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Agricultural biodiversity at risk with new seed regulation

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On 10 December 2025, the Council of the European Union approved a mandate to begin negotiations with the European Parliament on a new seed regulation. Many civil society organisations have criticised the draft regulation for failing to protect small and medium-sized breeders, seed producers and farmers. They are calling for a diverse seed market, the implementation of farmers' rights to seeds and guaranteed access to varieties suited to their farming systems.



In response to the European Commission's proposal to revise the seed regulation in July 2023, more than 240 European NGOs, farmers' organisations and breeders' organisations sent an urgent alert on 25 November 2025 to the Council of the European Union, where the EU Member States sit [1]

. Their aim was to convince them to amend the text to strengthen agricultural biodiversity in order to improve the resilience of food production rather than weaken it, as the signatories of the letter argue. Their efforts were in vain, as on 10 December 2025, the Council approved a mandate to open trilogue negotiations with the Parliament and the Commission in early 2026 on the basis of a text that weakens agricultural biodiversity[2].

Why does the European Commission want a new regulation?

On 5 July 2023, the European Commission presented a proposal to revise the legislation on seeds, officially known as "*plant reproductive material*" (PRM)[3]. The term "plant" refers to "living plants and living parts of the plants " including seeds, seedlings, tubers, stolons, grafts, but also cell cultures and other micropropagation materials [4].

This reform, which aims to merge several legislative acts, has the stated objective of "*simplifying and harmonising the rules for the production and marketing of seeds at European Union level*"[5]. It should be noted that a regulation is a legislative act that is immediately applicable in Member States, unlike a directive, which must first be transposed into national law. In April 2024, the European Parliament voted in favour of this new PRM regulation. The Council has now adopted its version of the text and mandated the Council Presidency to enter into negotiations with the Commission and Parliament (the trilogue).

The position of the Council of the EU

Behind this revision, the draft presented by the European Commission claims to aim to facilitate the marketing of new varieties, while the Council emphasises the objective of encouraging more resilient agriculture through PRMs *that is* " *of high and reliable quality, adapted to the environmental and climate challenges Europe faces*". According to the Council, this step is a move towards "*a modern, coherent and future-proof framework for plant reproductive material*" that is supposed to respond to European agricultural challenges.

In broad terms, the text to be discussed in trilogue highlights the introduction of "*simpler and clearer rules*". It promises to align these rules with European phytosanitary controls by "*integrating PRMs more closely into the EU's horizontal control framework and strengthening traceability*". The text also promotes "*the use of digital tools, biomolecular techniques and modern breeding techniques*" and provides for a mandatory assessment of the *value for sustainable cultivation and use* (VSCU) for key agricultural species (with the exception of vegetables, fruit trees and turf), potatoes and vines. The Council also says it wants to support agrobiodiversity and "*niche and locally adapted varieties, and [...] provide greater flexibility for different purposes of use for breeders, other professional operators and non-professional operators*". The Council assures that these adjustments will reconcile innovation, competitiveness and sustainable management of genetic resources. But what is the reality?

Agricultural biodiversity in danger

The main criticism levelled by the 240 organisations in their letter to the Council on 25 November remains valid: failing to protect agrobiodiversity by defending a very strict variety authorisation system that promotes standardisation. The organisations point out that the Food and Agriculture Organisation of the United Nations (FAO) announced in 2010 that 75% of agricultural crop diversity had already been lost between 1900 and 2000, while 75% of the world's food comes from only 12 plants and 5 animal species. As the organisations point out, "*this trend has been driven by a focus on uniformity and the concentration of the seed market in the hands of a few large companies*".

They add that "*agrobiodiversity relies on the non-commercial exchange of PRMs practiced by gardeners and farmers for on-farm breeding and dynamic management, as well as on small, local seed producers, many of which offer a greater range of crop diversity than some of the largest players in the market "*.

In this context, Magdalena Prieler of the Austrian association Arche Noah, co-signatory of the letter, warns: "*If ministers hand this market over exclusively to the seed industry, seed producers, farmers and local consumers will all find themselves in the same boat. Some will be banned from working, others will lack varieties adapted to climate change, and still others will have to give up regional specialities in the future. This would be a totally unacceptable capitulation to the companies that dominate the market*"[6].

With a view to the 2026 trilogue, Arche Noah points to persistent shortcomings in the Council's position. The Austrian association therefore demands "*that the transfer of plant reproductive material for the purpose of preserving agrobiodiversity remain exempt from seed legislation, as is currently the case in several Member States, including Austria. Farmers' freedom to exchange seeds among themselves must be guaranteed, and the administrative burden for very small farms must remain proportionate*"[7].

This issue was highlighted by Guy Kastler in the columns of *Inf'OGM* in February 2024[8]. The analysis presented explained that the PRM proposal "*would also regulate all exchanges of seeds and seedlings, including between farmers, biodiversity conservation associations and amateur gardeners, unlike the current directives which apply only to exchanges* 'with a view for commercial *exploitation' and not with a view for selection and conservation on the farm and in the garden* ." If adopted, this proposal "*would prohibit exchanges of seedlings between farmers and limit exchanges of seeds to restricted quantities not yet defined. It would subject them to the same health constraints as the global seed trade, which would be far more restrictive than those for agricultural cultivation*".

Agrobiodiversity under attack on two regulatory fronts

In 2025, mobilisation against the deregulation of GMOs obtained through new genome editing techniques (NGT) intensified to denounce the removal of labelling, traceability and the rights of small and medium-sized breeders and farmers, in favour of increased concentration of seed power. The trilogue between negotiators from the Commission, the Council and the European Parliament on the deregulation of these GMOs has just been the subject of a consensus proposal to the European institutions (Parliament and Council). While the Council of the EU announced on 19 December 2025 that it had approved this proposal by a qualified majority[9], the Parliament will examine it in January 2026.

In their letter, the signatory organisations warn that not one but two major pieces of legislation – the seed and GMO/NGT regulations – could profoundly redefine the European seed and agricultural framework, to the detriment of agrobiodiversity and the resilience of agricultural systems.

These two reforms are not simply technical choices, but directly affect cultivated biodiversity, food sovereignty, farmers' ability to select and exchange their seeds, access to plant genetic resources, and transparency towards consumers. They are also closely linked, because by changing the rules on seed marketing, the EU would facilitate the spread of GMOs/NGTs, whose marketing is based on patented and uniform varieties. Thus, the reform of seed regulations contributes, in practice, to the liberalisation of GMOs/NGTs, which profoundly transforms the legal and economic framework for seeds in Europe[10].

In such a context, maintaining a public, pluralistic and informed debate seems essential. But is this still possible when certain key parliamentary voices, which have long warned of the harmful impacts of such reforms, seem to be giving up? Citizens and organisations will have to closely monitor upcoming European decisions and continue to mobilise if they do not want current policy directions to hinder the future of agricultural and non-GMO biodiversity in Europe.

Measures proposed by the 240 organisations to ensure effective protection of agricultural biodiversity:

- **Exclude activities carried out for the purposes of conservation and dynamic management of genetic diversity from the scope of the regulation**
  Exchanges of PRM for selection or conservation should not be treated as commercialisation. They are essential to agrobiodiversity and should not be subject to market rules. The conservation objective should therefore be excluded from the scope of the draft regulation *via* Article 2.4.
- **Guarantee farmers the right to conserve, use and exchange their own seeds, including in exchange for financial compensation**
  These practices have generated a high level of crop diversity and enabled farmers to ITPGRFA adapt seeds to their needs and exchange them, particularly in times of crisis. Since the EU recognises these rights, which do not fall within the scope of commercialisation (UNDROP, CBD)0, it should also exclude them from the scope of the PRM regulation. PRM exchanges between farmers for selection or conservation purposes should not be treated as professional operators or be subject to commercial rules, but only to those of agricultural production.
- **Facilitate the registration and use of old and new conservation varieties for all crops and without geographical limitations**
  Conservation varieties are essential for organic and agroecological agriculture. They should not be limited to certain species or their region of origin, except to the detriment of their users' activities. These restrictions must be removed and their registration must be simple, free and accessible to all. These varieties must be non-hybrid, non-GMO or GMO/NGT and free of intellectual property rights. All varieties developed for specific growing conditions or commonly known fruit varieties should be registered as conservation varieties, without additional administrative burdens, in order to guarantee continued access.
- **Conduct value for cultivation and use (VCU) assessments under organic or low-input conditions**
  Sustainability cannot be reduced to a single trait or gene: it must be assessed systemically. VCU (value for cultivation and use) assessments must be carried out under organic or low-input conditions and, for varieties intended for organic farming, must be carried out under organic conditions for all species and in all Member States.
- **Reducing the administrative burden on 'nano-enterprises' (one to three employees, less than €100,000 in turnover)11in order to enable a diversified seed market and avoid increased concentration in the hands of a few major players**
  The Commission promised to reduce the burden on SMEs. However, the new obligations would significantly increase the workload for small seed producers, to the point of forcing some of them out of business. Nano-enterprises, which are essential for providing a wide variety of local varieties, should be exempted from the new notification, administration and traceability requirements in order to preserve this diversity.

- **Ensuring transparency of selection methods and availability of information on intellectual property rights (IPR)**
  Transparency, *through* labelling and public databases on selection methods and IPR, is essential to ensure fair access and informed choices. It provides breeders and farmers with the information they need to select new, diverse and resilient varieties. Selection techniques and associated rights must therefore be made public in national and European registers.

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