



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

**Views, Experiences and Best Practices as an example of possible options for
the national implementation of Article 9 of the International Treaty**

Note by the Secretary

At its [second meeting](#) of the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG), the Expert Group agreed on a revised version of the [template](#) for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers' Rights

This document presents the updated information on best practices and measures of implementing Article 9 of the International Treaty submitted by Norway on 21 June 2019.

The submission is presented in the form and language in which it was received.



Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

Basic information

- *Title of measure/practice* **Revision of regulations on plant variety release and the marketing of seed and seed potatoes**
- *Date of submission* 20th June 2019
- *Name(s) of country/countries in which the measure/practice is taking place* Norway
- *Responsible institution/organization*
Ministry of Agriculture and Food
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- *Type of institution/organization (categories)* Government
- *Collaborating/supporting institutions*
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Description of the examples

Mandatory information:¹

- *Short summary to be put in the inventory*

Until 2004, the Norwegian seed regulation did not limit farmers' rights to save, use, exchange and sell farm-saved seeds to neighbours. However, as a member of the European Economic Area (EEA), Norway had to revise its seed regulations to comply with regulations of the European Union (EU). As a result, the revised regulation even prohibit farmers to give away or exchange seeds. This situation raised concerns of farmers', gardeners' and civil society organizations as well as researchers in both Norway and the EU. In 2008, the EU adopted a directive on conservation varieties, which entered into force in 2009. To comply with this new directive, the Norwegian Food Safety Authority proposed changes to three regulations, following an open dialogue with farmers' organizations, other relevant organizations and researchers: the Regulation on testing and approving of plant varieties, the Regulation on seeds and the Regulation on seed potatoes. The purpose of these revisions, endorsed by the Norwegian Ministry of Agriculture and Food in 2010, was to better accommodate the use of a wider diversity of plant varieties with other objectives, like ensuring seed quality and health standards. "Contributing to *in situ* conservation and sustainable use of PGRFA" was added to the objectives of the three seed regulations.

(199 words)

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.



• *Brief history, Core components and Description*

The laws and regulations regarding seed quality and seed safety, as well as intellectual property rights, are the most relevant regarding farmers' rights to save, use, exchange and sell farm-saved seeds. Until 2004, the Norwegian seed regulation allowed farmers to both save, use and sell farm-saved seeds to his or hers neighbours. The situation changed in 2004, when Norway changed its seed regulation due to the implementation of various EU regulation. As a result, the regulation prohibited farmers to give away seeds or exchange seeds between each other. The farmers could only buy certified seeds from an authorized seed company. In addition, since few traditional varieties comply with the strict DUS criteria for approval of varieties, those crops could legally only be grown if farmers already had them in their own fields.. However, the exchange of seeds of traditional varieties among farmers continued and the authorities were not too strict on enforcement. Nevertheless, concerns were raised by civil society, researchers, gardeners and farmers' organization. In 2007, several organizations demanded the "right to give away seeds" and changes in the seed regulations.

Also in EU there were growing concerns for conservation varieties, and new regulations were adapted in EU to better accommodate both the concern for ensuring the highest possible standards of health and quality in the production and sale of seeds, and at the same time ensuring the use of crop diversity. In 2008, the EU adopted a directive on conservation varieties, which entered into force 30 June 2009. As an EEA member, Norway was obliged to comply with this directive. In 2009, the Norwegian Food Safety Authority proposed changes to the current regulations for the seed sector. The proposal concerned the Regulation on testing and approving of plant varieties, the Regulation on seeds and the Regulation on seed potatoes.

In 2010, the Ministry of Agriculture and Food endorsed the changes to the Regulation of 13 September 1999, No. 1052 on seeds.; the Regulation of 2 July 1996, No. 1447 on Seed Potatoes; and the Regulation of 1 October 1999 on the Testing and Approval of Plant Varieties. This action served to soften the prohibitions of 2004, and the Norwegian Food Safety Authority went to great lengths to accommodate EU regulations to the principles of sustainable management of crop genetic diversity.

• *To which provision(s) of Article 9 of the International Treaty does this measure relate*

- Art. 9.1
- Art. 9.2a
- Art. 9.2b
- Art. 9.2c
- Art. 9.3

Other information, if applicable

- *Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):*

No.	Category	Most relevant ²	Also relevant ³

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).



1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		
9	Training, capacity development and public awareness creation		
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.	x	
11	Other measures / practices		x

- *In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category?* Farmers' Right to save, use, exchange and sell farm-saved seeds/ Seed policies and legislation
- *Objective(s)* The purpose of the revision of seed regulation was to better accommodate the use of a wider diversity of plant varieties and thus ensure sustainable use of PGRFA. Continued use of crop diversity is necessary in order to conserve them. The objective "contributing to in situ conservation and sustainable use of PGRFA" where added to the objective of the three seed regulations.
- *Target group(s) and numbers of involved and affected farmers*⁵ Farmers and their organizations
- *Location(s) and geographical outreach* National
- *How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?*

The main gains with the changes are:

- Exchange of seeds are allowed

⁴ Including seed houses.

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.



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- To give away or sell seeds on non-commercial basis to cost coverage are allowed (It is not allowed to market seeds without having a seed company.)
- Easier to establish small seed companies for farmers
- Distribution of seeds from gene banks are allowed
- Easier to get plant varieties approved

Some remaining challenges are linked to the definition of “region of origin” and the quantity limitation for marketing seeds of conservation varieties. There are also some challenges linked to the possibility to do selection and further develop agricultural landraces with a view to market seeds from such varieties or material. Nevertheless, the changes in the seed regulation widened the scope for farmers' possibility to save, use, exchange and sell farm-saved seeds in small quantity and on non-commercial basis.

Some experiences with the seed regulations:

- ✓ The registration fees for conservation varieties are reduced. While the fee for value testing and registration of ordinary varieties are 14.475 NOK per year of testing, the fees for registration of conservation varieties are currently 1.565 NOK.20
 - ✓ The general DUS-criteria are applied in a less restrictive way for conservation varieties. So far, 12 conservation varieties and three varieties of traditional vegetables are registered.
 - ✓ It's easier for farmers to register as a seed company. So far, four companies are registered in this category.
- *Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)*
 - *Other national level instruments that are linked to the measure/practice*
 - *Are you aware of any other international agreements or programs that are relevant for this measure/practice? EU regulations on seeds and propagating material*
 - *Other issues you wish to address, that have not yet been covered, to describe the measure/practice*

Lessons learned

- *Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).*

During the process of adjusting the seed regulation, there was an open dialogue with farmers' organizations, other relevant organizations and researchers and the authorities. The "ban on farmers' varieties" in 2004, was an unintended consequence of the development of the food law. Thus, it's a valuable lesson learnt that laws with noble objectives in one field could impact PGRFA negatively if this is not accounted for.
- *What challenges encountered along the way (if applicable) (max 200 words)*

Any change of seed regulations need to be in compliance with EU regulations. Limitations regarding region of origin for traditional varieties to be approved as conservation varieties across borders makes are not so suitable in a Norwegian / Nordic context. Historically, varieties have been crossing borders whenever needed, and in a region with repeatedly challenging climate and harvest conditions, the fluctuations have been considerable. Furthermore, the direct use of historical varieties is limited in our region, and collaboration across borders has for long been well established between stakeholders. These conditions could have been better reflected in the regulation.



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- *What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)*

Further information

- *Link(s) to further information about the measure/practice*

Regine Andersen (2012): *Plant genetic diversity in agriculture and farmers' rights in Norway*, page 36-50, <http://www.farmersrights.org/pdf/FNI-17%20RA.pdf>

Links to the regulations (in Norwegian):

Regulation of 13 September 1999, No. 1052 on Seed Materials:
<https://lovdata.no/dokument/SF/forskrift/1999-09-13-1052?q=såvare>

Regulation of 2 July 1996, No. 1447 on Seed Potatoes: <https://lovdata.no/dokument/SF/forskrift/1996-07-02-1447?q=såvare>

Regulation of 1 October 1999 on the Testing and Approval of Plant Varieties:
<https://lovdata.no/dokument/SF/forskrift/1999-10-01-1069?q=såvare>