



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 Germany on 9 August 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: **Implementation of EU directives on conservation and amateur varieties, and preservation mixtures**
- Date of submission: **x July 2019**
- Name(s) of country/countries in which the measure/practice is taking place: **Germany**
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person): **Federal Plant Variety office (BSA)**
- 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: **Since 2009 Germany has translated several European directives, which aim to promote sustainable use of plant genetic resources, in national ordinances. Landraces and varieties naturally adapted to the local and regional conditions and significant for the conservation of plant genetic resources can be accepted for inclusion in the national list of registered varieties as conservation varieties. Vegetable varieties with no intrinsic value for commercial crop production can be registered as amateur varieties. Less stringent uniformity requirements apply to such varieties. Only limited amounts of seed of these varieties may be marketed. The seed does not require official certification but must meet the requirements for certified seed (agricultural varieties) or standard seed (vegetable varieties). The Federal Plant Variety office (BSA) has registered 131 amateur and 48 conservation varieties as of June 2019.**
  - Implementing entity and partners
  - Start year
  - Objective(s)
  - Summary of core components
  - Key outcomes
  - Lessons learned (if applicable)

Brief history (including starting year), as appropriate

Conservation of biodiversity and protection of genetic resources have become more and more important in the past years. Therefore, the following European directives have been enacted for in-situ and on-farm conservation of plant genetic resources with the goal of promoting their sustainable use:

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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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- Commission Directive 2008/62/EC providing for certain derogations for the Acceptance of Agricultural Landraces and Varieties
- Commission Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production
- Commission Directive 2009/145/EC of 26 November 2009 providing for certain derogations, for acceptance of vegetable landraces and varieties providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties
- Commission Directive 2010/60/EU of 30 August 2010 providing for certain derogations for marketing of fodder plant seed mixtures intended for use in the preservation of the natural environment
- Commission Implementing Decision 2014/150/EU on the organisation of a temporary experiment providing for certain derogations for the marketing of populations of the plant species wheat, barley, oats and maize pursuant to Council Directive 66/402/EEC

Germany has implemented these European directives in 2009, 2011, 2014, 2015, and 2018 with the following ordinances:

- Verordnung über das Inverkehrbringen von Saatgut von Erhaltungsmischungen vom 6. Dezember 2011 (BGBl. I S. 2641), zuletzt geändert durch Artikel 3 der Verordnung vom 9. Juni 2017 (BGBl. I S. 1614) (Preservation Seed Mixtures Ordinance, 6 December 2011 (Federal Law Gazette I, p. 2641)).
- Verordnung über die Zulassung von Erhaltungssorten und das Inverkehrbringen von Saat- und Pflanzgut von Erhaltungssorten vom 21. Juli 2009 (BGBl. I S. 2107), zuletzt geändert durch Artikel 3 der Verordnung vom 6. Januar 2014 (BGBl. I S. 26) ((Conservation Varieties Ordinance, 21 July 2009 (Federal Law Gazette I, p. 2107), amended by Article 3 of the Ordinance of 6. January 2014 (BGBl. I p. 26)).
- Verordnung über das Inverkehrbringen von Saatgut von Populationen der Arten Hafer, Gerste, Weizen und Mais vom 28. Juli 2015 (BGBl. I S. 1418) (Populations Ordinance, 28. July 2015, BGBl I p.1418)
- Anbaumaterialverordnung vom 21. November 2018 (BGBl. I S. 1964), (German Planting Material Ordinance, 21. November 2018 (BGBl. I S. 1964)).

Core components of the measure/practice (max 200 words) Landraces and varieties naturally adapted to the local and regional conditions and significant for the conservation of plant genetic resources can be accepted for inclusion in the national list of registered varieties as conservation varieties. Vegetable varieties with no intrinsic value for commercial crop production can be registered as amateur varieties. Less stringent uniformity requirements apply to such varieties. Only limited amounts of seed of these varieties may be marketed. The seed does not require official certification but must meet the requirements for certified seed (agricultural varieties) or standard seed (vegetable 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) Conservation of biodiversity and protection of genetic resources have become more and more important in the past years. The European Union has therefore enacted between 2008 and 2014 several



European directives for in-situ and on-farm conservation of plant genetic resources with the goal of promoting their sustainable use. Germany has implemented these European directives in 2009, 2011, 2014, 2015, and 2018 with respective ordinances. These are implemented by the Federal Plant Variety office (BSA). To enhance the use of local and old landraces, breeders and farmers can apply to BSA to get varieties recognized as conservation or amateur variety. Conservation and amateur varieties are registered through a simplified procedure if they present an interest for conservation as a genetic resource. An official seed certification is not necessary as a prerequisite for marketing; however, the seed must fulfil the same quality requirements as certified seed (or respectively standard seed in the case of vegetable species). The same applies to amateur varieties, which are vegetable varieties without value for large-scale horticulture, but due to particular characteristics are interesting for cultivation at regional scale and home gardens. The ordinance on “preservation mixtures” facilitates the commercialization of mixtures used in the ambit of nature protection

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

Art. 9.1 x

Art. 9.2a x

Art. 9.2b x

Art. 9.2c

Art. 9.3 x

**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		x
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		x

<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).



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.		
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		

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? \_\_\_\_\_
- Objective(s)
- Target group(s) and numbers of involved and affected farmers<sup>5</sup>
- Location(s) and geographical outreach
- 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 implementation in 2009 and 2011 of EU directives on conservation varieties facilitates the production and marketing of seed and planting material of farmers' varieties, old varieties and landraces, which are of interest for the conservation of PGRFA.](#)
- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words) [The Federal Plant Variety office \(BSA\) has registered 131 amateur and 48 conservation varieties as of June 2019](#)
- 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?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

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

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



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### **Lessons learned**

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

[https://ec.europa.eu/food/plant/plant\\_propagation\\_material/legislation/conservation\\_varietes\\_en](https://ec.europa.eu/food/plant/plant_propagation_material/legislation/conservation_varietes_en)  
<https://www.bundessortenamt.de/internet30/index.php?id=3&L=1>