



Food and Agriculture  
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**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 Switzerland on 31 July 2019.*

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



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## 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  
Swiss regulation on “Niche Varieties”
- Date of submission  
31.07.2019
- Name(s) of country/countries in which the measure/practice is taking place  
Switzerland
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)  
Federal Office for Agriculture FOAG  
Schwarzenburgstrasse 165  
3003 Bern  
[info@blw.admin.ch](mailto:info@blw.admin.ch)  
Tel. +41 58 462 25 11
- Type of institution/organization (categories)  
Government
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

#### Description of the examples

##### Mandatory information:<sup>1</sup>

- Short summary to be put in the inventory (max. 200 words) including:
  - Implementing entity and partners:
  - Start year:
  - Objective(s):
  - Summary of core components:
  - Key outcomes:
  - Lessons learned (if applicable):

The regulation on niche varieties has been implemented by the Swiss Federal Office for Agriculture (FOAG) and aims at the release of varieties of niche status, complementing the regulation on commercial varieties. Through this measure, small-scale breeders, producer-communities (1-5 farmers), and

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



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nonprofit-organisations (>5 farmers) can save and use seeds of non-commercial varieties through “Niche varieties”. These niche varieties benefit from a simplified admission to the market which does not require the official registration of the variety and the certification of seeds or planting material. The simplified regulation has been established by the amendment of article 29 of the regulation of seed and planting material in 2010, with the objective to enable the sustainable use of PGRFA and to reduce technical barriers for small-scale value chains. The regulation is composed of three measures : firstly, the authorization of a person / enterprise for the marketing of other seed than specified in the marketing regulation for seed and propagating material, secondly, the definition and control of the size of the niche (annually maximum amount of seed production), and lastly, the implementation of plant health measures. These measures allow for complementary seed supply to the highly formalised system of commercial varieties, and enables the sustainable use and further development of about 40 common vegetable varieties, several old varieties of crops with special characteristics, and for particular markets even new varieties which failed the admission as commercial varieties.

- Brief history (including starting year), as appropriate
- Core components of the measure/practice (max 200 words)

This measure includes the right of farmers to save, and use seeds of non-commercial varieties through “Niche Varieties”

The regulation on niche varieties aims at the release of varieties of niche status and insignificant or no breeding activity in the sense of neglected crops or orphan crops and complements the regulation on commercial varieties. Niche varieties are local varieties, ecotypes of fodder plants, old varieties that have been deleted from the national variety register, or even any other variety that is not subjected to the formalised admission to the market.

These niche varieties benefit from a simplified market access procedure, which does not need the official registration of the variety and the certification of seeds or planting material. These varieties are recognized as an official niche variety with their respective description. However only limited amounts of reproductive material for each niche variety could be produced or used depending on the culture.

Farmers are not generally entitled to exchange or sell seeds of non-commercial varieties through “Niche Varieties”. The Federal Office for Agriculture grants the marketing of a “Niche Variety” to an applicant after a brief examination of the variety description, maintenance breeding and the propagation procedure.

Historically, this regulation constitutes an opening of the regulation of local varieties to all considerable types of plant genetic resources and varieties, that are not addressed as officially registered varieties.

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)

The regulation on niche varieties has been established in 2010 with the amendment of art.29 of the regulation on seed and planting material, which opens the regulation of local varieties to all considerable types of plant genetic resources and varieties, that are not addressed as officially registered varieties.



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

- Art. 9.1     x
- 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 <sup>2</sup>	Also relevant <sup>3</sup>
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 <sup>4</sup> , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.	x	
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		

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

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

<sup>4</sup> Including seed houses.



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.		
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?

Facilitation of market access on the national level for PGRFA

- Objective(s)
- Target group(s) and numbers of involved and affected farmers<sup>5</sup>  
small-scale breeders, producer-communities (1-5 farmers), nonprofit-organisations (>5 farmers)

- Location(s) and geographical outreach  
national territory of Switzerland

- Resources used for implementation of the measure/practice
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?

The measure enabled the sustainable use and further development of about 40 common vegetable varieties and several old varieties of crops with special characteristics. However, the barriers for marketing old varieties are even high after granting the "Niche Variety"-status, as market-acceptance needs to be mediated along the complete value chain. For that reason, single farmers are not targeted by this regulation.

- 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

A project-based funding of the sustainable use of plant genetic resources according to the Swiss law of agriculture helps to initiate the marketing of "Niche Varieties".

- Are you aware of any other international agreements or programs that are relevant for this measure/practice?

No.

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



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- 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).

The implementation of “Niche Varieties” requires for acceptance from all national stakeholders. Therefore, a well mediated elaboration of the concept and implementation has been crucial for the establishment of such an opening of the Swiss seed market. For the setting of maximum amounts, that can be granted for marketing, the interests of conventional breeders und seed producers were taken into account.

- What challenges encountered along the way (if applicable) (max 200 words)
- 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

[Information for applicants and application form](#)

Submitted by Switzerland

Ordonnance du DEFR sur les semences et les plants des espèces de grandes cultures, de cultures fourragères et de cultures maraîchères(Ordonnance du DEFR sur les semences et plants) Art.29, SR 916.151.1, 01.01.2018  
<https://www.admin.ch/opc/fr/classified-compilation/19983504/index.html>