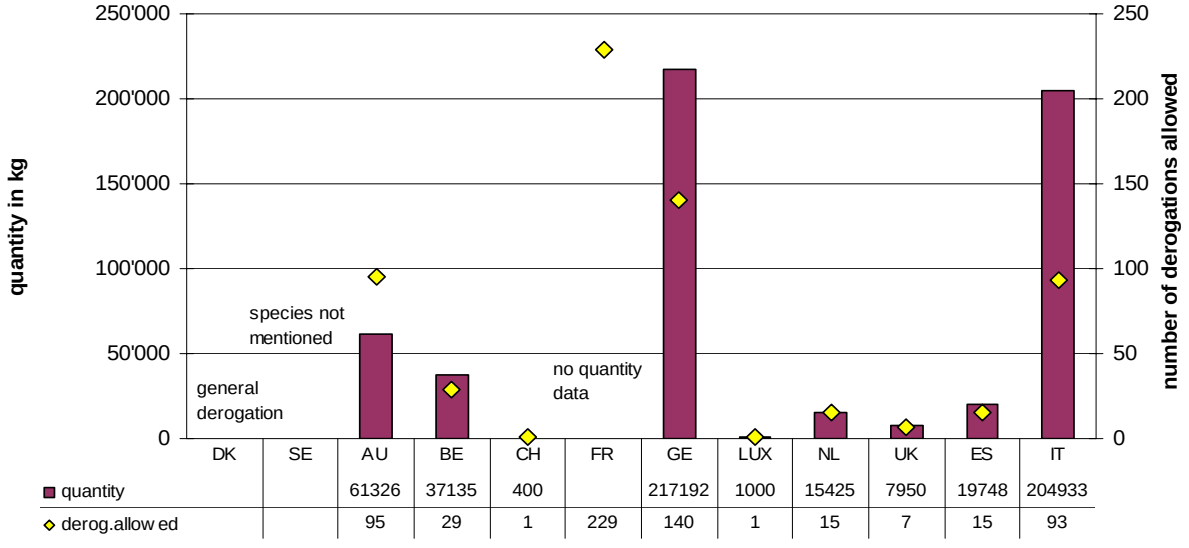
2.7.6 Barley (Hordeum vulgare) 2004

Diagram 5: Authorisations for barley, 2004



2.7.7 Triticale (Triticosecale) 2004

Diagram 6: Authorisations for triticale, 2004



2.7.8 Maize (Zea mays) 2004

Diagram 7: Authorisations for maize, quantities in kg 2004

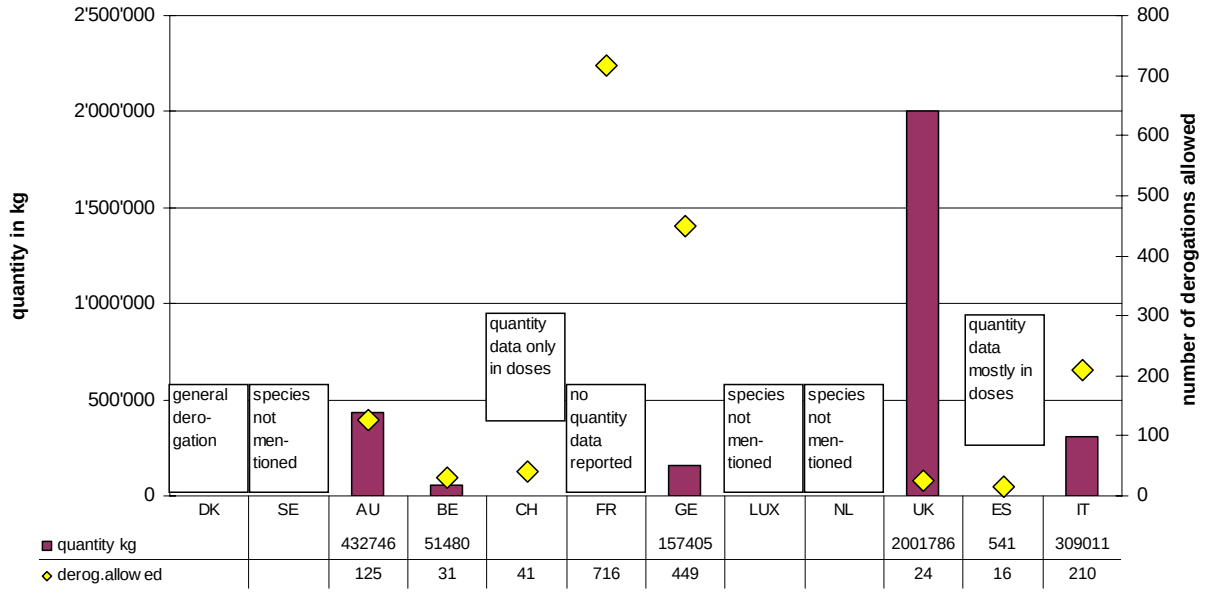
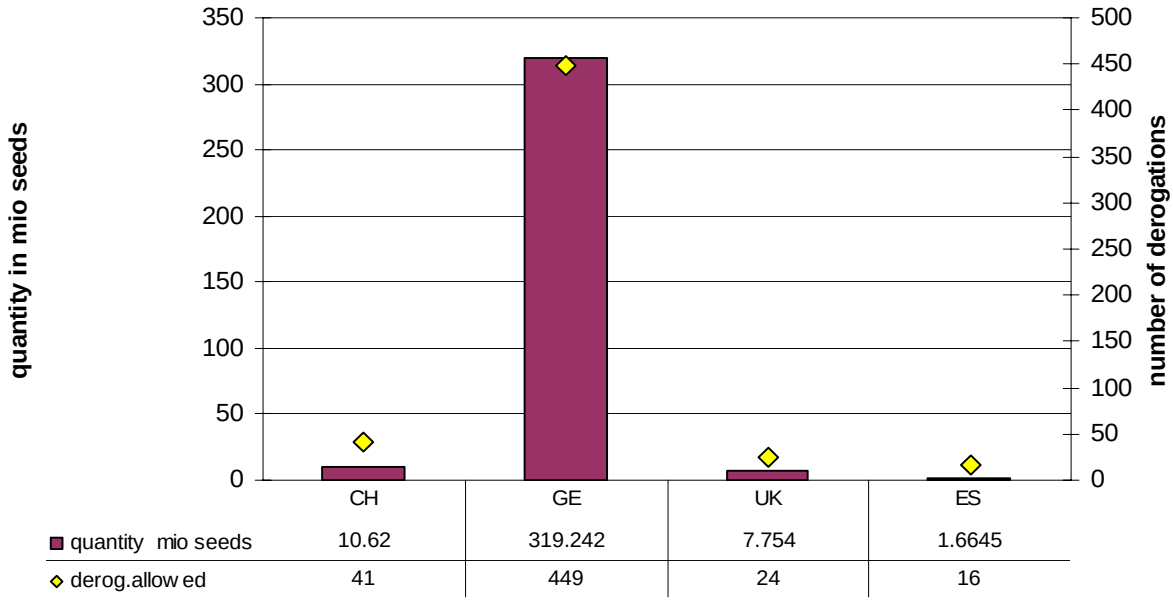
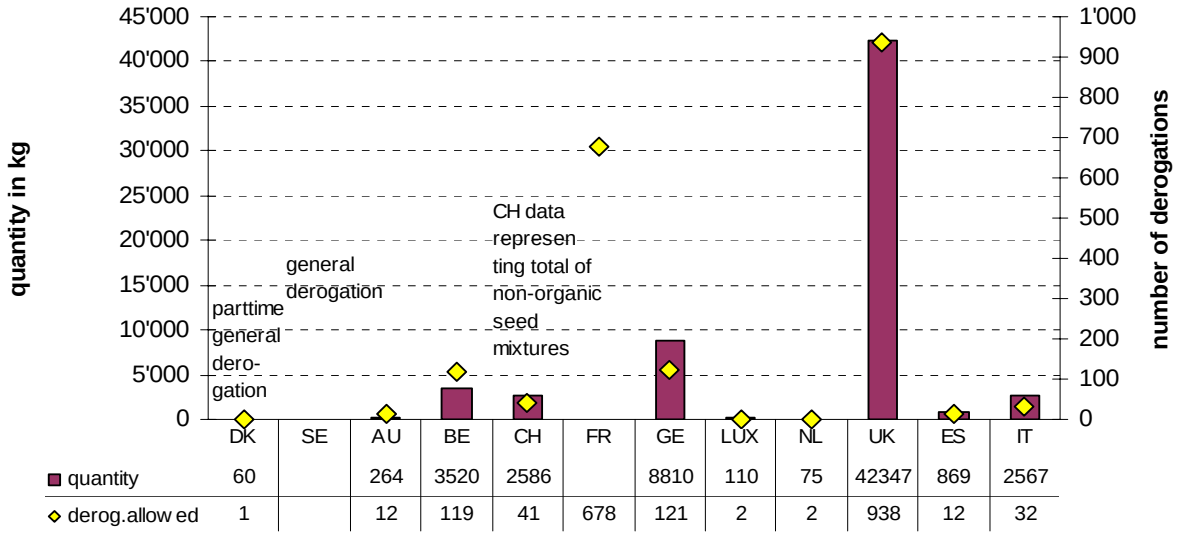


Diagram 8: Authorisations for maize, quantity in million seeds 2004



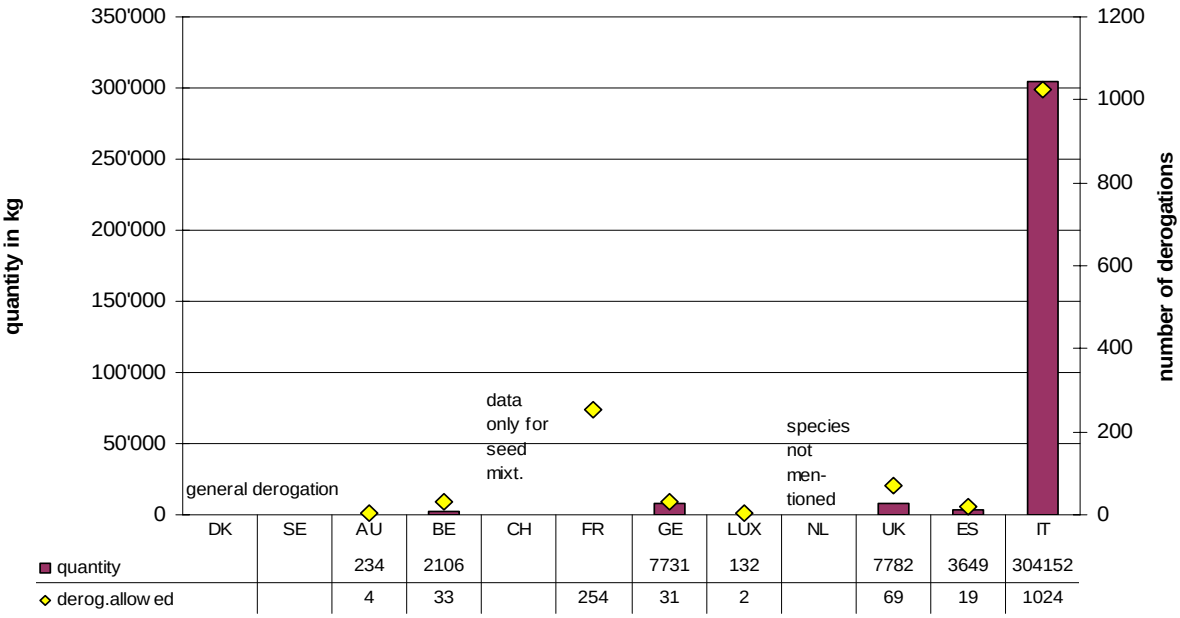
2.7.9 English Ryegrass (Lolium perenne) 2004

Diagram 9: Authorisations for English ryegrass, 2004



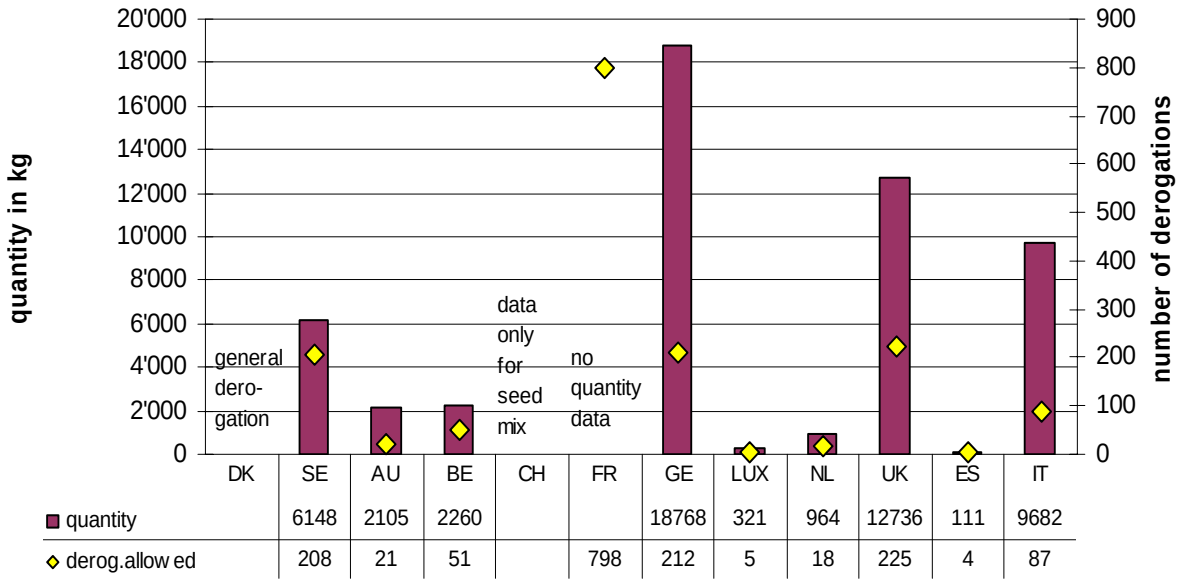
2.7.10 Italian Ryegrass (Lolium multiflorum) 2004

Diagram 10: Authorisations for Italian ryegrass, 2004



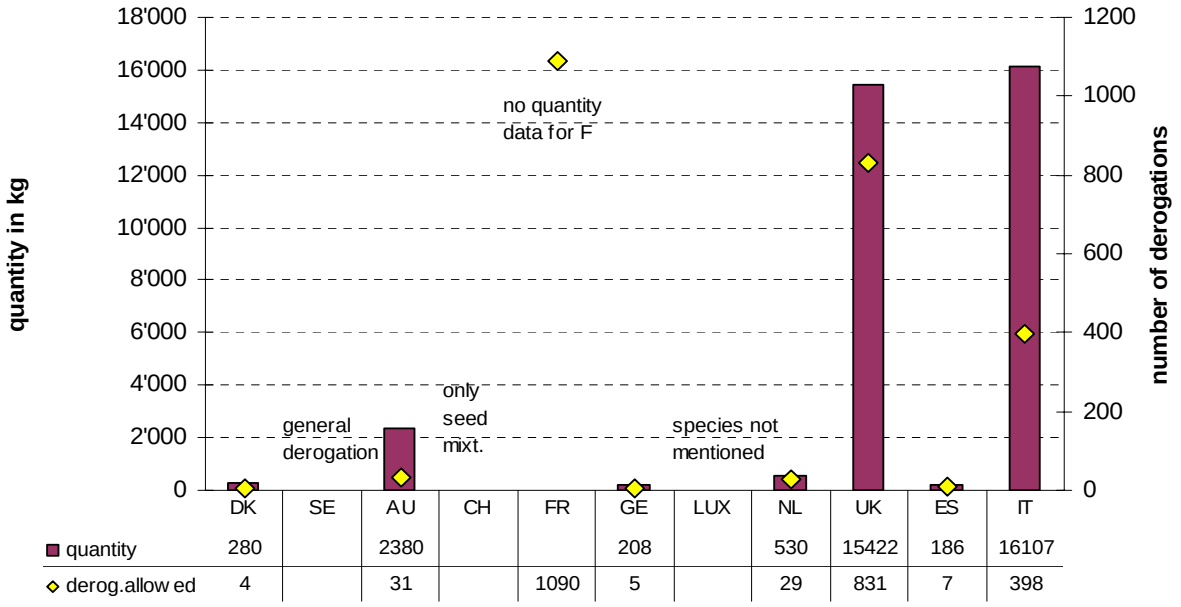
2.7.11 Red clover (Trifolium pratense) 2004

Diagram 11: Authorisations for red clover, 2004



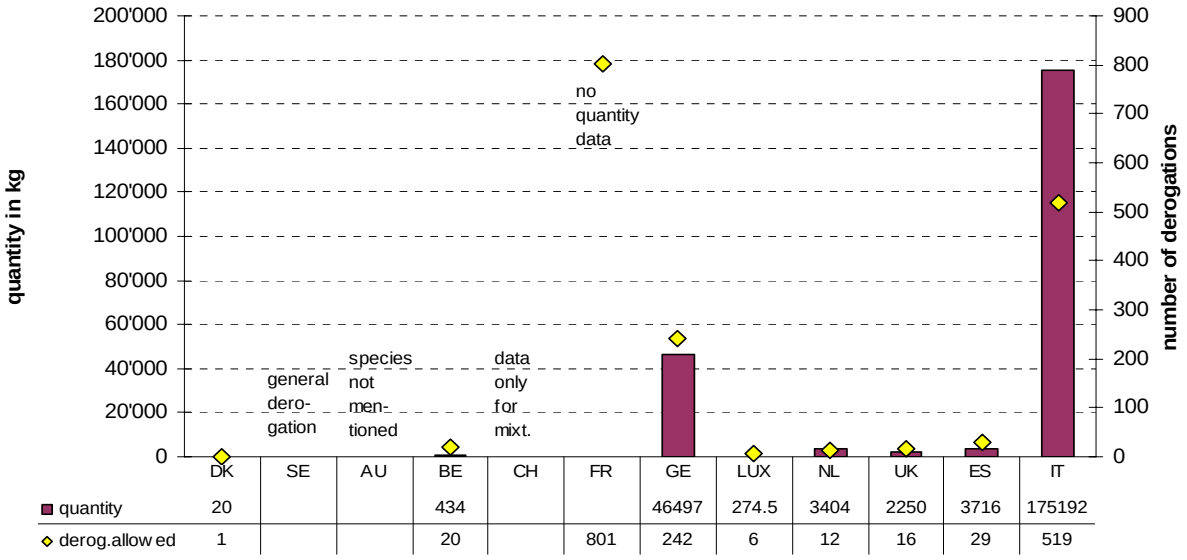
2.7.12 White Clover (Trifolium repens) 2004

Diagram 12: Authorisations for white clover, 2004



2.7.13 Alfalfa/Lucerne/Medick (Medicago sativa) 2004

Diagram 13: Authorisations for alfalfa, 2004



2.7.14 Field Pea (Pisum sativum l. (partim)) 2004

Diagram 14: Authorisations for field pea, 2004, kg of seeds

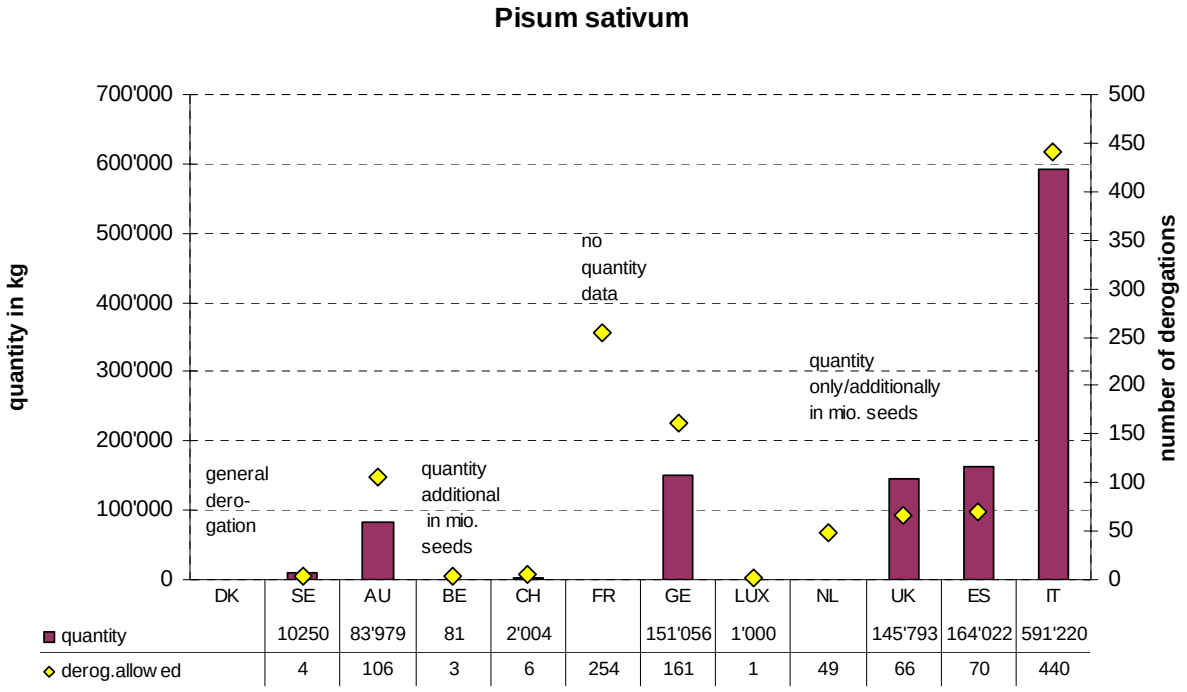
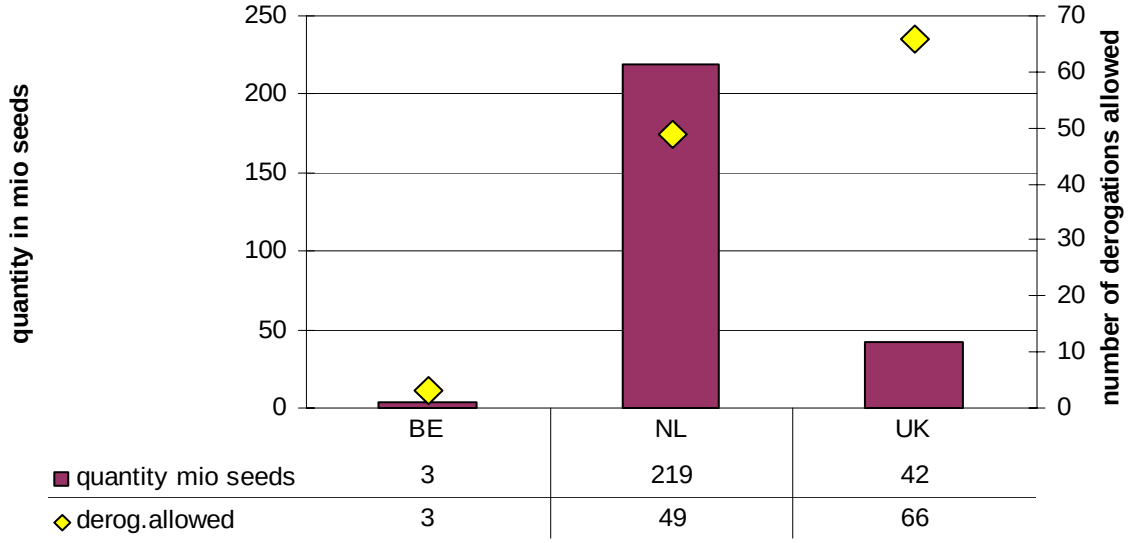
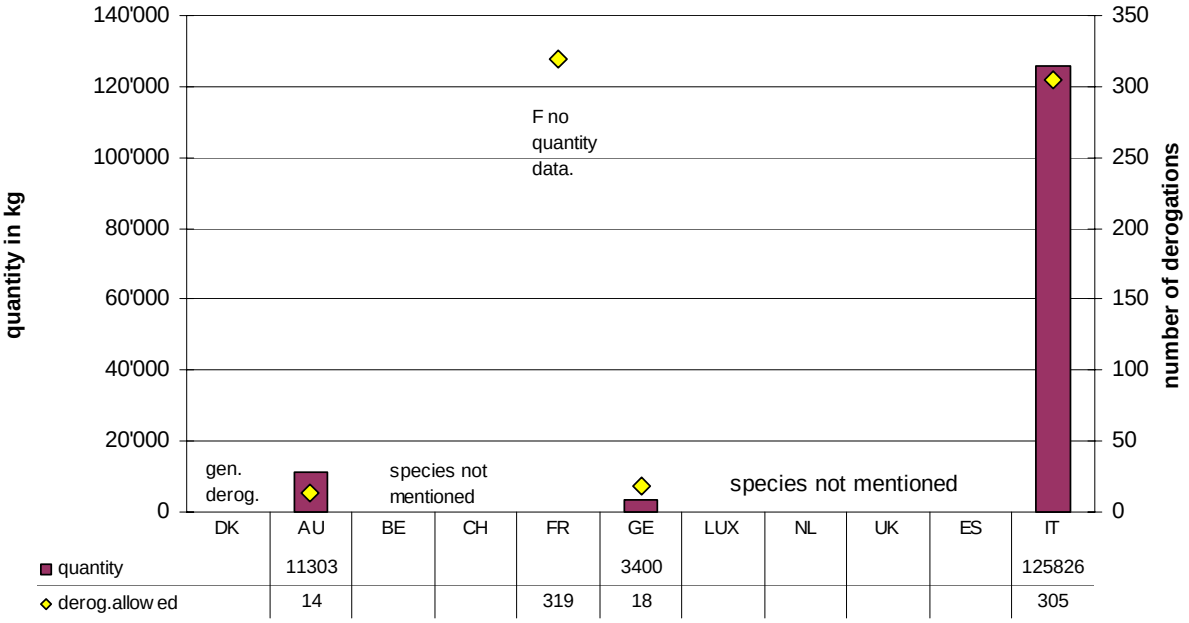


Diagram 15: Authorisations for field pea, 2004, Million seeds



2.7.15 Soybean (Soja hispida) 2004

Diagram 16: Authorisations for soybean, 2004



2.7.16 Batavia Lettuce (Lactuca sativa var. capitata) 2004

Table 6: Derogation data for Batavia (or *Lactuca sativa* in general)

State	derogations allowed	quantity	unit	quantity 2	unit 2	number of varieties	comments
DK							species not mentioned
SE							species not mentioned
AU							species not mentioned
BE	16	6.1	kg	0.0559	Mio seeds		Data for *Lactuca sativa*
CH							general derogati-on
FR	1058						Lactuca sativa
GE	116	0.047	kg	12'001	Mio seeds		wrong decimal point?
LUX	1			0.003	Mio seeds		
NL	102			25.14200102	Mio seeds	60	numer of varieties approximated
UK							species not mentioned
ES	115	2.3	kg	25.259744	Mio seeds		Data for *Lactuca sativa*
IT	862	1079.86	kg				Data for *Lactuca sativa*

The data for Batavia lettuce had been too incomplete and imprecise regarding the botanical type to be comparable. Some states reported data only for *Lactuca sativa* in general.

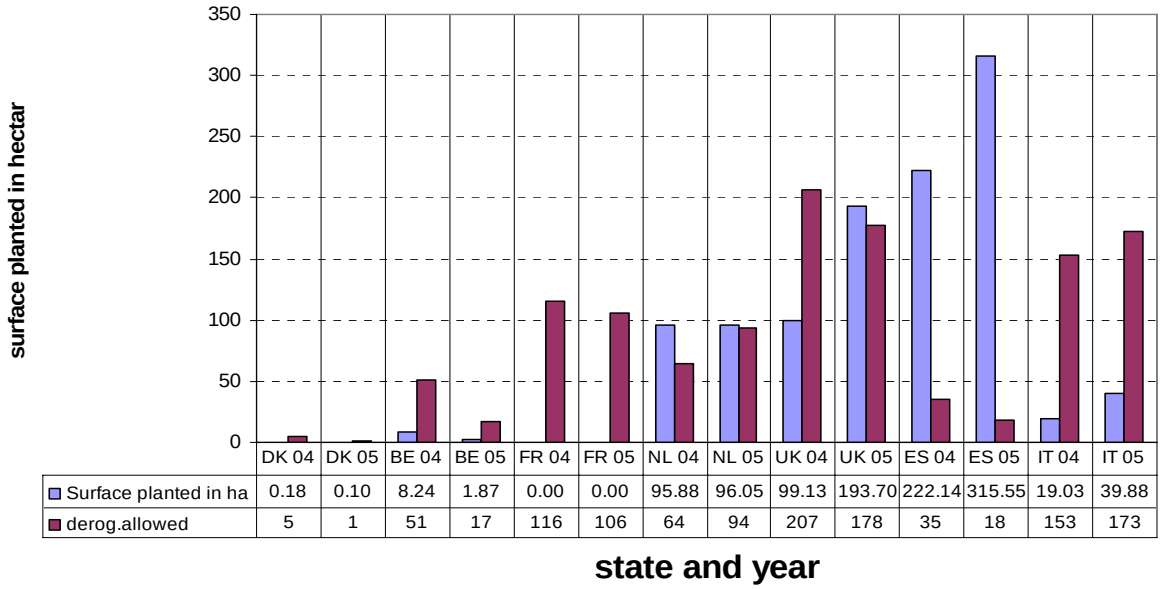
2.7.17 Broccoli (Brassica ol., cv. botrytis var. italica) 2004 and 2005

Table 7: Derogations for broccoli 2004 and 2005

State	Acreage planted in hectare **(estimated*)**	Dero-gations granted	Quantity of seeds in kg	Number of seeds	Number of conv. varieties	Comments
AU 2004						species not mentioned
AU 2005						general derogation
BE 2004	8.24	51	1.5	269'446	29	
BE 2005	0.43	1		25'535	1	
CH 2004						general derogation
CH 2005						general derogation
DK 2004	0.18	5		10'500	2	wrong calculation in report
DK 2005	0.1	1		6'000	1	
ES 2004	222.14	35	15	11'078'508	12-15	varieties uncertain
ES 2005	315.55	18	0.165	18'908'200	7	
EST						missing data
FR 2004		116				no variety and quantity data
FR 2005		106				no variety and quantity data
GE 2004						species not mentioned
GE 2005						general derogation
GR						missing data
IR						missing data
IT 2004	19.03	153	7.61			varieties not known, quantity doubtable
IT 2005	39.88	173	15.95			varieties not known, quantity doubtable
LAT						missing data
LIT						missing data
LU 2004						general derogation
LU 2005						general derogation
MAL						missing data
NL 2004	95.88	64		5'752'740	19	
NL 2005	96.05	94		5'763'100	15	
PT						missing data
SE 2004						species not mentioned
SE 2005						general derogation, except for variety Fiesta
SF						missing data
UK 2004	99.13	207		5'948'074	56	varieties uncertain, plus uncer-tain quantity data: 3.6 million kg ??
UK 2005	193.70	178		11'622'127	50	varieties uncertain

* Estimation for acreage: 60'000 corn/ha or 400 gram seeds /ha

Diagram 17: Broccoli, acreage planted with non-organic seeds 2004 and 2005

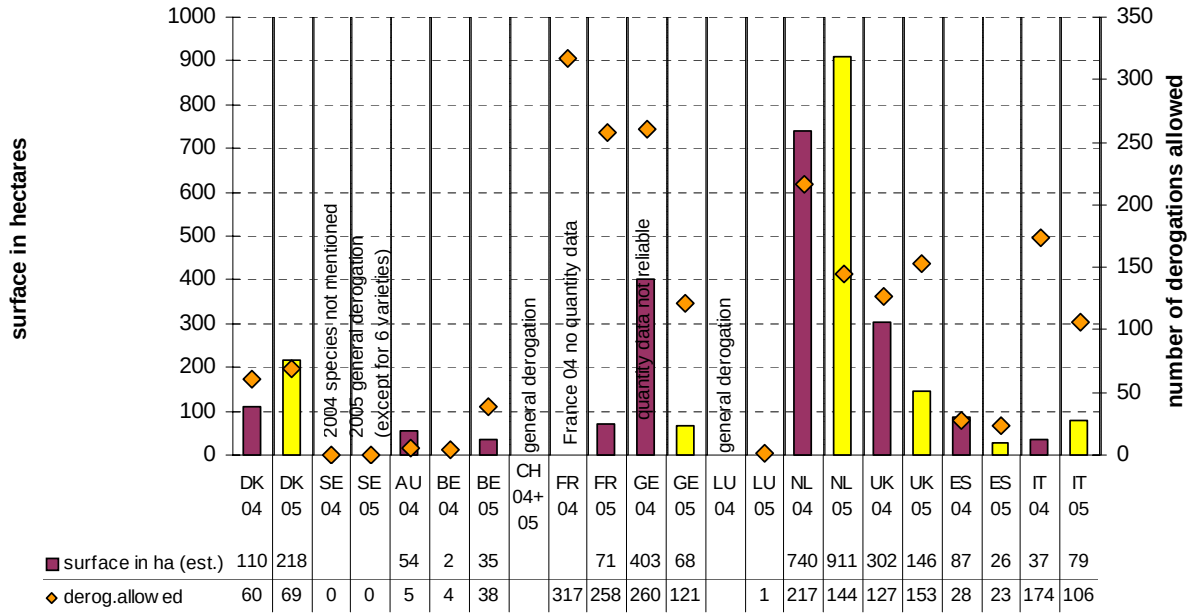


The situation for broccoli is confusing, since a lot of states gave general derogation, while big producer nations insisted on individual derogation.

The production structure in Italy and Spain seems to be quite opposite (few derogations of large farms in Spain and up to ten times more derogations of small farms in Italy).

2.7.18 Carrot (Daucus carota) 2004 and 2005

Diagram 18: Carrot, acreage planted 2004 and 2005



The acreage planted is estimated, basing on an average seed density of 2 Million seeds per hectare or 2 kilograms of seeds per hectare.

The total acreages of a species planted organically are often not known. Respective data for carrots were available for Italy. In Italy the total area planted with organic carrots, inclusively the land under conversion was 499 hectares in the year 2005. Only 15.8% was sown with non-organic seeds.

2.7.19 Cucumber (Cucumis sativus) 2004 and 2005

Diagram 19: Authorisations for cucumber, Million seeds in 2004

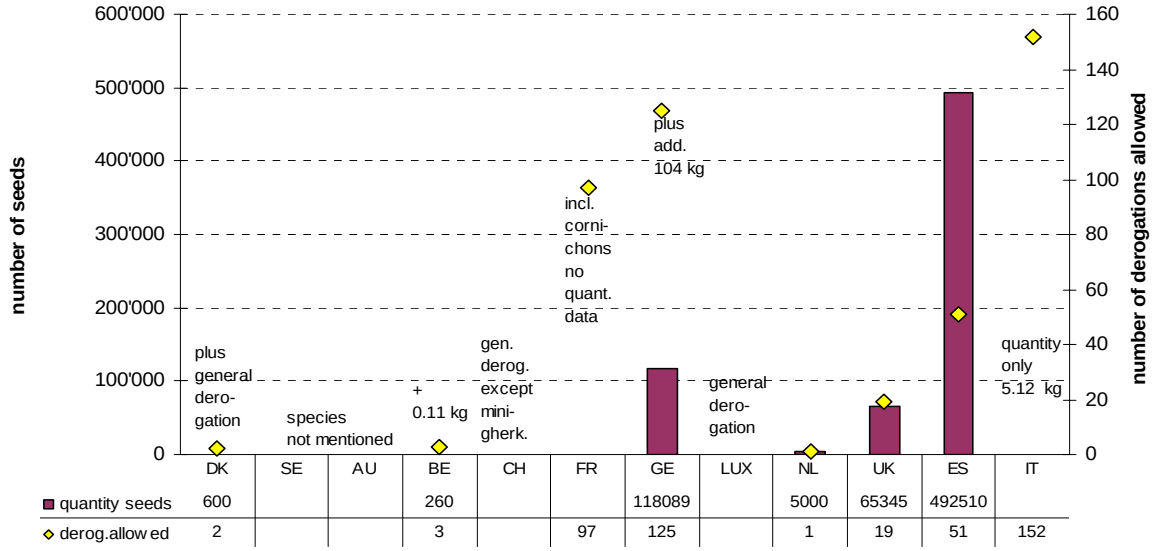
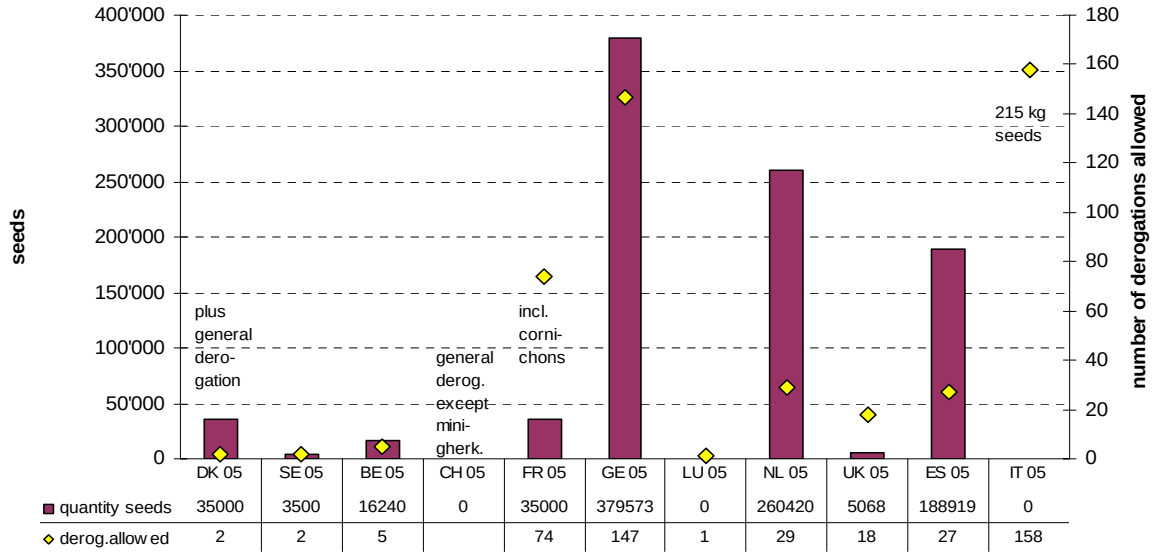


Diagram 20: Authorisations for cucumber, Million seeds in 2005

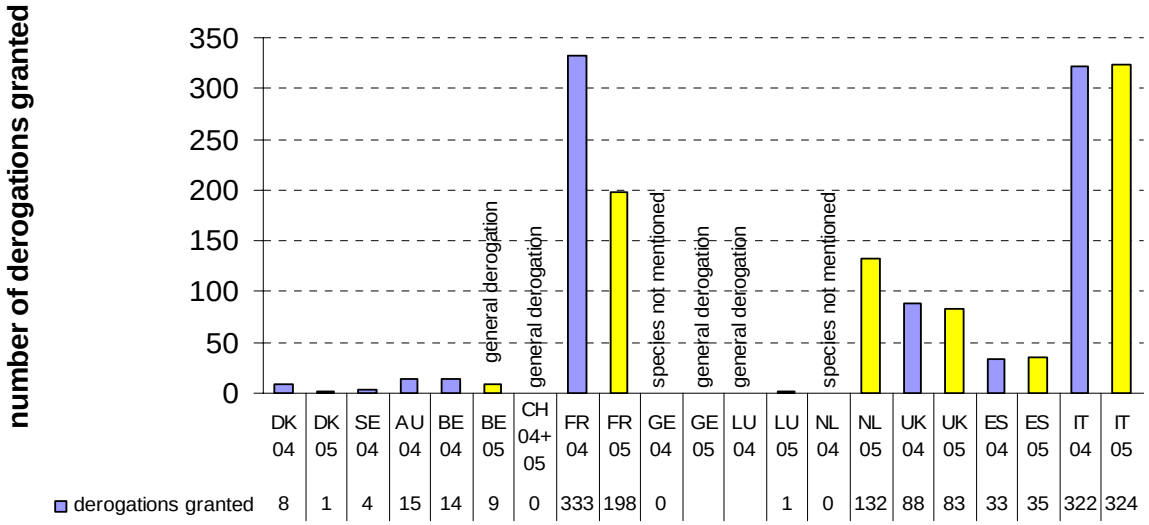


Italy reported the seeds quantity in kilogram. Only 5 kg were reported in 2004 while in the year 2005 215 kilograms were registered. 215 kg seeds are equivalent to 8.6 million seeds, estimated from a 1000grain weight of 25 grams.

This would be equivalent to acreage of 250 to 450 ha, depending on plant density. This seems to be too high compared with the reported acreage of 15 ha organic plantations in total for Italy.

2.7.20 Onions (Allium cepa) 2004 and 2005

Diagram 21: Authorisations for onions, 2004 and 2005



Quantity data are not comparable for onions. It is not quite clear if quantity data in kilogram represent seeds or bulbs.

Table 8: Quantities reported for onions *(Allium cepa)* **2004**

state	derogations allowed	quantity	unit	quantity 2	unit 2	number of varie-ties	comments
AU	15	55’275	kg			7	varieties incomplete Including bulbs?
BE	14	8	kg	2’106’000	seeds	8	
CH	no data	0					general derogation
DK	8			3’340’000	seeds		
ES	33	2’048	kg	369’333	seeds	18	
FR	333	no data	bulbs and seeds				Incl. 79 derogations for bulbs
GE	no data						species not mentioned
IT	322	538	kg				
LU	no data	0					general derogation
NL	no data						species not mentioned, general derogation only for baby onions
SE	4	365	kg			2	
UK	88	125’104	kg	26’046’550	seeds	60 data uncer-tain	Including set onions

Table 9: Quantities reported for onions *(Allium cepa)* **2005**

state	derogations allowed	quantity	unit	quantity 2	unit 2	number of varieties	comments
AU	no data						No report available
BE	9	6.06	kg	17’010’000	seeds		General derog. (?)
CH	no data						General derogation
DK	5	107	kg bulbs	25’000	seeds	4	General derogation from 15.02 to 30.06 05
ES	35	3154.1	kg	1'395’628	seeds	27	Varieties not clearly identified
FR	198	25.05	Kg	32’124’000	seeds		
GE	no data						General derogation
IT	324	437.30	kg				
NL	132 2	30 5500	kg kg bulbs	503'427’500 700’000	seeds bulbs		Onion seed Set onions
LU	1						No quantity data
SE	no data						General derogation except for Hyfort, Sturon, Balaton
UK	69 14	25.97 125.8	kg tonnes	7683443 2500	seeds bulbs	40	Number of varieties uncertain Set onions

Average plant density, onion set: 600 to 1200 kg/ha
Average seed density, onion, seeds: 1 to 1.2 Mio seeds/ha, or 4 to 6 kg /ha

In some states grant no authorisations for non-organic set onions, since this is regarded as trans-plants and not as vegetative propagation material. This definition needs urgent clarification.

2.7.21 Spinach (Spinacia oleracea) 2004 and 2005

Diagram 22: Authorisations for spinach, million seeds in 2004

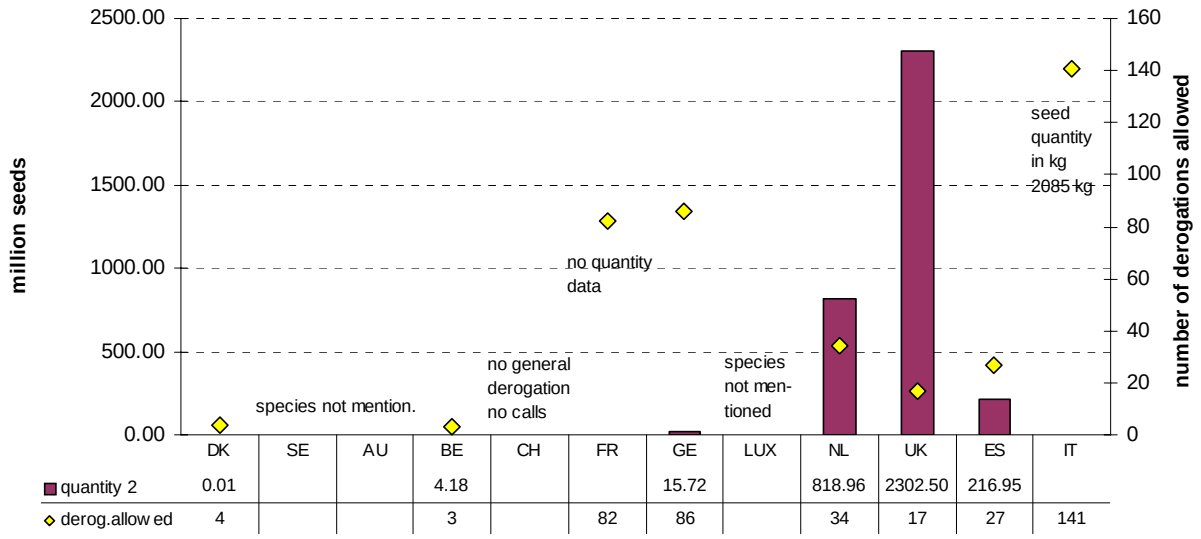
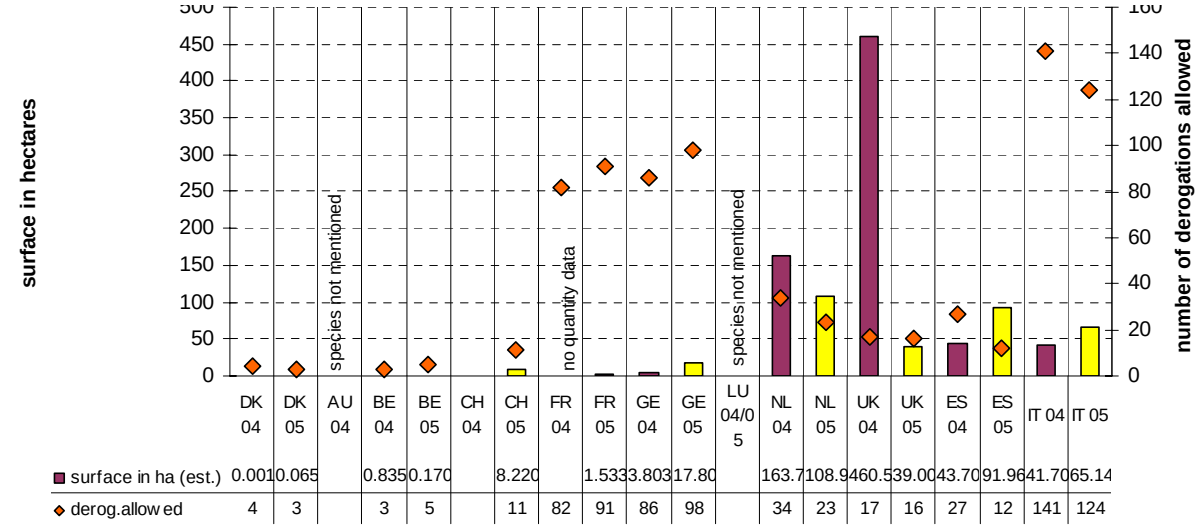


Diagram 23: Authorisations for spinach, acreage planted 2004 and 2005



* Basis for estimation: 5 million seeds /hectare or 50 kg seeds/hectare

For UK the number of seeds seems to be to high for 2004 and to low for 2005. The officially recorded 2.2 million seeds are far out and have been replaced in the graph with an own calculation of 195 million seeds.

Spain reported half the number of derogations with doubled quantity data.

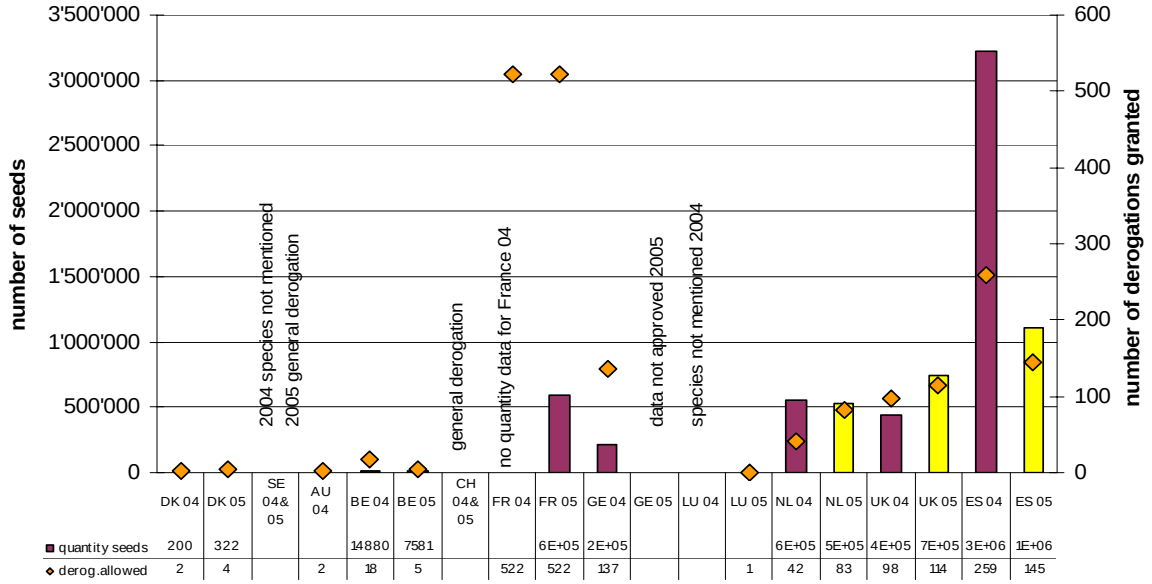
Italy and France show a big number of derogations granted with no or only little seed quantity data.

All this inconsistence needs further explications and make a real comparison difficult.

An explanation might be: in Italy and France spinach is mainly a local market production, while in UK and NL is produced for industrial processing (deep-freeze) that means large surfaces in few farms and use of few varieties.

2.7.22 Tomato (Lycopersicon lycop.) 2004 and 2005

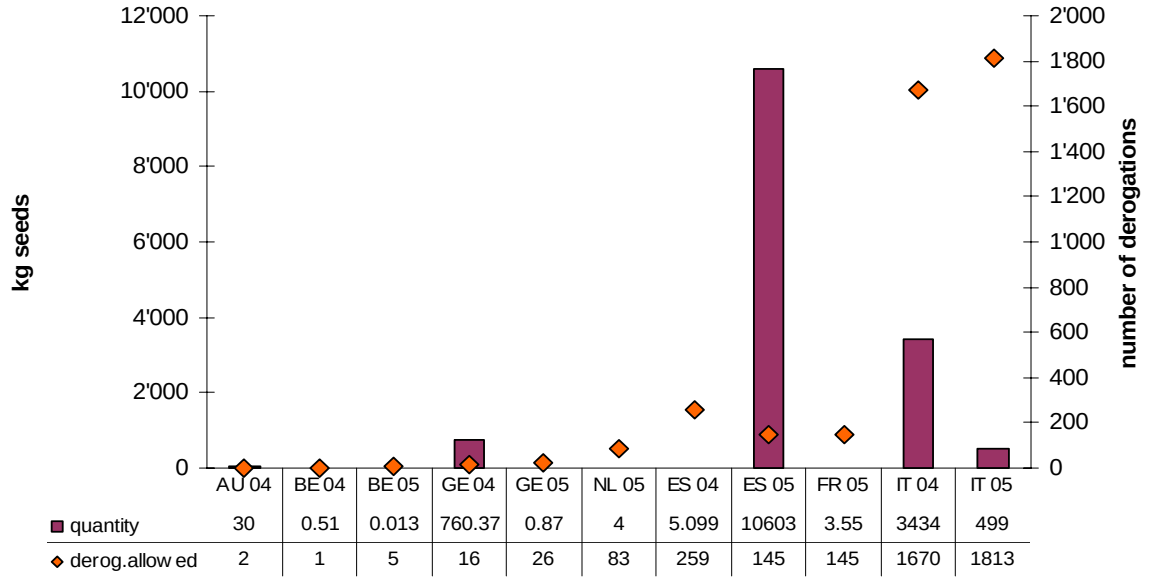
Diagram 24: Authorisations for tomato, Million seeds , 2004 and 2005



The number of derogations is in both tables displayed in total since the derogations for kilograms and million seeds can often not be distinguished properly. Italy quotes the quantity only in kilograms and reports 150 authorisations more in 2005, while the quantity dropped down more than 6 times. In Spain the quantity reported in million seeds dropped while the kilograms went up equally.

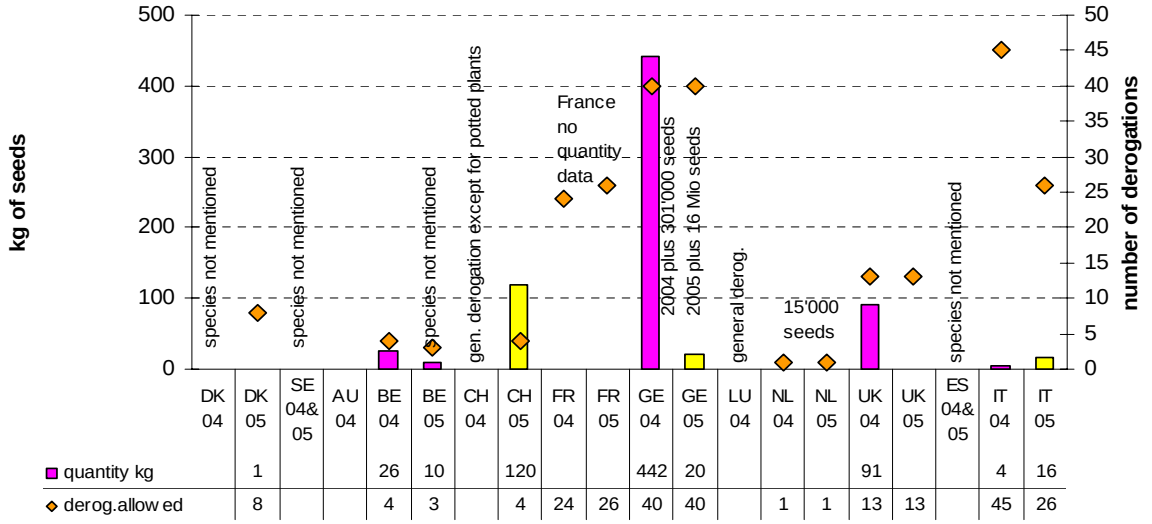
Sweden reports general derogation in 2005 for all varieties except: Aromata, Claree, Devotion, Douglas, Durasol, Espino, Furore, Gardeners Delight, Globo, Jamaica, Maribel, Matina, Moneymaker, Montimar, Pitenza, Quadro, Rougella, Saint Pierre, Sakura, Sparta, Sunstream, Suzanne, Temptation, Yellow, Submarine, Zuckertraube.

Diagram 25: Authorisations for tomato, kilogram of seeds 2004 and 2005



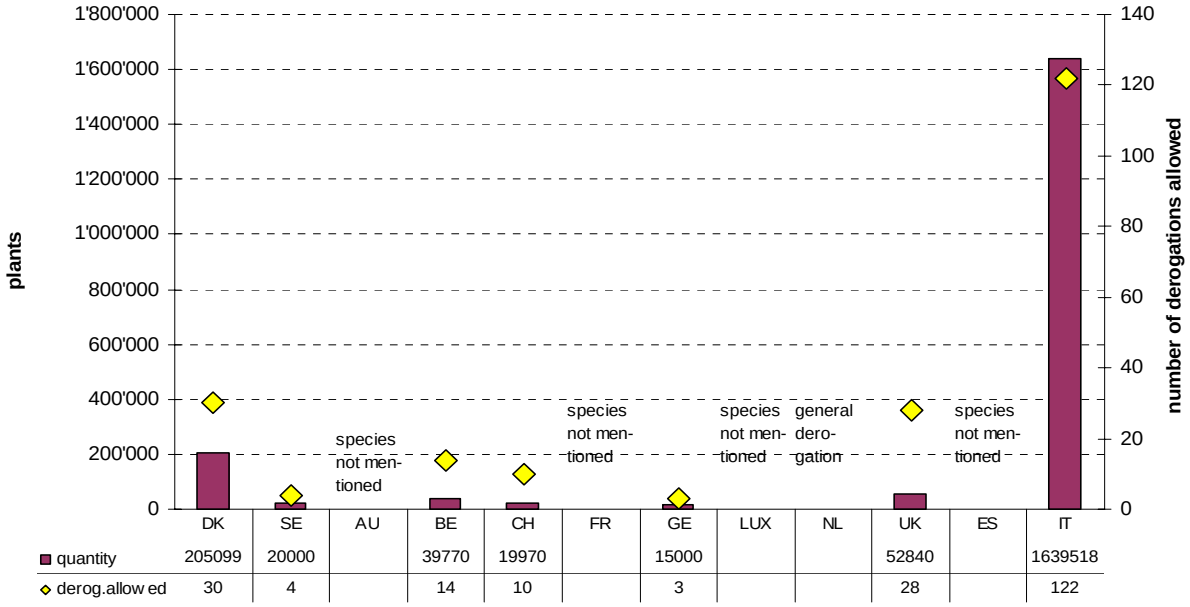
2.7.23 Sweet Basil (Ocimum basilicum) 2004 and 2005

Diagram 26: Authorisations for sweet basil, 2004 and 2005



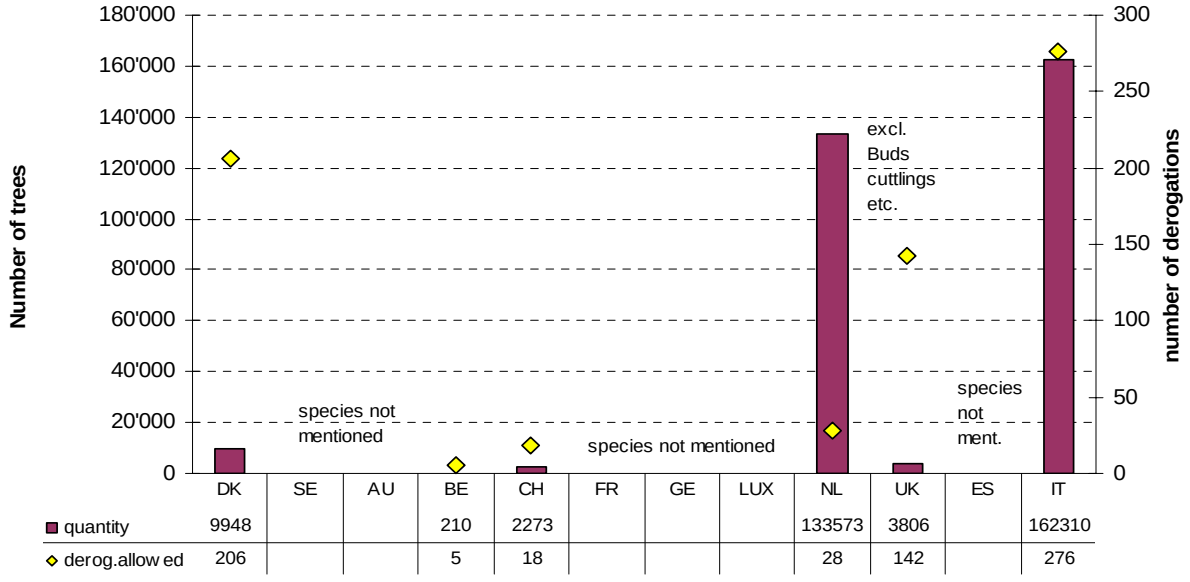
2.7.24 Strawberry (Fragaria ananassa Duch.) 2004

Diagram 27: Authorisations for strawberry, number of transplants 2004



2.7.25 Apple (Malus domestica) 2004

Diagram 28: Authorisations for apple trees, 2004



3 Survey: Experience with the new organic seed regulation

In October 2006 a number of 3-5 organic seed experts, advisors per country and the respective organic seed database managers were asked to fill in the questionnaire below. Specialists from the following states were asked: United Kingdom, Sweden, Germany, France, the Netherlands•, Italy, Denmark and Switzerland.

The following tables give an overview of the answers. A display in full length you will find in the next chapter.

(Questionnaire and data compiled by Inger Bertelsen and Andreas Thommen)

3.1 Management of the database

Table 10: Active management of the database

Topic	UK	DK	SE	GE	FR	NL	IT	CH
Company payment	yes	yes	no	yes	no	no	no	yes
Active search for new suppliers?	yes	no	yes	yes	yes	no	yes	yes
Withdrawal from the database?	yes	yes	yes	no	no	yes	yes	yes
Allow foreign seed suppliers?	no	yes	yes	yes	yes	yes	yes	yes

In most countries, the companies have to pay for registering seeds in the database. The companies can't be forced to publish in the database. Denmark and the Netherlands do not actively recruit new suppliers for the database.

Most countries reported withdrawal of products from the database because the companies feared to lose customers, when they offer their best varieties in organic quality.

All countries, except UK allows foreign seed suppliers to list varieties in the database. But no state forces farmers to buy seeds abroad.

3.2 Use of general derogation clause and “National Annex”

Table 11: Use of general derogation clause and “National Annex”

Topic	UK	DK	SE	GE	FR	NL	IT	CH
National “Annex 1”	no	no	yes*	no	no	yes	no	yes*
Vegetable species in national “Annex 1”	-	-	23	-	-	49	-	5
General derogation	no	yes	yes	yes	yes	yes	no	yes
Species with general derogation								
main species:	86	0	0	48	12	0	-	103
minor species:	24	41	6	50%	9	1	-	30
Part of individual derogations denied	10%	4%	11%	low	-	-	-	2%

*It is possible to get derogation for species on “Annex 1”

All countries that appoint general derogation for poorly supplied species use the help of expert groups. The composition of the groups varies but most often includes advisors and farmers. Expert groups are also involved in determining the national adoptions of “Annex 1”.

3.3 Derogation procedure and authorisation bodies

Table 12: Derogation procedure and authorisation bodies

Topic	UK	DK	SE	GE	FR	NL	IT	CH
Collect calls for a group of farmers	no	no	yes	yes	yes	no	no	yes
Collect calls for contract producers	no	no	yes	no	no	yes	yes	yes
Authorisation body*	C/P	C/G	C/P	D/P	D/P	C/G	C/G	C/P
Second instance	yes	-	yes	yes	yes	-	-	yes

* C: centralised, D: decentralised, P: private (control bodies), G: governmental

In most countries farmers do not have to pay a fee for derogation calls. In Switzerland farmers have to pay if the derogation is granted. Collect calls for groups of farmers or e.g. for transplant producers simplify the administrative process.

Table 13: Do derogation bodies deny calls (for vegetables)?

UK	DK	SE	GE	FR	NL	IT	CH
90% approved	97% approved **	90% approved	very low	yes	no	yes	98% approved*

* = Derogation is given if not “appropriate” according expert knowledge

** = There is given partial derogations: the farmers have to use organic seed in some parts of his fields

3.4 Seed offer in the database

Table 14: Vegetable varieties offered in the database

	UK	DK	SE	GE	FR	NL	IT	CH
Number of species	-	60	79	129	60	80	37	61
Number of varieties	-	151	266	936	680	550	321	386
Number of seed suppliers	14	3	8	-	33	13	-	4
Number of Carrot varieties	28	6	5	15	22	15	7	12
Number of Onion varieties	17	7	4	10	19	18	8	4

To enhance organic seed trade, in all countries contact has been taken to organic seed suppliers and breeders by the authorities or the farmer’s association.

In most countries except in Denmark and Italy, regular meetings are held composed of breeders and the representatives of organic farming.

All countries run projects to enhance organic seed production, but organic variety trials for vegetables are very limited.

Tenor: the authorities do not hinder the market but do also not support it with much force!

Influence of seed trade laws:

Seed of vegetables are often dealt worldwide. Importation of seed lots is subdued to legal constraints according seed trade laws. Often organic seeds are submitted to further constraints. In the Netherlands a double fee and control is used for organic seeds. In Switzerland (and Austria) the threshold values for seed borne diseases of organic seeds are below EU standards. The Netherlands is the only state where the authorities make an effort to facilitate import.

Table 15: Poorly represented species in the databases

State	Poorly represented species in the organic seed databases
UK:	Broccoli, brussels sprouts, some herbs, parsnips, swedes, garlic
DK:	All except iceberg and onion
SE:	Brassica-varieties, scorzonera, asparagus, sugar and garden pea, parsnip, set onion
GE:	E.g. some cabbages, rape, ornamentals
NL:	Biannual crops like carrot, cabbage
CH:	Cruciferea, biennial vegetable species
IT:	All legumosae and brassica crops

Organic variety trials

Variety trials help farmers to decide about the choice of varieties and the expert groups, establishing the equivalent variety groups. United Kingdom, Denmark, Sweden, Germany, Italy and Switzerland have organic variety trials by governmental research stations, Universities or impartial private organisations. The Netherlands and France did not report such official trials.

Table 16: Organic variety trials

State	Organic field trials
DK:	In 2006 spring triticale, spring barley, winter wheat, winter spelt.
SE:	Apple, black currant, potatoes, winter and spring wheat, winter rye, triticale, barley, oat, pea, broad bean, lupine, timothy, meadow-fescue and perennial rye grass.
GE:	Mainly on arable and vegetable crops
IT:	Tomato, corn and some minor trials on vegetables
CH:	Variety trials for potatoes, cereals and vegetables at the FiBL, non official VCU trials for wheat, spelt, barley, oil and fibre crops, grass and clover varieties and grass-clover mixtures on organic farmland made by the Federal Research Station ART Agroscope Reckenholz.

3.5 Farmers reception of the database

Table 17: Experts and farmers view on the database

	UK	DK	SE	GE	FR	NL	IT	CH
Was the introduction ok?	yes	yes	yes	yes	yes	yes	yes	no
Frequently used by farmers?	yes	yes	yes	yes	yes	yes	yes	no
The database is a useful tool to:								
- search for seeds	yes	yes	yes	yes	yes	yes	yes	no
- download confirmation	yes	yes	yes	yes	yes	yes	no	yes
- call for derogations	yes	yes	no	yes	yes	yes	yes	yes
Is the database complete?	no	no	no	no	no	no	no	no

Except Switzerland all countries report, that the database is frequently used by farmers.

All experts except the Swedish farmers esteem the database as useful tool to call for derogations. But most farmers and experts would welcome if the databases would expand and more products could be listed.

3.6 Overview of the questionnaire for database managers

Table 18: Questionnaire for database managers

A Questions for the database managers:		UK	DK	S	D	F	NL	I	CH
Evaluation of the implementation of the EC-Regulation 1452/2003 and of the national organic seed databases									
1. Is there a national organic seed database? Basing on which programme.		yes	yes, Microsoft ASP. VB script	no	yes, OrganicXseeds, internet data base	yes, French original programm	yes, www.biodatabase.nl	no	yes, microsoft sql-database with prebasen Tomcat
2. Is there a static list of organic seeds? Basing		yes	no	yes, excel	no	no	no	yes, excel	no
3. Do the organic seed companies have to pay for the publication of their offer on the seed database? How much		yes	yes arable seeds: 43 Euro pr. per. variety. Vegetable seeds: 33 euro per company + 6 euro per variety	no	yes 110 € per year handling charge	no	no	no	yes 100 euro per conpany per year
4. Does the database manager actively search for new suppliers?		yes	no	yes	yes	yes	no	yes	yes, mostly for vegetable suppliers
5. Is there a legal attempt to force the organic seed companies to publish their offer on the seed database?		no	no	no	no	no	no	no	no
6. Did the organic seed suppliers withdraw some offers from the database, because they feared any disadvantage on the market, if they listed the varieties?		yes	yes	yes	No, not as far as the data base manager knows	no	yes	yes	yes
7. Are foreign seed suppliers allowed to publish their offer on the national seed database?		no	yes	yes	Yes, if they have an outlet in Germany since otherwise transport cost might be too high and transport miles too much	yes	yes	yes	yes, since 2006
8. Is the offer on the database legally binding for the whole territory of the member state, or only for the regions of the seed suppliers' market radius?		whole territory	whole territory	whole territory	whole territory	only regions	whole territory	whole territory	for the suppliers region
9. Are the farmers forced to order seed abroad, if the national organic seed offer is insufficient?		no	no	no	no	no	no	no	no
10. Which type of organic seed companies or organic breeders are badly represented on the seed database:	breeders	x		x		x			x
	minor seed traders	x	x			x	x		x
	big seed traders					x			
	farmers cooperatives	x	x			x	x		
	others (name which)								x vate seed producers and NGO's (conservation varieties)
11. Is the organic seed database frequently used by farmers?		yes	yes	yes	yes	yes	yes	yes	no, it's okay, but could be more users!
12. How many main crops are on the lists of general derogation?	vegetable crops	86	0	0	48, but not all crop types within these 48 crops	12	0		103 subspecies of 30 species
	arable crops	51	1 (maize) - 2 when sold out (spring oat, pea for hole crop)	1	22, but not all crop types within these 22 crops	10	0		5 subgroups of 5 different species

(UK=United Kingdom, DK=Denmark, S=Sweden, D=Germany, F= France, I=Italy, NL=The Netherlands, CH=Switzerland)

4 Recommendations for future derogation reports

4.1 EU-regulatory basic requirements

According to Regulation EC/1452/2003 Article 12 each Member State is required to deliver an annual organic seed report per March 31.

The report shall contain, for each species concerned by an authorisation according to Article 5(1), the following information:

(a) the scientific name of the species and the variety denomination;

(b) the justification for the authorisation indicated by a reference to Article 5(1)(a), (b), (c) or (d);

(c) the total number of authorisations;

(d) the total quantity of seed or seed potatoes involved:

(e) the chemical treatment for phytosanitary purposes, as referred to in Article 3(a).

2. For authorisations according to Article 5(4) the report shall contain the information referred to in paragraph 1(a) and the period for which the authorisations were in force.

All EU Member States, except the Baltic States, are required to deliver such an annual report.

4.2 Guidelines and template for reporting

According to our experience, the following guidelines should be followed in future reporting.

Table 19: Guidelines for future seed reporting

Subject	Recommendation	Comments
Format	Excel file for internal use Protected Pdf-file for publication	Excel file are easy to search and allow direct comparison or data transfer and pivot analysis
Species denomination	Latin name, based on the common catalogue of varieties additional English common crop names Local Denomination	If files should be compiled and analyzed digitally, common names are necessary
Variety denomination	Entry of variety names according the common catalogue of varieties Quality check: the variety names should be proofed and smoothened by an expert before reporting to Brussels	Unfiltered lists of variety names display much doubles and wrong spellings
Subsummaries	Subsummaries for seed quantity and number of authorisations should be made on variety and on species level, eventually on crop group (e.g. vegetables) level	Supplementary subsummarising can be very time consuming especially if the data is not presented in a calculation table.
Units	If possible the subsummaries should be straighten to two units (number of seeds and kilogram)	If subsummaries are made on variety level, several units can hamper the data overview
Reasons	The reasons for derogation calls should be clearly indicated and also be counted and subsummarized.	The data of the reasons classified according Article 5.1 of the regulation was often missing.

The following report of Belgium could serve as common template for future reporting.

Table 20: Template of the Belgian derogation data

Nom scientifique (latin)	Nom commun (FR)	Common name (EN)	Variétés	Justification (art. 5, §1)				Total autorisations	Qauntité totale de unités (Variétés)		Quantité totale de unités (Espèces)	
				a	b	c	d					
Achyranthes bidentata	Achyranthe	Achyranthe		1			1	1	10	g	10	g
Agrimonia odorata	Aigremoine odorante	Agrimonia	Topaz			1	1	1	30	g	30	g
Allium ascalonicum auct. non L.	Échalote	Shallot	Ambition		1			2	10'000	unités	260'000	unités
			Matador			1			250'000	unités		
Allium cepa L.	Oignon	Onion	Hyred			1		9	10'000	unités	1'570'000	unités
			Hyskin		1				750'000	unités		
			Hytech		1				750'000	unités		
			Red Baron		1				40'000	unités		
			Redspark		1				10'000	unités		
			Sturon		1				5	kg	8.25	kg
			Stuttgarter		1				3	kg		
			Summit		1				10'000	unités		
			Ushikuri	1					250	g		
Allium fistulosum L.	Ciboule	Spring onion	Parade			3		5	285'000	unités	536'000	unités
			Performer			2			251'000	unités		

The following data are displayed:

- Scientific name (Latin)
- Common name (original language)
- Common name (English)
- Variety name
- Justification according Art. 5.1 reason a, b, c or d
- Subsummary of authorisations allowed per variety
- Subsummary of quantities allowed per variety
- Summary of authorisations allowed per species
- Summary of quantities allowed per species

General recommendations:

An extra column for each data field shall be provided. Each dataset = one row.

Basis seeds, used to produce organic seeds should be listed separately from the common derogation data, since this distorts the ratio of non-organic to organic seed.

Derogation data shall be completed with total acreage data of respective species. This data would help, to put the derogation data in relation to the total production.

Table 21 Reasons for individual calls for derogation

Number	Reason category	Explanations
1	Variety trials	Variety trials by research stations or on farm trials limited to maximal 10% of a series and on less than 10 ares
2	Conservation varieties	Use of conservation (heritage) varieties to enhance biodiversity in organic agriculture
3	Basis seed for the production of organic seeds	
4	Specific soil conditions	
5	Tolerance or resistance against pests	
6	Climatical conditions or altitude	
7	Contract production with prescription of the variety	
8	Market demand or processing quality	
9	Form or quality of the seed	
10	Other reasons	Please describe detailed, why none of the offered varieties fits for your production

The table above is proposed to categorise the reasons condensed under the term “not appropriate” mentioned in reason 5.1 d.

For all reason categories it is necessary to tell in some few words the detailed reason. E. g.: reason category 5) “resistances”: Explanation: “Topaz, scab resistant apple variety, since we face a lot of problems with scab in our region.”

Use of national derogation reports for feed-back in expert groups

Expert groups on national level can make use of the national derogation reports as an instrument for feed-back. The expert group can see how many calls per species have been dealt with and for which varieties. Seed companies can use this information to adjust their assortment. See for example (part of) a three year overview which the Dutch expert group extracted from the national reports of 2004, 2005 and 2006 for the expert group meeting in autumn 2006.

Table 22 Authorisations granted for the use of non-organic onion seed in the Netherlands, 2004-2006

	2004					2005					2006				
Variety/ species Onion	Number of authorisations granted	Number of authorisations not granted	Number of seeds	Quantity in kg	Reason for calls	Number of authorisations granted	Number of authorisations not granted	Number of Seeds	Quantity in kg	Reason for calls	Number of authorisations granted	Number of authorisations not granted	Number of Seeds	Quantity in kg	Reason for calls
accent	1				4										
ailsa graig											1		120		3
albion	1				4										
arenal	1				3	2		7.750.000		3					
arenal	2				4										
balaton	2				4										
baldito	2				3	8		44.250.000		3	6		19.770.000		3
baldito	2				4										
balstora	1				3	2		20.000		4					
balstora	5				4										
…….	…	…			..	..		….	…	…	….	..	…	….	..
total	**367**	**0**				**131**	**0**	**502.677.500**	**30**		**100**	**0**	**245.135.120**	**10**	

Reasons for individual calls:

1 Of this (sub)species no variety is mentioned on the database
2 No supplier can offer this seed before sowing while the order has been on time
3 The required variety is not mentioned in the database and none of the varieties mentioned in the database are appropriate for his/her production.
4 The variety is used for variety trials, in small scale field trials or for maintenance
5 (Sub)species is on the national annex, but exception for authorisation is granted

5 Criteria to set species on authorisation level

5.1 Actual interpretation of the regulatory framework

5.1.1 Use of the „General Derogation“ clause

Most states make extensive use of the general derogation clause according article 5.4 of the Regulation EC/1452/2003. E.g. in Switzerland 78% of the vegetable subspecies has been submitted to general derogation in the year 2004. On the other hand, states like Italy and United Kingdom did not grant any general derogation in the first year.

To grant general derogation the following conditions must be fulfilled: either according article 5.1 a) there is no offer at all, or according article 5.1 c), there is no “appropriate” offer. The Swiss expert group for vegetable is very strict in evaluating the so called “appropriateness” of a equivalent variety groups. With this very reluctant approach, the seed companies do not get enough security on the market and show difficulties to extend their organic seed offer. To give more security to seed companies, “general derogation” should be remarkably reduced. As benchmark we would recommend, that if **one** “professional” means “appropriate” and recommended variety is available in organic quality, the subspecies/variety group should be upgraded to “single derogation”. See also chapter 6.4.4.

5.1.2 Handling of individual calls

The European Union’s law on organic seed, Regulation EC/1452/2003 has a key point in Article 5, paragraph c) concerning the handling of individual calls for authorisations. (see Article 5 c below).

Article 5

Conditions for granting authorisations

(c) if the variety which the user wants to obtain is not registered

in the database, and the user is able to demonstrate

that none of the registered alternatives of the same species

*are **appropriate** and that the authorisation therefore is significant for his production.*

In most Member States the calls for derogations are dealt by the (organic) control bodies of the respective farmer. Some countries, like Germany have been reporting, that nearly no calls were denied, since the officers of the respective control bodies do not have the expertise to decide about the „appropriateness“ of the respective variety. Since it is also not regulated, who takes the financial responsibility if the harvest of a certain variety would fail, practically no derogation officers dare to deny a call for derogation.

A definition of the term „appropriate“ is therefore crucial for the decision process.

5.2 General criteria for seed quality

Next to specific requirements regarding subspecies and variety characteristics, also the seed quality and the quantity of available seeds should be considered. The following conditions regarding commercialised organic seeds should be taken into consideration:

- Variety authenticity
- Purity of grains
- Germination rate and seed vigour
- Seed health
- Seed form (pelleted seed, etc.)
- Seed package and available quantity

Regarding seed quality, it is presumed that organic seed must comply with minimal national seed quality standards (if provided). For internationally traded seeds, the standards of the International Seed Testing Association (ISTA) shall be met. For some diseases, current threshold values for seed-borne diseases may need readjustment for organic production, see also the report of work package 5.2.

5.3 General criteria for variety performance

Next to the general requirements for seeds a list of specific criteria for each species/crop regarding the value of cultivation and use (VCU) must be defined.

An example of such agronomic and market validation shows the list below for tomato.

5.3.1 Criteria regarding agronomic performance of tomato

- Climatic adaptation/ growing area (indoor/outdoor)
- Growth type (indeterminate/determinate)
- Crop type (subgroup)
- Maturity time
- Shelf-life
- Resistances
- Weight, size
- Colour at maturity (green shoulder, etc.)
- Shape (plum form, etc.)
- Plant habit (compact, open, etc.)
- Truss type (5 or 6 fruits on one truss, etc.)

Example: Detailed descriptors for tomato

An example of the descriptors that need to be considered for the species tomato is given in the table below. The following agronomic or economic parameters have to be respected as possible critical traits for the producers. The descriptors are subdivided in agronomic (growing) criteria and marketing criteria.

Table 23: Detailed descriptors for tomato

Variety	major growing criteria																													marketing criteria																					
	Climatic conditions/ growing area						Growth		Crop Type						Maturity				shelf-life		Resistance									Weight				Colour at maturity						shape						Plant habit				Trusst ype	
	Worldwide	Northwest Europe	Mediterranean	East/South East Europe	open field	Greenhouse	indeterminate	determinate	Beef (processing)	Salad	Cherry	Cocktail	Plum	Rootstock	early	medium early	medium late	late	semi-longlife	longlife	Tobacco mosaic virus	Cladosporium fulvum races ABCDE	Verticillium alboatrum	Fusarium oxysporum race 1 + 2	Fusarium Crown and foot Rot	Stemphyllium solani	Silvering (Chimera)	Tomato Spotted Wilt Virus	Most occuring pathotypes of Nematodes	70-90 g	90 - 130 g	130- 180 g	>180 g	green	yellow	orange	pink	red	greenshoulder	round	oval	oblate	flattened	plum	ribbed	compact	open	strong	balanced	5 fruits	6 fruits
Abrivado F1																																																			
Alexandros F1																																																			
Bambino F1																																																			
Beatrice F1																																																			
Brenda F1																																																			
Cindel F1																																																			
Claree F1																																																			
Devotion F1																																																			

The table shows the most important characteristics to describe tomato varieties and their agronomic and market performance.

5.3.2 Problems regarding the handling of complex variety data

It would be very favourable and convenient for the farmers, if they could find detailed variety data on the organic seed databases. This would enhance the attraction of a database for the farmers. The problem with this system is that database managers do not get the necessary data from the breeders or seed suppliers. One reason is, that the entry of full data would be very time consuming. Secondly many breeders do not like to present their varieties in a direct comparison scheme with competitors. If the derogation officers have to collect the variety data e.g. from seed companies homepages, the whole process is very time consuming and financially not viable. Another obstacle is also the quality of the data entered and their verification. To be objective, it would be favourable to enter data from „neutral“, scientific variety trials and not just information provided by the breeders themselves.

Some national databases, like the Dutch one or the international www.organicXseeds.com , provide links to the seed company websites for further information on the varieties.

5.3.3 Guidelines to establish groups of equivalent varieties

Advantages of equivalence lists

To solve the problem of the manifold variety descriptors mentioned above, it is easier to establish a list of equivalent varieties which are approved for professional plant production. At least the derogation officers should have access to this data. As long as one of these approved varieties is available organically, no derogations should be given for the respective subspecies. Lists of equivalent varieties would be very helpful for the derogation officers, to make competent and fair decisions regarding single authorisations.

The equivalent variety lists should be based on the system of subgroups (subspecies) and not on whole botanical species, as mentioned in the regulation text. The most evident example is Maize. It would not make much sense to force a farmer to use Sweet Corn as replacement for Maize for silage use.

Process of setting up equivalence lists

It is recommended to build **expert commissions** for all relevant crop groups, e.g. arable crops (eventually divided in cereals, potatoes, oilseed and protein crops) vegetables, fodder crops, fruits, ornamentals, herbs and spices. The commission should be yearly mandated by the respective authorities.

The expert commissions should represent the following stakeholders:
- producers: farmers, representatives of farmers associations and of crop specific organisations
- specialists: advisors, researchers (e.g. the leader of the respective variety trials)
- traders: wholesalers, representatives of the processing industry, marketing specialists for the crop specific products

Regarding the availability of seeds and information about variety characteristics, the following stakeholders should provide data or take themselves a seat in the commission:
- suppliers: seed companies, seed umbrella organisations, breeding companies
- government: database manager, control bodies

The following work plan has been proofed in Switzerland:

1. Sub-grouping of crops (species) according cultivation and use.
2. Compilation of the set of recommended varieties per subgroup via analyse of (organic) variety trials, catalogues of breeders, annual derogation reports, expertise of advisors, farmers and traders.
3. Analyse of the available range of organically produced varieties and their seed quality via organic seed databases and direct calls to breeders for future releases.
4. Classification of the variety groups/subspecies into different derogation categories (Annex 1, individual derogation, general derogation). The set of recommended varieties has to be compared to the available organically produced varieties. Since not all varieties represent the same market share, the decision shall mainly be based on the potential market coverage of the respective set of organically produced varieties. These are mostly the varieties, which are currently in use on organic farms.

5.3.4 Building of subspecies or variety groups

The market for most main crops is largely segmented and for every segment other quality characteristics are necessary. For the system of „equivalent groups“ it is first of all necessary, to define the crop segmentation or subspecies groups according the value of cultivation and use or to national market requirements. A grouping system is recommended as suggested below:

Example Tomato

Level	**Result**
Crop Groups	Vegetables
Crop Species	Tomato (*Lycopersicon lycopersicon L.*)
Crop subgroup/crop type	Cherry, Cocktail, Round, Truss, Beef
Variety Group	subdivided in one or more subgroups for use (1.open field/glasshouse; 2.growing period/season; 3. market segment (fresh use, processing)
Variety	named, e.g. ‘Aromata’

Example Potato

Level	**Result**
Crop Groups	Root/tuber crops
Crop Species	Potato (*Solanum tubersosum*)
Crop Sub-Group/Type	Table potato; Industry potato
Variety Group	subdivided in one or more subgroups for use (1.growing period/season (early; midlate, late); 2. colour; 3. type of processing (chips, fries, starch) etc.
Variety	named, e.g. ‘Agria’

Since most countries have their own market segmentation or even official, legally based quality requirements (as for most cereals), the list of subgroups has to be established for each Member State individually. The example of winter wheat shows the different subgroups or spellings in United Kingdom, Germany and Belgium.

Table 24: Comparison of variety groups of Winter Wheat in different EU Member States

United Kingdom	Belgium	Germany
Milling biscuit	blé améliorant (wheat to ameliorate)	Qualitätsgruppe A (Quality A =good baking quality)
Milling bread	blé panifiable courant (milling bread normal quality)	Qualitätsgruppe B (Quality B = medium baking quality)
	blé panifiable supérieur (milling bread superior quality)	Qualitätsgruppe E (Quality E= best baking quality)
Feed	fourrager (feed)	Qualitätsgruppe C (Quality C = feed)
		Wechselweizen (Alternating (spring and winter) wheat)
		Wertgeprüft als Ökoweizen (tested in organic VCU trials)
Seeds only available in small quantities		
Not specified		

Table above: The comparison of subgroups of EU Member States shows, that there are many national peculiarities regarding market segmentation and quality demands, leading to different protocols for VCU trials and to a different range of recommended varieties per country or climatic region. A common EU Annex for complete species can therefore only be envisaged for species provided with a broad assortment of varieties or species with not too high quality constraints. For most agricultural crops, as well as for vegetable species the national peculiarities in quality requirements are too diverse to allow a European, common grouping.

5.4 Criteria for the categorisation of subspecies/variety groups

5.4.1 Category 1: Annex 1

According Article 1.2 of the EC-Regulation derogations for “Annex species” are only possible for research purposes, small scale variety trials and conservation varieties (in Switzerland additionally for basis seed for organic seed production)

Article 1.2 of the EC-Regulation 1453/2003

Species for which it is established, in accordance with the procedure laid down in Article 14 of Regulation EEC/2092/91, that organically produced seed or seed potatoes are available in sufficient quantities and for a significant number of varieties in all parts of the Community are set out in the Annex to this Regulation.

The species listed in the Annex are not entitled to authorisations

pursuant to the derogation referred to in paragraph 1

unless it is justified by one of the purposes referred to in Article

5(1)(d).

Criteria for category 1 (Annex 1)

Category 1 (Annex 1) means “full provision” regarding seed quantity and the choice of varieties:

- Only species and subspecies (variety groups) with a significant number of *recommended* varieties (currently most widely used by organic farmers) or species with less high quality demands (e.g. wild flowers) should be classified in Annex 1. Seed supply should cover more than 95% of the total area (up to 5% derogations are needed for basis seed and eventually conservation varieties).
- To avoid monopoly, the assortment should be offered by at least two suppliers; in the case of a minor crop (small area, less economic impact) one supplier with a range of recommended varieties may be sufficient.

If it is not possible to enter the complete species into the Annex 1, then one can enter one or more subspecies of the crop that comply to the criteria mentioned above. Therefore the text of the regulation has to be altered.

5.4.2 Category 2: Individual Derogation

The possibility of individual derogation is defined by Article 5.1 of the Regulation EC/1452/2003. Individual authorisations for one growth season can be granted by the competent authority or control body. Article 5.1 mentions four main cases which allow derogation:

Article 5.1

Authorisation to use seed or seed potatoes not obtained

by the organic production method may only be granted in the

following cases:

(a) if no variety of the species which the user wants to obtain is registered in the database provided for in Article 6;

(b) if no supplier is able to deliver the seed or seed potatoes before sowing or planting in situations where the user has ordered the seed or seed potatoes in reasonable time;

(c) if the variety which the user wants to obtain is not registered in the database, and the user is able to demonstrate that none of the registered alternatives of the same species are appropriate and that the authorisation therefore is significant for his production;

(d) if it is justified for use in research, test in small-scale field trials or for variety conservation purposes agreed by the competent authority of the Member State.

Criteria for category 2: Individual Derogation

Category 2 shall contain subspecies or variety groups, which have a part of the set of recommended varieties available, but are not yet fully provided to meet the criteria of Annex 1.

- Species and subspecies (variety groups) with at one third of the range of recommended variety available should be classified in Category 2. Seed supply should cover more than 40% of the total area of the subspecies.

5.4.3 Category 3: General Derogation

General derogation is defined by Article 5.4 and 5.5 of the EC-Regulation. General derogation is meant for too poorly supplied species (subspecies) and should prevent farmers and derogation bodies from surplus bureaucracy.

Article 5.4

By way of derogation from paragraph 3, the competent authority of the Member State may grant to all users a general authorisation for a given

— species when and in so far as the condition laid down in paragraph 1(a) is fulfilled, or

— variety when and in so far as the conditions laid down in paragraph 1(c) are fulfilled.

Such authorisations shall be clearly indicated in the database.

Article 5.5

Authorisation may only be granted during periods for which the database is updated in accordance with Article 7(3).

Criteria for „General Derogation“

General derogation should be granted, for species with less than one third provision regarding the choice of recommended varieties, inferior seed quality or an organic seed supply for less than 40% of the total area.

5.4.4 Schedule for annual update and upgrade

Article 7.3 (mentioned above) means at least an annual update of the database or in other words, the general derogation can be granted for a maximum of one year duration at once. The classification of all species or subspecies shall therefore be done yearly.

The compilation of the set of recommended varieties and the categorisation of the subspecies or variety groups needs to be re-evaluated every year. The following reasons should be considered as reasons for short-termed changes of the yearly categorisation.

- Sudden changes of the availability of organic seeds of the recommended varieties
- Problems with seed quality (e.g. infections with seed borne diseases)
- Occurrence of epidemic diseases
- Sudden changes of market requirements (e.g. problems with acryl-amide content in potatoes changed within a few weeks the set of recommended varieties for industrial processing).

The commission should therefore be ready to re-evaluate the categorisation on very short term. Fast re-adjustments can be done via e-mail or phone conferences.

All involved stakeholders and members of the expert commission have the right to ask for a change of the implemented categorisation.

As experience with calls for authorisations and the feedback of farmers in Switzerland shows, the big gap lays between Category 3 (general derogation) and Category 2 (individual derogation). The Swiss control bodies register far less problems and sanctions with species in Category 1 (Annex 1) since the provision of these species is of a very good quality and the farmers are used to work with organic seeds.

General derogation means stagnation for the organic seed market and symbols surrender. It is very important to push the species or at least important subspecies forward to “Individual Derogation“ or even category 1 with no derogation. Experience of countries with no general derogation, as in United Kingdom or Belgium, shows, that it can be handled administratively. A remarkable fee for derogation calls should lead to fewer calls and to higher demand for organic seeds. Furthermore it allows the collection of data about authorisations. If this data is presented on a variety basis, it is an excellent tool for the seed companies to adjust their marketing strategy. „Individual derogation“ is very important for the development of the seed market.

It should be discussed in the European Commission to abandon „general derogation“ for main crops within the next five years.

5.4.5 Evaluation of measures regarding Annex 1 or 2

Aim of the EC Regulation 1453/2003 should be to enhance the use of organic seeds in organic agriculture. Therefore it is essential, that the classification of species and subspecies evolves from category 3 (general derogation) to category 2 (individual derogation) and then on to Annex 1. Upgrade can only be forced, when the respective species or subspecies is properly provided with the recommended range of varieties and sufficient seed in adequate quality and seed form. Therefore

one part of the measures should aim at the proliferation of the organic seed market and seed production. The measures taken for uplifting species or subspecies to Category 1 (Annex 1 of the Regulation EC/1452/2003) and Category 2 (individual derogation) can not be reviewed apart from measures taken to enhance the organic seed supply. Therefore a thorough analyse of the efforts taken to support the organic seed supply must be part of this evaluation.

The authorities should have strong interest to enhance the process of uplifting the categorisation. This can be done either through setting of favourable conditions for the suppliers and /or combined with a strong derogation regime.

An evaluation of the measures taken by the government is given in the survey of chapter 4.

For comments to similar questions see also the “in depth interviews” with seed experts compiled by Cristina Micheloni, or the comments of the participants of the European Consortium for Organic Plant Breeding (ECO-PB) Congress in Vienna (see above).

6 Gaps in the actual seed regulation

6.1 Seed treatment and coating

Organic seeds are not allowed to be treated with fungicides or insecticides. Other post-harvest treatments like coating, pelleting and priming are widely used also for organic seeds.

Also other post-harvest treatments like hot air, hot water, smoke, electro-physical treatments and others are not yet mentioned in the seed regulation.
The adaptation of these post-harvest treatments to organic farming should be evaluated and also a declaration duty of the seed processing should be introduced.

6.2 Registration of acreage

In the actual regulation text, the farmer has to register the name and the quantity of the variety and seeds desired. An additional data entry field for the acreage or number of pot plants he wants to produce with the desired seeds would be favourable to evaluate seed reporting. Furthermore the registration and therefore the granting of the quantity of seeds for a defined acreage would also facilitate the work of the on farm control of the certification bodies, since an easy calculation of the plausibility of the granted non-organic seeds could be made.

6.3 Prohibition of protoplast fusion and biotech-breeding

In the regulation text it is mentioned, that GMO-bred varieties are not allowed in organic farming systems. The question of varieties bred with trans-species protoplast-fusion, mainly CMS hybrids and of cis-genetic engineering has to be addressed by the policy makers. The problem with both breeding techniques is, that the breeders are not obliged to declare the use of it. Although this methods fall under the EU definition of GMO (GMO Directive 2001/18/EC, article 3) the products derived from this technique are excluded from this Directive, see Annex 1B. They are not addressed by the gene technical regulation. In future this might also happen with new techniques such as reverse breeding, cis-genesis etc. (Lammerts van Bueren et al., 2007)

6.4 Inclusion of vegetative propagation material in the database

In the preface of the organic seeds regulation it is mentioned in article 8) that the use of vegetative propagation material should be increased by making the offer more transparent. To achieve this aim, we propose to integrate vegetative propagation material like seeds and seed potatoes in the database. Basing on the registered offer, the handling of derogation calls could be administrated like for seeds.

6.5 Use of chemically untreated transplants

In the preface of the organic seeds regulation it is mentioned in article 7) that derogations with regard to vegetative propagation material falls under the discretion of the Member States. Since in

most states the offer of organic transplants is still not satisfying the need, derogations for non-organic vegetative propagation material is widely used. See the examples given in this report for apple trees and strawberries. In contradiction to the derogation for seeds, which are restricted to non-organic, chemically non-treated seeds, for vegetative propagation material, it is normal to use non-organic, but chemically treated material. For most perennial species like apples or grapes, this should not be a major problem, since the first harvest is at least 1 or two years after planting. Therefore problems with residues should not occur. For other crops like Rosemary, Strawberry etc. which are harvested in the same year as the planting is, problems with residues could occur. We therefore would like the policy makers to address this topic in the next re-examination of the regulation text. Since the production of „untreated“ transplants of the non-organic sector seems to be utopian, a pre-harvest control on residues should be implemented.

6.6 Encouragement of agricultural biodiversity

6.6.1 Biodiversity for specialists on domestic markets

The actual version of Regulation EC/1452/2003 enforces the national derogation bodies to give derogations for the use of “conservation varieties”, if there is no similar offer in the database. Even for species on Annex 1 level, there is a possibility for derogation. Since a lot of local varieties, conservation varieties and landraces are only produced by small farmers and hobby gardeners, the seeds are often not organically certified. On the other hand it is known, that many organic farms, especially in the Mediterranean countries use these varieties for selling it at farm gate or on local markets. Mainly in the vegetable sector a great number of small farms are specialized in a wide range of species and varieties, which they can sell at relatively high price for local consumption. Vice versa large vegetable growers, producing for the wholesale markets depend nearly fully on high-bred, modern cultivars. The small farmers should have the opportunity to profit from this biodiversity for domestic and home-markets. Access to local varieties, not listed in the European Common catalogue of varieties is therefore crucial for them.

6.6.2 Problems with the implementation of EC-Regulation 1453/2003

Within the actual regulation three main mechanisms were scouted which can hamper the use of conservation varieties:

1) Varieties which are not listed in the Common catalogue of varieties of vegetables or in the catalogue of agricultural species cannot be listed in the organic seed database. In France the conservation varieties are handled like that, referring to the French interpretation of the seed trade laws, which do not allow seeds of conservation varieties to be commercialised. Other countries like Switzerland allow official market access of conservation variety seeds within certain limits.

2) The derogation bodies can deny calls for derogation for the use of conservation varieties referring to organic seed on offer or to seed trade laws, mainly due to lack of quality standards, seed certification, conflicts with variety protection rights or missing VCU-testing (**V**alue of **C**ultivation and **U**se).

3) Farms with a wide range of cultivated species and varieties, mainly vegetable growers producing for direct marketing often use very small amounts of seeds per segment. These farmers face a disproportionate administrative effort compared to large scale producers which cover

with the same administrative efforts several hectares (see the derogation data shown above in the diagram for spinach).

6.6.3 Problems with Council directive 98/95/EC

Beside the mentioned problems that could occur with the organic seed regulation EC 1453/2003, free exchange and cultivation of conservation varieties is also under pressure by the proposed Directive 98/95/EC, dealing with in situ conservation of genetic resources. Organic farmers all over Europe, but mainly in the southern part fear, that the biodiversity is in danger due to the following obstacles in this directive:

1) Duty to register and designate conservation varieties to a limited area of origin.
2) Limitation of the conservation seeds traded to less than 20 ha or less than 0.5 percent of the total of the same species.

6.6.4 Proposals to stimulate biodiversity

Based on the general amendments laid down in the International Treaty about Plant Genetic Resources for Food and Agriculture and the Rio Convention, we propose the following measures to enhance agricultural biodiversity in organic farming:

1) No restriction for the access of cultivars, and landraces to the national organic seed databases. The organic seed database should be a platform to stimulate the market and the use of conservation seeds. It gives a unique opportunity for farmers and seed suppliers to meet, without having much additional costs. It allows the authorities also an easy monitoring of the biodiversity in cultivation.
2) Recommend to the derogation authorities to accept generously calls for derogation, if the biodiversity of the whole species can be increased.
3) Implement a bagatelle clause in the legislation, which allows limited use of non-organic, non-chemical treated seeds without any administrative efforts, if the farmer can give proof, that it was not possible to obtain the same variety in organic quality.
4) Restrict the limited regional use of conservation varieties to cases where someone is taking legal action to protect traditional marketing of products and foodstuff with accredited geographic indication.
5) Introduce a limit of volume of seeds traded for agricultural crops, e.g. one more than one ton, which forces the seed propagator to certify his seed production according to the common seed trade laws.

6.6.5 Results of the project “Farm Seed Opportunities“

Further recommendations and policy measures should be based on the results of the EU STREP Project “Opportunities for farm seed conservation, breeding and production” (Acronym: farm seed opportunities). This project started in January 2007 and lasts three years. It deals with marketing, seed production, seed health, genetics and legal aspects of farm saved seed and in situ conservation of plant genetic resources.

7 Conclusions

7.1 The need for harmonisation

The data presented show big differences in the use of non-organic seeds. Authorisations for the use of non-organic seeds mean a financial benefit for the respective farmers. Since the seed costs can not be neglected in calculating the whole sale product price, countries with high rates of non-organic seeds can take advantage of this situation on international markets.

The harmonisation of the derogation policy on EU-level as well as on national level should therefore be of high interest to the authorities.

7.2 General recommendations for policy makers

Policy makers of the EU Member States are asked to push the following topics regarding the use of organic seeds on their territory and with respect to the annual reporting:

1. Seed producers shall be invited to fill the gap's of existing national organic seed production, mainly for annual crops.
2. Seed traders shall be invited to extend their importations for seeds not offered by national producers, but available in other countries.
3. If possible the price difference between organic seed and non-organic seed should be confiscated and used to make organic seeds cheaper.
4. Control bodies shall be forced to deliver their derogation data early in the year in order to make a complete comprehension.
5. A competent person shall be assigned to collect the annual derogation data, verify the data and bring it to a common form, discussed in chapter 3.

Further recommendations regarding the criteria to set species and subspecies on the annex 1 or 2 shall see chapter 5.4.5.

Since organic seed production is relatively easy for annual crops, we propose, that a share of less than 5% should be aimed at per 2008.

All these recommendations should lead to a harmonisation of the derogation regimes and to a fair competition on the common market.

7.3 Policy measures on short- an midterm

Harmonisation of the derogation policy on EU-level as well as on national level should be of high interest to the authorities. To improve the use of organic seed on short- and midterm, we propose the following measures to be considered:

Measures recommended on national level

1 Some national databases need technical improvement and more registered varieties to be a useful tool for organic farmers. International cooperation of the database managers should be enhanced.

2 A registration duty for farmers calling for a derogation of the acreage planted or the number of pot plants produced in order to allow in the national organic seed reports the evaluation of the acreage planted with non-organic seeds.

3 Use of a standardised reporting scheme including a common species list, subtotals for crop groups (e.g. vegetables), species and subspecies to make reports comparable. Assembling of raw data versions according to a common template in order to allow a direct comparison in Pivot-tables. The reports should immediately be made publicly available, according Article 12 and 13 of the Regulation EC/1452/2003.

4 Establishment at a national level of lists of equivalent varieties (useful for professional growers) for every subspecies (variety group) in order to facilitate the decision making of the control bodies and to make possible, that individual calls for derogation can be denied with respect to farmers needs.

5 Establish a fee system that balances the cost difference between organic and non-organic seed. Using this money to promote organic seed marketing, supporting organic seed production and breeding projects as well as to reduce the price of organic seeds.

6 Introduction of national Annexes instead of a common European one (Annex 1) with respect to the national organic seed offer and demand in order to give more security for the organic seed producers.

7 In order to grant fair conditions among EU producers, common Annexes with neighbour countries or countries with similar production systems and markets (especially export markets) should be favoured. Annexes on national or bilateral/regional level seem to be more realistic, than a common European Annex 1. The number of species/subspecies listed in the national Annex 1 has to increase annually.

Measures recommended on EU-level

1. In order to harmonize organic seed availability among EU Member States and facilitate seed companies in supplying their seeds wherever requested, it should be possible for all seed companies to enter the National database of all Members States where they have a local distributor.

2. To allow well supplied subspecies according to cultivation and use (crop types, variety groups, e.g. cherry tomatoes) to be listed on the Annex 1 instead of whole botanical species. In cases of unforeseen shortage of organic seed, national authorities should get the right to allow individual derogations according Article 5.1 of the Regulation EC/1452/2003.

3. Including the use of non-organic basis seed (beneath conservation varieties and variety trials) as reason for derogation in Article 5 (1) for Annex 1 species, to get more complete data in the seed reports.
4. Currently it is very difficult to produce grass seed mixtures with 100% organic components. Grass seed mixtures with a legally defined minimal share of organic seed components should get the right to be listed in the organic seed databases.
5. To extend the regulation system and the reporting to vegetative propagation material.
6. Introduction of registration duty for the variety name, the amount of conventional seeds used and the acreage planted, respectively the number of pot plants for species or subspecies with general derogation in order to get more information about the demand of badly supplied species/subspecies.
7. Introduction of a detailed list of possible reasons for individual derogation calls defined in Article 5.1 d) of the EC-Regulation in order to get precise data about the needed variety characteristics for the seed companies and as decision background for the bodies issuing the derogations.
   Registration duty for farmers of the agronomical reasons according the following list: variety trials, conservation varieties, basis seed for the production of organic seeds, specific soil conditions, tolerance or resistance against pests, climatic conditions or altitude, contract production with prescription of the variety, market demand or processing quality, form or quality of the seed (e.g. pilled or pre-germinated seed), other reasons (to be specified in words)
8. Setting a time limit of three years to abandon “General Derogation” for arable crops and most important annual vegetable species /subspecies.
9. Setting a time limit of five years to reach less than 5% derogations for important arable crops, annual vegetables and the most important biennial vegetables.

8 Literature

Anonymous. Annual reports of the year 2004 and 2005 for the use of non-organic seeds of EU-Member States (Publication 2005 and 2006 respectively).

Willer, H., Baraibar, B. (2006). Land Use and Crop Data – The Detailed Results of the FiBL-Survey - Research Institute of Organic Agriculture FiBL, Frick Switzerland. Internal publication.

Lammerts Van Bueren, E.T., H. Verhoog, M. Tiemens-Hulscher, P.C. Struik and M.A. Haring, 2007. Organic agriculture requires process rather than product evaluation of novel breeding techniques; (in press by NJAS Wageningen Journal of Life Sciences, special issue on Values in Organic Agriculture).

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Many thanks also to Inger Bertelsen from Denmark for the pleasant collaboration while establishing and evaluating the seed questionnaire.

10 ANNEX

10.1 Stakeholder Consultation 2005

Report on the 3th ECO-PB Workshop on the EU Organic Seed Regime, Vienna, Austria, 4. November 2005.

Minutes: Klaus-Peter Wilbois, ECO-PB

This third ECO-PB workshop which has been organized in collaboration with the IFOAM EU Regional Group. The IFOAM EU Regional Group supports a harmonisation with regard to the organic seed use within the European countries. This workshop was combined with a WP5 Seeds meeting of the EU Revision project, with thanks to Gerhard Plakolm and Elisabeth Fromm who have managed the organization here in Vienna at the Bundesministerium für Land-, Forstwirtschaft, Umwelt und Wasserwirtschaft

It is a special pleasure that new European countries are with us e.g. Poland and Latvia, Latvia as one of the Baltic states is very active with regard to organic farming and also in regard to organic seed.

Following the two previous ECO-PB workshops on the EU organic seed regime in 2003, ECO-PB will organise this third workshop to discuss the various activities in several countries which have adopted and still have to adopt the Regulation EC/1452/2003. The issues to be dealt with in this workshop are:

- The first year after implementing Regulation EC/1452/2003 has passed and countries (should) have reported back on their implementation of the organic seed regulation in 2004. That gives a concrete base for discussion.
- Some countries are worried about the slow progress in gradually overcoming the derogation system and about the fact that some seed companies are withdrawing. More cooperation and bi-lateral (informal) agreements between countries about certain species on a “regional annexes” and/or “national annexes” would stimulate the progress which in turn requires an international round table discussion (see the attached example of a pilot study in the Netherlands).
- New European Members States and candidates need to prepare to adopt the provisions for organic seed in the EU Regulation. This process of adoption gives rise for discussion.
- The EU Commission needs to think about a European Annex by mid July 2006. Therefore a workshop on the European seed regime might fit well in their preparations.
- The EU Commission has already started revising the regulation. What will the impact of that with regard to organic seed be?

Results and experiences regarding the current EU organic seed regime

A brief presentation of different EU Member States on reports to the Commission according Article 12 and 13 of Regulation EC/1452/2003, and plans for implementation of the EU organic seed regime in "new" EU Member States respectively are given by the participants.

France: Jean Wohrer, GNIS, in charge of the organic seed data base:

- Data base worked fine in the first year,
- special interpretation with regard to derogations for certain species: farmers need to further explain why they cannot use organic seed,

Jacques Caplat, FNAB, in charge of the French expert group
- there is a lack of technical information in the data base, as it is introduced e.g. in the database of organicXseeds,
- big difference in the availability between vegetable and cereal varieties,
- there are still many problems with the organic seed regime in France (delivery distances, prices…) but the expert group has solved the most important ones by the special explanation required, as Jean Wohrer has specified (for further details of the French data base see attached report),
- still most important is not considered the data base but contact between farmers and seed supplier,
- a better dialogue between farmers and supplier shall be established.

Austria: Sabine Eigenschink, Austria Bio Garantie and member of the IFOAM EU group:
- there are lacks with regard to the data base in Austria e.g. no vegetables in the data base,
- data base is not very user friendly and useful for inspection bodies and farmer equally,
- number of derogations in Austria might be high due to lacks in the data base,
- they tried to work with an equivalent list but didn't succeed in installing one.

Switzerland: Andreas Thommen, FiBL Switzerland, in charge for the data base and derogations, involved in managing OrganicXseeds database.
- the Swiss system works fine for arable crops, but vegetable seeds are hardly mentioned on the database,
- especially good success with grass mixtures - started from zero to some hundred tones in 2005,
- the derogation system is based on an equivalent list.

Switzerland: Stefan Schönenberger, Swiss Federal Office for Agriculture, Section Promotion of Quality and Sales
- identical Regulation in Switzerland equivalent to the one In the EU,
- working together with FiBL, using organicXseeds,
- the system works very well,
- >95% of organic farmers producing under Bio Suisse label, providing more restrictive rules than the Swiss Bio Regulation,
- 394 derogations in 2004,
- declaration of grass mixtures has been a special issue.

Spain: Maria Ramos, works for the Andalusia organic farmers (=50% of the organic farms in Spain), collaborates with the government in order to further develop the Spanish data base.

- no national annex,
- 296 varieties, 43 species, 16 seed suppliers in the data base,
- in the Spanish report are some 3000 derogations: ca. 1000 on cereals, ca. 800 on vegetables,
- main reason: no appropriate variety, need for regional/local varieties,
- are going to do a survey on the demand of varieties in Spain,
- have done a survey in Andalusia with farmers; only 2% cereal seed is organically produced,
- main problems no suitable variety, no delivery in time.

Italy: Cristina Micheloni, AIAB
- database is working for four years now,
- it is run by a governmental institution,
- no general derogation,

Latvia: Baiba Holcmane of the Ministry of agriculture, and Zinta Gaile of the Latvian Association of Organic Farming
- almost no organic certified seed yet in Latvia (operators are using organic home-saved seed or conventional seed),
- have to adopt provision of Regulation EC/1452/2003 in January 2006,
- trying to solve the problems till then.

Belgium: Lieven Delanote, PCBT, involved in the process of adopting the Regulation 1453/2003 in Belgium,
- main problem: Belgium data base is not yet properly filled with varieties, lack of competence for derogation system.

Finnland: Juha Kieksi, Plant poduction/Inspection centre, responsible for Finish seed data base.
- 1.5 million kg of organic seed,
- no vegetables in the data base,
- the data base has been available for some 4 years.

Sweden: Gunilla Ideström, Swedish Board of Agriculture
- there is an organic seed list available on the internet,
- set up process with farmers,
- organic seed portion is constantly rising, less derogations each year,
- problems especially with potato varieties,
- farmers can do small scale tests using new or otherwise interesting varieties with derogations.

Netherlands: Raoul Haegens, Naktuinbouw, database manager
- data base works fine,
- derogation problems with crops that are not on the national annex.

Denmark: Lena Tinghuus, The Danish Plant Directorate and Inger Bertelsen, The Danish Agricultural Advisory Service, Denmark, involved in setting up the data base in 2003 and in the management of it

- Denmark has had lists on the internet before the data base was launched,
- problem: not sufficient assortment of vegetables in the database,
- rather good supply in arable crops, almost 100% in cereals.

Germany: Eckard Reiners, Bioland, private farmers association, member of the IFOAM Standards Committee

- the seed issue and how to use more organic seed is constantly under discussion,
- OrganicXseeds data base works very well,
- points of discussion have been grass seed mixtures, seed quality, basic seed and how to proceed with the annex in the EU Regulation,

Germany wishes to have the Annex on a European level and not a national approach.

Poland: Wieslaw Podyma, Ministry of Agriculture, plant breeding and plant protection,

- Poland has set up a list with providers of organic seed and information on seed material in Poland,
- in 2004 4 providers with 60 varieties,
- 120 different varieties in 2005 including seedlings,
- the number of organic farmers has doubled to 7000 farms, but still only 1% of the total acreage is under organic management,
- 20 ha land per farm on average in organic farming (7 ha in conventional farms),,
- 17 derogation in 2004,
- 1130 derogation in 2005,
- there have been negative decisions because it could be shown that organic seed has been available.

A discussion followed the presentations.

Is price a reason for derogation? Officially not, but growers may escape high prices of organic seed by giving another reason used as an excuse, e.g. for high priced onion or carrot seed. On the other hand in Italy 40 % of organic cereal are sold in conventional channels. Seed price is also an issue in Switzerland since the difference in costs using organic seed might sum up e.g. to 5 cents per kg carrots. Sometimes, in weekly markets and direct market, the price increase can be passed to the consumer but often not. Therefore Bio Suisse (bud-label) in Switzerland a fund to even the price differences between organic and conventional seed has been set up. If a grower needs non-organic seed that is cheaper than organic he has to pay a comparable price to organic seed and the difference is put into that fund. The fund is used to support projects on organic breeding and multiplication. The fund has been in use so far for seeds of non-organic spelt. For Jan Velema (NL) this sounds to be a very good idea but it works only on a national and private level.

In Austria the main reason for seeking a derogation is 'no appropriate variety'. Therefore in Austria it was tried to set up an equivalence list by an expert group to judge which varieties are equally appropriate, but didn’t succeed. The farmers therefore are getting the derogation even when an equal appropriate variety might be organically available on the market because the inspection bodies fear to be sued in court when denying the use of non-organic seed. Another problem is that there is no data base but a pdf-list which is not really helpful in practice compared to data bases like OrganicXseeds. One problem of making such equivalence lists may be the fact that regions in some countries are fairly different with regard to the respective soil-climate-typ.

In Netherlands there is also a list of exchangeable varieties among the (sub)species that are on the national annex. In that case, if one variety has been sold out growers are forced to use another comparable one. If the export group feels that there is enough seed and an appropriate assortment of varieties for a crop or subspecies to cover all uses/cultivation periods, it is put on the national annex.

In Switzerland such an equivalence list has been made on private level especially with regard to professional growers. This system works fairly easy: The list of exchangeable (recommended) varieties is printed every year and visible for the administrator who has to decide about derogation calls on the basis of this list of recommended varieties. But daily handling may not always be easy since some growers come up with a lot of reasons arguing for non-organic seed varieties.

For Jacques Caplat (F) this system seems to be very resource consuming. There should be other ways to raise the proportion of organic seed. A harmonisation within the given legal frame is almost impossible. There must for instance be standards for the use of varieties. But those standards might work well for cereals but not for vegetables.

For Cristina Micheloni (I) it is clear that big countries have many different regions. To set up a list of exchangeable varieties is a time and money consuming business. This time and money might be spent better for other tasks, breeding programs dedicated to OF, for example. Andi Thommen (CH) finds that the point of regions etc. is much overstressed. He reports from his practice in Switzerland that it did not take much time to decide which varieties are equivalent with respect to production area and market demands. The start is a bit time consuming, but the yearly changes are easy to handle.

In Denmark recommended variety lists are set up on the basis of surveys. For varieties that are on the list farmers need to have extremely good reasons to get a derogation. Varieties that are not suitable to be grown in the whole of Denmark are marked in the list. With arable crops it works well. But regarding vegetables it is not a good system since the assortment of varieties is too little.

Lieven Delanote (B) adds that the introduction of minimum percentages for organic seed use might also be a way to solve the problem. Such a stepwise going may rise the trust of

seed suppliers in this market. Farmers in the Netherlands are also fond of such a percentage system but it is not in accordance with the regulation and therefore not acceptable for the authorities.
Presentations:

- Andreas Thommen, FiBL Switzerland: Presentation of a survey concerning organic seed use of cereal in selected countries
- Klaus-Peter Wilbois, FiBL Germany: Current situation regarding organic seed databases in selected EU Member States
- Jan Velema, Vitalis Organic Seeds-NL: Experiences of seed companies producing organic seed

The presentation of Jan Velema is mostly about vegetables. There was a review on organic seed compiled by the European Seed Association, ESA, made in 2003. The conclusion of the ESA survey was that enough seed is available from 2004 on provided that the rules are strict enough. But after implementing the European seed regulation derogations have been the rule not the exemption. There are different groups of suppliers. i) Conventional companies that only react if the rules are strict enough to make money in this business. And ii) the specialised producers of organic seed which substantially developed the organic seed supply.
In his opinion the main effect of the introduction of the organic seed regulation in 2004 was that the awareness of the growers to use organic seed has increased.
He produces 250 different varieties of 30 different vegetable crops. His view on the development of the organic seed marked is critical but still optimistic for the future. One thing is clear: The progress must come from the organic sector and not from the regulation. For conclusion see the presentation in the report.
- Maaike Raaijmakers, Biologica-NL: Presentation of a Dutch pilot study on the use and the production of organic seeds in the Netherlands (see also attached word document)
- Ute Rönnebeck, Ministry of Agriculture Northrhine-Westphalia, Germany: Presentation of results of a stake holder consultation process in Germany
- Edith Lammerts van Bueren, Louis Bolk Institute-NL: Introducing the instrument of national/regional annexes as a major step towards a common EU-annex
- Zinta Gaile, Latvia University of Agriculture: Challenges faced by the new EU Member States adopting the EU organic seed provisions

Plenary discussion to identify action points
In a thorough plenary discussion the main topics to be dealt with were identified and addressed. Only the action points that have been agreed on by all participants were written down. The points were displayed by means of a video projector and discussed amongst the participants point by point. MS = member states; COM = EU commission.

- Technical topics
  - update the web page of the EU (COM);
  - improve data bases (MS, COM), can get help from countries that have a good data base;

- improve reporting, make reports publicly available, a common format for reports according to Article 12, 13 of the Regulation EC/1452/2003 shall be compiled (MS, COM);
- set harmonised threshold levels for seed transmitted diseases;
- what is research? Different countries have different interpretations for derogation in case of research includes on-farm-variety-trials in a reasonable quantity is our interpretation (max. reference should be set);
- grass mixtures, legal problem with mixtures of seed, write a letter to the commission to employ the 70%-approach which is in line with Art. 5 of Regulation EEC/2092/91;
- list vegetative material (e.g. trees) in the MS data base on voluntary basis.

• Problems concerning EU annex
  - Some of the participants propose to fill in the EU annex 1 but leaving out reasons 5, 1 (d) if agreed upon in the EU (revision of Regulation EC/1452/2003) to make an EU annex a bit more flexible. Other participants hold the view that there is no crop for which an EU wide supply with organically propagated seed regarding the quantity and the number of varieties is given;
  - ask the commission to change the conditions on the annex before it is filled (COM, flexible, exemptions for calamities and on-farm variety trials);
  - as a possible next step there can be commitments on a private level between two or several states for certain crops to use 100% / 90% organic seed with deadlines in time (valid for main producing areas/countries per crop) (private bodies);
  - take the issue of organic seed up to the organic revision project;
  - it might be useful to build up national equivalence lists, make them public as a tool for the advisory services and inspection body (private bodies);
  - build up a dialogue system in each country between farmers and seed suppliers (incl. feed back system on the use and the need of organic seed/varieties);
  - feed back results of the usage of organic seed for the different (relevant) crops (percentage) (private initiative, organic revision shall advocate for an improved comparability between reports).

• **Report on achievements**
  - - clear analyses what the problems are, together with proposed solutions (priv. bodies, MS);
  - need to convince more suppliers to produce and to feed in seed offer in the national data bases in the different countries (private bodies, MS);
  - encourage organic seed multiplication and organic breeding initiatives producing local, regional, conservation varieties (MS);
  - increase demand and supply of organic seed, show added value of organic seed (MS);
  - remind the commission that the regulation shall be properly implemented in all MS (harmonisation of interpretation especially with regard to derogation requests).

• **Communication to the Commission**

The following common proposals were formulated in a letter on 6.1.06 by the workshop with the request to the Commission (DG Agri, Mrs. Isabelle Peutz and Mr. Hermann van Boxem) to address the following proposals:

6. The Commission's website (http://europa.eu.int/comm/agriculture/qual/organic/seeds/links_en.htm) with links to Member State's national databases for organic seed should be updated see the link list in the attachment).
7. The implementation of national organic seed databases has not been done according to Regulation EC/1452/2003. Some Member States still have no database at all or merely have a static list of limited practical relevance for seed suppliers, growers and inspection bodies. Therefore we would like to ask the Commission to stimulate the creation in all Member States of functioning, user-friendly, up-to-date databases with as many crops as possible.
8. We strongly support the idea proposed in the EU Organic Revision project WP 5 (www.organic-revision.org) to improve reporting on the implementation of Regulation EC/1452/2003 according to Article 12 and 13 of the Regulation. In particular, reports and data on which derogations have been granted should be made publicly available, for instance through the website mentioned in point 1 above. Such reports should follow a harmonised format.
9. There is concern about the different approaches between Member States how to tackle grass seed mixtures. Since in most countries grass seed is traded as mixtures with many components, it would cause enormous administrative effort to apply for derogations for all non-organic components in the mixture. On the other hand, certain components are usually not available organically.
   Therefore we suggest implementing the following common European approach: list all grass seed mixtures with a maximum share of non-organic seed components of 30% (by weight) in the organic seed databases, and in accordance with article 5 of Regulation EEC/2092/91 for the labelling of organic produce.
10. Annex 1 of Regulation EC/1452/2003 is as yet empty. We feel that the consequences for growers should a species be put in Annex 1 are too far-reaching. For instance, not being able to react quickly to calamities in organic seed production could lead to severe shortages of such seed and the resulting crops. Furthermore, it is important that farmers are able to evaluate new varieties even if the respective species is placed in the annex. Such new varieties are usually not immediately available as organically produced.
    Therefore, we propose to revise the conditions concerning Annex 1 to allow for more flexibility in case of calamities and for research objectives, on-farm field trials carried out by farmers and variety conservation purposes.

Regulation EC/1452/2003 has been most useful to get the topic of organic seeds on the table. Further development requires specialist knowledge of organic seed production, organic plant breeding and the implications at field level. We hereby offer all the information and networking available through the ECO-PB to support the Commission's work in developing the EU organic seed regime.

10.2 Stakeholder Consultation 2006

Report on the 4th ECO-PB Workshop on the EU Organic Seed Regime 'Organic Seed on the Move', in Warmenhuizen, The Netherlands 28th and 29th September 2006

Report: Klaus-Peter Wilbois, ECO-PB

This forth ECO-PB workshop has been organized in collaboration with the Danish Agricultural Advisory Service, National Centre and the Organic Revision Project-WP5 Seeds.

Introduction
In Denmark, as in other EU countries the experience of many growers shows an inconsistent management of the organic seed legislation and possibilities for derogation, especially concerning vegetable varieties. Differences concerning the interpretation of implementation of the European Organic Farming Regulation (concerning seeds) between countries lead to unfair competition among growers, for instance on export markets. This, in turn, may hinder the further development in the production and use of organic seeds in European countries.

To ensure that there is compliance with the rules in the individual European countries, it was considered worthwhile to arrange this joint meeting for growers, scientists, advisors and representatives from the official bodies/departments administering the rules in the individual countries. The organisers were pleased to see some 70 participants from 13 different countries. We were very grateful to Bejo Zaden for hosting the meeting during their "open day's event". The "open days" at Bejo Zaden gave the participants a great chance to visit Bejo's organic test plots in the field showing their assortment of varieties from organic seeds next to some organic varieties from other seed companies.

Presentations on the projects, results and experiences regarding the current EU organic seed regime, see www.eco-pb.org

- Inger Bertelsen: How are the rules implemented in the different countries?
- Inger Bertelsen: Constraints for use of organic vegetable seeds in Denmark – Danish project 2005-2006
- Andreas Thommen: Presentation on the evaluation of the Nationals Reports 2004/2005 (Organic Revision project)
- Kim Holm Boesen, European Commission, Directorate General for Agriculture and Rural Development, Unit F5 -Organic Farming: Examination of the effective implementation Regulation EC/1452/2003
- Coen ter Berg, Edith Lammerts van Bueren (Louis Bolk Institute) and Douwe Monsma (Organic Farmer): How to improve the use of organically produced onion seed
- Fred van de Crommert, Bejo on Bejo's organic seed commitment, organic seed price and quality, production steps and seed availability
- Jan Velema, Vitalis Organic Seed on the development of Vitalis' organic seed activities

Results of the working groups on different issues related to organic seed production and use in organic farming

Participants were divided in different working groups to work on the issues in respective headlines below. The results were gathered, presented and discussed in the plenum.

1. Is the use of organic seeds important?
The use of organic seeds is important but there are several other issues to take into account at the same time for organic vegetable production. We think that the consumers and buyers expect that the seeds are organic but no one has actually investigated this question. For the farmer it is more a long term issue. There is a tendency that for small growers organic seed is a bigger issue than for large farms.

2. How fast should this process of shifting to organic seeds go?
The availability differs among vegetable species with respect to the question whether or not it is possible to produce organic seeds. The process should go slow for the species with difficulties in producing organic seeds (e.g. biannual crops) and faster for species where the productions of organic seeds are easier.

3. Experiences with the management of the rules
In general the management of the rules supports the development of the use of organic vegetable seeds, and the overall view is that it works quite well. But there are big differences between countries. This means that each country found ways to interpret the regulation according to the respective context in each country.

4. The largest obstacles for using organics seeds

- Price
- Quality of the seed
- Local availability, too limited assortment
- Regional demands

5. Ideas to further improve the use of organics seeds?

- The vegetables should be divided into groups according to how easy it is to produce organic seeds from each species. It could be considered to apply a % approach per farm within different crops on country base.
- Sharing trial information across all advisory bodies or a better database with information. Keeping the databases up to date is crucial
- There is a need for more cultivar comparison trials under organic conditions for each production region.
- Projects to stimulate organic seed production of regional-, local-, farmer- or conservation varieties.
- Communication between seed companies, growers, buyers and consumers are very important and must be stimulated
- Moving towards national "annexes" or similar are good but then all country must do so.

6. Support needed from European Commission
We would like the EU to help to standardise the template for national annual reports - so it is easier to compare handling of derogations between countries. The annual reports must be written in the same language. We also wish that the EU will put pressure on countries that don't fulfil their obligations.

Final plenary discussion to identify follow up action points

In a thorough plenary discussion the main topics to be dealt with were identified and addressed. Only the action points that have been agreed on by all participants were written down.

- To further improve the production and use of organic seed it is important to group crops and crop types with the regard to their importance and to focus the work on most important crops and crop types.
- It was agreed upon the necessity to improve reporting according to the Article 12 and 13 of Regulation EC/1452/2003. Data must be filled in a given template in order to be usable for evaluation and make figures comparable. Andreas Thommen of FiBL Switzerland is going to prepare a draft template for this purpose. The Commission will be kindly requested to support this approach and to advocate the use of such a template for uniform data gathering in the Member States.
- Participants proposed to integrate also vegetative material and also basic seed (arable crops) into the data bases and also in the scope of the organic seed regime in the mid term.
- Furthermore, it was consented that a better networking and spread of information is necessary. Especially inspection bodies would like to involve themselves into this exchange of information. An opportunity to find information on this issue is to visit the ECO-PB web site and subscribe on the newsletter function on the ECO-PB web site.
- It was proposed to enhance the involvement of the IFOAM EU Group with regard to the organic seed issue as the official counter part for the commission.

The importance and necessity of such workshops on organic seed was stressed by the participants.

10.3 Synthèse du fonctionnement du site internet: **semences-biologiques.org**

Data presented by Jean Wohrer, GNIS France at the ECO-PB meeting in Driebergen, Jan 2005.Jean Wohrer, GNIS, Paris, au 30 juin 2004.

Après 6 mois de fonctionnement effectif, **63** établissements fournisseurs de semences se sont enregistrés sur le site et ont référencés plus de **700** variétés de **90** espèces différentes.
Le site a reçu plus de **25 000** visites, soit environ 150 visites quotidiennes. Après une fréquentation élevée avant les semis de printemps, les visites sont un peu moins nombreuses actuellement.
Pour le 1er semestre 2004 plus de **10 000** demandes de dérogations ont été enregistrées sur le site et sont en cours de validation par les six organismes certificateurs agrées pour l'agriculture biologique.
Ces demandes ont été faites au nom d'environ 3000 agriculteurs différents (2 tiers de ces agriculteurs ont fait des demandes pour des espèces de grande culture et 1 tiers pour des espèces potagères et aromatiques).

Les entreprises référencées :
Il s'agit principalement d'établissements producteurs distribuant sur la France entière ou d'établissements distributeurs spécialisés en agriculture biologiques qui approvisionnent leurs adhérents sur un zone géographique limitée.
32 établissements sont référencés pour des semences d'espèces de grande culture.
21 établissements sont référencés pour des semences d'espèces potagères.
9 établissements sont référencés pour des plants.

Les variétés référencées
Les établissements ont commencé a référencer leurs variétés à partir du mois de novembre 2003
Au total, plus de 260 variétés de 26 espèces de grande culture, 478 variétés de 61 espèces potagères et 8 variétés d'espèces aromatiques ont été référencées avec leurs caractéristiques.
Dès la fin février, de nombreuses variétés de certaines espèces n'étaient plus disponibles et ont été progressivement retirées de la base par les fournisseurs concernés.
A titre d'exemples :
Sur 39 variétés de maïs enregistrées, 17 sont encore disponibles.
Sur 5 variétés de luzerne, 1 seule est encore disponible sur une zone limitée.
Sur 29 variétés de tomates enregistrées, 26 sont encore disponibles…

Les demandes de dérogations
Depuis le 1 janvier 2004 près 10 000 demandes de dérogations ont été enregistrées sur la base :
Plus de 5000 pour les espèces de grande culture et les pommes de terre
Plus de 4800 pour les semences et plants potagers
Ces demandes ont été enregistrées soit par les agriculteurs eux-mêmes, soit par leur fournisseur ou un collègue, soit par leur organisme certificateur.
Les situations sont extrêmement variées selon les espèces :
Dans le cas du chou-fleur notamment plus de 600 demandes de dérogations de 130 variétés différentes ont été enregistrées alors que seulement 3 variétés ont été référen-

cées par 3 fournisseurs (le chou-fleur a de plus été mis en « autorisation générales » à la fin mars) .

Par contre en pommes de terre 79 demandes ont eu lieux de 37 variétés différentes pour 51 variétés référencées.

En maïs plus de 650 demande de 150 variétés différentes pour 40 variétés référencées.

Dans une première analyse, les volumes représentés par ces dérogations semblent très variables selon les espèces. A titre d'exemple, ils sont d'environ 75 t pour les pommes de terre, plus de 4300 doses de 50 000 pour le maïs, plus de 45 t pour la luzerne.

De nombreuses demandes (5 à 10 %) semblent erronés : orthographe, saisies recommencées 2 ou 3 fois, erreurs sur les quantités et (ou) les unités,...

Ces demandes doivent être validées par les organismes certificateurs, en particulier à l'occasion des visites de contrôles effectuées chez les producteurs et pourront dans certains cas (probablement peu nombreux) être refusées après vérification.

Par ailleurs, à la demande de la FNAB une liste des espèces et des types variétaux pour lesquels il n'existe pas (ou plus) de variété disponible a été constituée et peut être consultée sur le site. Les agriculteurs n'ont dans ce cas pas besoin de faire une demande de dérogation pour ces variétés qui « bénéficient d'une autorisation générale »

Conclusion provisoire

Globalement, après une courte période de rodage, les différents acteurs disent que le système fonctionne bien.

Signalons plusieurs problèmes qui subsistent :

1/ En potagères : il était impossible de faire apparaître les « races » et certains synonymes de noms de variétés. Une solution technique a été proposée pour résoudre des problèmes particuliers.

2/ Le suivi des disponibilités par les fournisseurs sur le site est indispensable pour éviter des défauts d'approvisionnement.

3/ Il ne sera pas possible de faire un bilan quantitatif des dérogations pour les espèces inscrites dans la liste des autorisations générales.

4/ Pour certaines espèces, des demandes de dérogations ont été enregistrées en quantités significatives bien que des variétés équivalentes soient référencées sur le site.

10.4 Economic impact of organic seed price

Analysis of the competition due to the differences in seed price of organic seed and propagation material in the Netherlands.

Edith Lammerts van Bueren

This summary is based on the case studies with onion, potato, carrot and tomato (trush) in the Netherlands (Lammerts van Bueren et al., 2006; Wolfe et al., 2005). These referred research projects have focussed on the constraints by price differences, too narrow variety choice and false competition due to the organic seed regime.

The farmers mention that production and product quality of the crops is not influenced by the use of organic seed and planting material compared to non-chemical treated conventional seed and planting material, due to good standards for and good control of seed quality by national authorities in the Netherlands. For all crops the price of organic seed and planting material is higher. This has consequences for a higher cost price when organic seed and planting material is used, see table 1.

Table 1. Overview of the influence of organic seed on the increase of the cost price of the end product in the Netherlands, 2005 (adapted from Wolfe et al., 2005).

Crop	Cost price (€ per kg end product)		Increase (%) in cost price by using organic seed/planting material	Received price by farmers for the end product (€ per kg)	Export percentage (%)
	With conventional seed	With organic seed			
Onion (hybrids)	0,39	0,42	10	0,15 - 0,25	85
Carrot (storage)	0,40	0,42	5	0,15 - 0,25	80
Potato (consumption)	0,22	0,23	4,5	0,20 - 0,35	6,15
Tomato (trush)	1,33	1,35	1,5	1,28 - 1,35	70

Potato
For the potatoes one expects no real problems because the sector has taken their own measures. The price of organic seed potatoes are comparable with n.t. conventional seed potatoes. When 3000 kg per ha is used the costs for organic seed potatoes is €1260 compared to €930 for n.t. conventional seed potatoes. The competition does not change due to the no derogation regime for organic seed potatoes in NL since 2004.

Onion and carrot
Organic onion hybrid seeds are 2,5 as expensive as n.t. conventional seeds. When 1 million seeds/ha are applied the costs of conventional seed is €604, compared to €1460 for organic seed.
The Dutch organic sector expects that their export position will decrease when no derogation for the use of n.t. conventional seed will be possible. For many years already, the product price for these crops is on or under the cost price, which means that a cost price increase will have a negative influence on several growers. Ones expects that the area of organically grown onion and carrots will decrease, so that also the delivery to export countries will decrease. When other countries allow the use of cheaper conventional seed for their organic products, the production will increase in these countries. In the long run the lost export position will not easily be regained.
The same situation can be foreseen for carrots. The organic seed price is 2 times as high compared to conventional seed price. By using 1,8 million seeds/ha the costs for conventional seed is €909 compared to

€1818 for organic seed. The price farmers receive for their carrots has been under the cost price for the past two years, so that an increase in seed price will put more pressure on the carrot production.
Seed companies are reluctant to offer organically propagated carrot and onion hybrid seed due to the high price and the fear that they will loose market share as long as organic farmer can get derogation for conventional seed and will look for other (conventional) varieties than the organic available ones. This means that onion and carrot are not yet on the Dutch national annex. Farmers are prepared to work with a compulsory percentage that will increase over the years, but require commitment from the partners of the export countries: UK, Austria and Germany to avoid false competition.

Tomato
The cost price for tomato is largely defined by the labour costs and the costs for durables; the costs for planting material have no large influence. A higher seed price does not lead to a substantial higher cost price. The price farmers received for their product has not always been enough to cover costs, so that an increase in costs will put future perspectives for this part of the sector under pressure. Not for all tomato types, including trush tomatoes, there are appropriate varieties available and an important seed company (De Ruiter Seeds) has withdrawn its organic propagation program due economics reasons of the too small market. The trade/supermarkets of tomatoes have a large influence on the variety traits and thus variety choice. There is a need to communicate more closely with all chain partners, including the export countries to adjust an appropriate assortment of organically propagated varieties, see (Lammerts van Bueren et al., 2006). Most important export countries are UK and Scandinavia.

Literature:
Wolf, P.L. de, M.P.J. van der Voort, S.C. van Woerden, F.J. Munneke, 2005. Concurrentieanalyse biologisch uitgangsmateriaal (Analysis of the price competition with organic seed and planting material). Praktijkonderzoek Plant & Omgeving-AGV, Lelystad.

Lammerts van Bueren, E.T., M. Raaijmakers, C. ter Berg, 2006. Verslag Ketenaanpak ras en annex – een pilot studie aan de hand van kasgewassen tomaat, komkommer en paprika (Report on a chain approach for variety and annex - a pilot on greenhouse crops tomato, cucumber and peppers). Louis Bolk Institute/Biologica, Driebergen, the Netherlands.

10.5 Table: Member States summary report on authorisations granted 2004

Table 1 Member States summary reports on authorisations granted for the use of non organic seed and propagating material								
MS	Date received	Species and varieties listed	Total Number of Species	Justification as per Article 5	Number of authorisations	Quantity of seed	Chemical Treatment .	Comments
Germany	12/04/2005	Yes	191	Yes	6,876	Yes	No	
Belgium	13/04/2005	Yes	135	Yes	1,479	Yes	No data	
Poland	7/04/2005	Yes	24	Clarification needed	42	Yes	No	
Finland	11/04/2005	Yes	85	Yes	654	Yes	No	
Slovenia	20/04/2005	Yes	41	Yes	1930	Yes	No	only 1 variety listed per species
France	20/04/2005	Yes	135	Yes	17,536	Yes	Yes	Some Sunflower seeds received chemical treatment
Spain	21/04/2005	Yes	75	Incomplete	3410	Yes	Yes	Some data missing on chemical treatment and justifications used for granting authorisations
Hungary	13/06/2005	Yes	72	Yes	499	Yes	No	
Luxembourg	25/04/2005	Yes	26	Yes	53	Yes	No data	
Italy	24/05/2005	Yes	287	No data	28,898	Yes	No data	No justifications for 2004, a 2nd report was submitted on 02/08/05 covering period 01/07/04 to 30/06/05
Sweden	30/03/2005	Yes	24	Yes	782	Yes	No	
Greece	20/07/2005	Yes	98	yes	3,727	Yes	?	
Ireland	18/04/2005	Yes	19	Yes	132	Yes	No	
Austria	31/05/2005	Yes	63	Incomplete	Incomplete	Yes	No data	Some data missing on justifications, number of autorisations granted and chemical treatment of seed
Denmark	2/02/2005	Yes	176	Yes	1181	Yes	No	
Netherlands	29/03/2005	Yes	104	Yes	1883	Yes	No data	
Slovakia	31/03/2005	Yes	23	Yes	37	No data	Yes	No data on quantity of non organic seed authorised
UK	4/04/2005	Yes	406	Incomplete	26,939	Yes	No	Some data missing on justifications
Czech Rep.	30/03/2005	No data	No data	No data	No data	No data	No data	No summary report submitted - only a document describing inspection bodies and database

Source: EU, DG-Agri, Brussels