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Controversial ‘seeds’ regulation set for adoption

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Publié le 10/08/2026, modifié le 27/08/2026

The adoption of the future European regulation on plant reproductive material, known as the ‘seeds regulation’, has entered its final stages. The ‘provisional compromise’ is presented as a modernisation of the current legislation. Among other things, it extends the market for conservation varieties across the entire European Union and regulates the non-commercial exchange of seeds between farmers. However, this compromise has not achieved consensus. Whilst the peasant farmers’ organisation ECVC is calling for its rejection, organisations defending cultivated biodiversity welcome some of the progress made. The seed industry and the mainstream agricultural unions, for their part, welcome a framework that reinforces the current market organisation.

Proposed by the European Commission in July 2023, alongside the recently adopted new NGT Regulation, the draft ‘Seed Regulation’ has entered its final stages. It aims to replace ten directives that currently govern the production and marketing of plant reproductive material (PRM) in the European Union (EU)[i] . Beyond the widely shared objective of ‘modernising’ and simplifying a legal framework deemed complex, the negotiations have highlighted differences of opinion concerning conservation varieties, the exchange of seeds between farmers and, more broadly, the protection of cultivated biodiversity[ii] .

A text on the verge of adoption

Three years after its presentation by the Commission, the PRM Regulation is nearing the end of its legislative process. A provisional compromise[iii] was reached on 17 June by the trilogue bringing together the European Commission, the Council and the European Parliament. On 29 June, the Parliament’s Committee on Agriculture and Rural Development (AGRI) approved this compromise in a single vote and without amendments. The compromise text was then also approved on 8 July by Coreper (the Committee of Permanent Representatives of the Member States), paving the way for its formal adoption by the Council of the European Union. The final vote in Parliament’s plenary session is expected after the summer recess, probably in September or October.

Unlike the current directives, which allow Member States a certain degree of flexibility when transposing them into national law, this regulation will be directly binding on them, with no scope for adaptation. It is, however, due to come into force four years after its adoption, in order to allow the European Commission time to adopt numerous delegated acts (the European equivalent of decrees implementing a national law) and to give national authorities time to adapt their respective current regulations.

Whilst the text aims to modernise and simplify the European system for the marketing of PRMs, it retains many of the principles that currently underpin the market. Variety registration, seed certification and the supervision of operators remain the main pillars of the regulation currently being adopted. Nevertheless, progress has been made by advocates of the free movement of seeds under increasingly digitised bureaucratic control.

Legislative reforms and relaxations

Among the changes provided for in the PRM Regulation, the regime for *conservation varieties*[iv] (Article 26), currently limited solely to vegetable varieties, is being extended to all plant species, with the aim of better preserving plant genetic resources threatened by ‘genetic erosion’. It also extends their marketing – currently restricted to their regions or countries of origin – to the entire European market. Article 26 also introduces a new category of *locally adapted varieties* that may be registered without undergoing official DUS (distinctness, uniformity, stability) testing. This development could facilitate the dissemination of varieties resulting from participatory breeding[v] or adapted to less intensive farming systems that promote agrobiodiversity. However, it offers no guarantee against a single company appropriating the designation of traditional ‘varieties’ developed by farmers – which are accessible to all without ever having been registered.

Another development concerns the official recognition of conservation organisations and networks (Article 29), whose activities have hitherto fallen outside any European legal framework. The regulation will enable them to produce, exchange and market PRMs, including unregistered

varieties, for conservation purposes. Numerous restrictions, such as certain reporting, traceability and volume control obligations, have been retained despite widespread protests from the stakeholders concerned.

The compromise text also relaxes the rules concerning amateur gardeners (Article 28). They will be able to purchase, in small quantities, seeds of unregistered and uncertified varieties, provided they are accompanied by a producer's label and a description accessible to the public.

These new categories will not be required to demonstrate any history of use, which opens the door to the marketing of seeds of new varieties that may result from cross-breeding with NGT plants or be contaminated by such plants, and therefore lack any NGT labelling.

Farmers will be able to take part in seed exchanges within recognised conservation networks, but the text does not extend the possibility of freely exchanging seeds outside these schemes. Indeed, and contrary to the current directives, the right to exchange seeds directly between farmers is regulated by the PRM Regulation (Article 30). Such exchanges are limited to small quantities, at a local level, without financial compensation, and are completely prohibited for certain species such as potatoes, vines, citrus fruits, hemp and poppies, as well as for varieties covered by a Plant Breeder's Rights (PBR). They are also subject to various bureaucratic requirements and health checks.

The production of the PRMs being exchanged is also subject to compliance with very strict health regulations designed for large-scale commercialisation rather than agricultural production. In most cases, these regulations prohibit any exchange of farmers' seeds selected and produced under on-farm agricultural conditions. Adopting this regulation as it stands would therefore undermine the practices of most members of the French Farmers' Seeds Network.

Persistent shortcomings, according to civil society organisations

For the Austrian seed conservation association Arche Noah, which has closely followed the negotiations, the text of the provisional agreement represents a mixed compromise[vi] . The organisation welcomes the European legal recognition of conservation networks, the expansion of the regime for conservation varieties, the creation of locally adapted varieties, the recognition of – albeit limited – seed exchanges between farmers, and the possibility of marketing seeds intended for amateur gardeners more easily.

Arche Noah believes, however, that these advances are accompanied by increased administrative burdens. In particular, it criticises the significant traceability and record-keeping obligations that continue to weigh on professional operators, despite exemptions obtained for conservation networks. It also regrets the numerous restrictions governing such exchanges, such as the limitation to small quantities, the absence of financial compensation, and the exclusion of certain plant species. It should be noted that farmers' fundamental rights to freely grow, use, exchange and market their own seeds in accordance with the UNDROP[vii] – rights regularly emphasised by the European Coordination of Via Campesina (ECVC), which has repeatedly expressed its opposition to this new regulation since 2003 – remain unaddressed by this provisional agreement.

The Austrian association also criticises the fact that the assessment of the VSCU (*Value for Sustainable Cultivation and Use*) remains primarily based on yield criteria, without giving proper consideration to organic or low-input systems (recital 49).

Finally, as the ECVC has repeatedly emphasised, it should be noted that the new European variety register does not provide any information on breeding methods, even though it will allow varieties

to be registered on the basis of genetic characteristics that may result from the use of NGTs, replacing the current phenotypic traits. However, depending on growing conditions, a genetic trait may or may not 'code' for a phenotypic trait, which alone is of agronomic or commercial interest. Protected by professional secrecy, the link between such genetic markers and any intellectual property rights (patents, plant breeders' rights, trade marks, etc.) will, on the other hand, greatly facilitate legal action against prohibited farm-saved seed, the collection of royalties due for 'exempt' species, and penalties for non-compliance with conditions of use for crops covered by trade marks…

A broadly satisfied seed industry

In a press release dated 26 June[viii] , SEMAE (the French inter-professional organisation for seeds and plants) endorses a 'landmark agreement that maintains the key balances of the European system for the marketing of seeds and plants.' It welcomes the fact that 'the registration of varieties in an official catalogue remains the cornerstone of user information and protection, thereby guaranteeing transparency and traceability', as well as that 'the official control and certification procedures which ensure farmers have access to seeds meeting high-quality standards have been reinforced.' Are we to believe that it is delighted that everything is changing so that nothing changes?

At European level, Euroseeds (representing the European seed industry) and Copa-Cogeca (European agricultural trade unions and cooperatives) have issued a joint press release[ix] welcoming the agreement, which they regard as a balanced compromise reconciling the preservation of the foundations of the European seed system with the modernisation of the regulatory framework. Both organisations believe that this regulation'will provide greater legal clarity and consistency for both operators and public authorities, and will modernise the rules to enable breeders and producers to benefit from the latest innovations, technologies and digitalisation'.

The likely future PRM regulation therefore remains essentially structured around the interests of the industrial seed sector. By prioritising DUS criteria and certification, the system continues to favour standardised varieties covered by plant breeders' rights (PBRs) at the expense of diverse, evolving seeds adapted to local conditions. By introducing genetic markers, it will facilitate legal action against prohibited farm-saved seed or the non-payment of royalties due for exempt species, as well as against farmers' seed that naturally contains, or is contaminated by, genetic elements associated with such markers and covered by patents.

However, in the face of climate change and the erosion of cultivated biodiversity, farmers' seeds are a valuable tool for resilience thanks to their adaptability and the genetic diversity they offer. For their advocates, they should therefore not be regarded as an exception to the system, but as a complementary pillar of European food security requiring a regulatory framework specifically tailored to farmers' seed systems.

i Meshaka, D. (2023), ‘EU – “Seeds”: the other proposal in the legislative package’, Inf'OGM

ii Meshaka, D. (2026), Agricultural biodiversity at risk with new seed regulation, Inf'OGM

iii REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the production and marketing of plant reproductive material in the Union, amending Regulations (EU) 2016/2031, 2017/625 and 2018/848 of the European Parliament and of the Council, and repealing Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC (Regulation on plant reproductive material) – Analysis of

the final compromise text with a view to reaching an agreement on 8 July 2026 (in English

iv A conservation variety means a variety which is of interest for the preservation of the genetic diversity of cultivated plants and which is maintained despite the fact that it does not necessarily meet the conventional criteria for commercial varieties. Article 3(29), which defines conservation varieties, specifies that they may be characterised by reduced uniformity due to a certain level of genetic or phenotypic diversity among the different reproductive units.

v Citizen Science, Resoriv, ‘Participatory breeding in France: a collective project for local agriculture and food’, July 2013 (only in French)

vi Let’s liberate diversity (Arche Noah), ‘Analysis of trilogue negotiations on plant reproductive material’**,** 10 June 2026

vii United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.

viii SEMAE, ‘European regulations on plant reproductive material (PRM): SEMAE welcomes a landmark agreement for the French seed and plant sector**’**, 26 June 2026 (only in French)

ix Euroseeds, ‘Euroseeds welcomes trilogue result on new EU seed law’, 18 June 2026
