

CERES Policy

Use of organic seeds and planting stock

1	Aims	Specify requirements concerning use of organic seeds and planting stock according to (EC) 834/07, NOP, and JAS.
2	Background	Organic standards require use of seeds and planting stock from organic origin. Nevertheless, in some countries such materials are not easily available. Therefore, procedures need to be defined for applying the standards in such countries.
3	Normative framework	<p>EU Regulation: Reg. (EC) 834/07, Art. 12(i): "for the production (...) only organically produced seed and propagating material shall be used."</p> <p>Article 45: Use of seed or vegetative propagating material not obtained by the organic production method: "1. Where the conditions laid down in Article 22(2)(b) of Regulation (EC) No 834/2007 apply,</p> <ul style="list-style-type: none"> (a) seed and vegetative propagating material from a production unit in conversion to organic farming may be used, (b) where point (a) is not applicable, Member States may authorise the use of non-organic seed or vegetative propagating material if not available from organic production. However, for the use of non-organic seed and seed potatoes the following paragraphs (2) to (9) apply. <p>2. Non-organic seed and seed potatoes may be used, provided that the seed or seed potatoes are not treated with plant protection products, other than those authorised for treatment of seed in accordance with Article 5(1), unless chemical treatment is prescribed in accordance with Council Directive 2000/29/EC (16) for phytosanitary purposes by the competent authority of the Member State for all varieties of a given species in the area where the seed or seed potatoes are to be used.</p> <p>4. Member States may delegate the responsibility for granting the authorisation referred to in paragraph 1(b) to another public administration under their supervision or to the control authorities or control bodies referred to in Article 27 of Regulation (EC) No 834/2007.</p> <p>5. Authorisation to use seed or seed potatoes not obtained by the organic production method may only be granted in the following cases:</p> <ul style="list-style-type: none"> (a) where no variety of the species which the user wants to obtain is registered in the database referred to in Article 48; (b) where no supplier, meaning an operator who markets seed or seed potatoes to other operators, is able to deliver the seed or seed potatoes before sowing or planting in situations where the user has ordered the seed or seed potatoes in reasonable time; (c) where the variety which the user wants to obtain is not registered in the database referred to in Article 48, and the user is able to demonstrate that none of the registered alternatives of the same species are appropriate and that the authorisation therefore is significant for his production; (d) where it is justified for use in research, test in small-scale field trials or for variety conservation purposes agreed by the competent authority of the Member State. <p>6. The authorisation shall be granted before the sowing of the crop.</p> <p>7. The authorisation shall be granted only to individual users for one season at a time and the authority or body responsible for the authorisations shall register the quantities of seed or seed potatoes authorised.</p> <p>8. By way of derogation from paragraph 7, the competent authority of the Member State may grant to all users a general authorisation:</p> <ul style="list-style-type: none"> (a) for a given species when and in so far as the condition laid down in paragraph 5(a) is fulfilled; (b) for a given variety when and in so far as the conditions laid down in paragraph 5(c) are fulfilled. The authorisations referred to in the first subparagraph shall be clearly indicated in the database referred to in Article 48. <p>9. Authorisation may only be granted during periods for which the database is updated in accordance with Article 49(3)."</p> <p>The Austrian competent authority for organic farming provides a useful guideline for conversion of vegetative propagation material</p>

		<p>http://www.slk.at/fileadmin/media/BIO/2.44_Erledigung_BMGF-75340_0011-II_B_16a_2017_31.03.2017_mit_Anlage.pdf</p> <p>NOP: § 205.204: "(a) The producer must use organically grown seeds, annual seedlings, and planting stock: Except, That,</p> <p>(1) Nonorganically produced, untreated seeds and planting stock may be used to produce an organic crop when an equivalent organically produced variety is not commercially available...</p> <p>(5) Seeds, annual seedlings, and planting stock treated with prohibited substances may be used to produce an organic crop when the application of the materials is a requirement of Federal or State phytosanitary regulations."</p> <p>JAS: "To utilize seeds and seedlings complied with the criteria of conditions of ... (organic farming)... This is not applicable to cases of being hard to obtain them in the ordinary means."</p>
4.1	Terms	<p>a. Seeds: generative planting material obtained through sexual reproduction (Exception: the EU Regulation deals with potato seed tubers the same way as seeds.)</p> <p>b. Planting stock: all vegetative planting material (cuttings, tubers, etc.), as well as seedlings obtained from seeds.</p> <p>c. Organic seeds and planting stock: as defined by the EU-Regulation, organic seeds and planting stock must be obtained from mother plants managed according to organic rules. They need, however, <u>not</u> necessarily be certified.</p> <p>d. Annual seedlings: plants obtained from seeds. This applies mainly to vegetable plants (lettuce, cabbage, tomato, cucumber, pepper, etc.)</p> <p>e. "Treatment": When we speak about "not chemically treated" seeds or planting material, this refers to treatment after harvesting the seeds, taking the plant out of the soil, or taking the cutting from the mother plant. Per definition, we assume that conventional crops are treated with chemical fertilizers and crop protection products, therefore a requirement of not treating conventional seeds or planting material before their harvest would not make sense.</p>
4.2	Clarification	<p>Art. 45 of Regulation (EC) 889/2008, Sections (2) – (9), as quoted above, refer to "seeds and seed potatoes" only. Which means:</p> <p>a. For seeds and seed potatoes, the farmer must apply for an authorisation for use of conventional material before sowing or planting.</p> <p>b. For other types of plants or vegetative planting material, the operator must provide evidence that organic material is not available, but needs not apply for an authorization prior to planting.</p>
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5.1	EU Regulation "compliant" (inside the EU)	EU Regulation "equivalent" (outside the EU)	NOP	JAS
a. Evidence for non-availability of organic <u>seeds</u>	National organic seed database	The farmer must show he has made significant efforts for finding organic seeds, at the levels defined in Section 5.2. However, CERES does not so much rely on "non-availability" confirmations issued by seed suppliers, but rather on the knowledge of local inspectors and/or other specialists who are familiar with the respective seed market.		
b. Sanction for use of conventional <u>seeds</u> (although organic seeds would be available)	De-certification of the respective crop. The land maintains its organic status			
c. Application to CERES <u>before</u>	Required	Required	Not required	Not required

5.1	EU Regulation "compliant" (inside the EU)	EU Regulation "equivalent" (outside the EU)	NOP	JAS
using conventional seeds				
d. Sanction for not presenting application to CERES prior to using conventional seeds (organic seeds not available)	According to provisions from government authorities. If such provisions do not exist, we will apply the same rule as for "equivalent" implementation.	If the farmer fails three times to request the authorisation, the crop will be de-certified. The land maintains its status.	Not applicable	Not applicable
e. Evidence for non-availability of organic planting stock	The farmer must show he has made significant efforts for finding organic planting stock, at the levels defined in Section 5.2. However, CERES does not so much rely on "non-availability" confirmations issued by stock suppliers, but rather on the knowledge of local inspectors and/or other specialists who are familiar with the respective market.			
f. Sanction for use of conventional planting stock (although organic planting stock would be available)	Annual crops: the respective crop is de-certified. Perennial crops: the crop must undergo a three-year conversion period.			
g. Seeds with chemical dressing	Not allowed, crop and land lose their organic status			
h. Planting material with conventional substrate	Conventional plants or cuttings, which come with substrate, must be considered as an "application of a prohibited material", and therefore lead to a downgrading not only of the crop, but also of the soil. As a consequence, the land must undergo a three-year conversion period. This applies e.g. to strawberries, raspberries, blueberries, coffee plants, etc.			
i. Exemptions regarding seeds with chemical dressing	If chemical treatment is required by law of the member state, competent authorities can grant exemptions	If national law in the respective country requires chemical treatment, CERES can grant exemptions upon presentation of an application prior to using the treated seeds.	Exemptions under specific conditions can be granted only for farmers inside the US (not applicable for CERES clients)	When non-treated seeds are not available, treated seeds can be used.
j. Sanction for use of seeds with chemical dressing	If the conditions explained under (h) are not given, the land loses its organic status. This also applies for dressed seeds used on intercrops.			
5.2	Definition of non-availability	The definition of "non-availability" depends on the specific situation of the country and farm. Farming companies or organisations may have access to sources of seeds, which smallholders do not have. The following gives a rough idea:		
		Type of operation	Region, for which non-availability must be proven	Expected efforts

		Individual smallholders (no permanent hired labour)	Region, within which farmers commonly move (market place etc.)	Own production in case of seeds and planting materials, which are easy to produce
		Medium to big size farms and companies, smallholder organisations with weak international connections	Countrywide	Own production, approach actively seed importers and seed multipliers, so that organic seeds are imported and reproduced in the country
		Big farms, companies and organisations with good international contacts	International, at least in the countries, with which good contacts exist	
5.3	Important clarification	<p>When referring to organic seeds and planting stock, the above-mentioned standards have in mind professionally produced material with a similar phytosanitary quality as conventional seeds. Thus, in situations, where the farmer has only the choice between high quality, professionally produced conventional material, and “home-made” organic seeds with poor quality, there is no reason to oblige the farmer to use the latter. This is especially true, when poor quality involves high risks of spreading diseases (caused by virus, bacteria, fungi and others) or pests, since other relevant paragraphs of the same standards require farmers to do everything to prevent pests and diseases.</p> <p>Vice versa, especially when it comes to grains (cereals, oilseeds, pulses, etc.), farmers often use commercial grains, not certified quality seeds. Such commercial grains are often available from organic sources even in countries where certified organic quality seeds are not available. In such cases, farmers must recur to organic grains. The same is true for all other types of seeds or planting material.</p>		
5.4	GM Seeds	<ul style="list-style-type: none"> • Normally we assume that organic seeds by definition are not GM. Nevertheless, for "risk crops" (soybeans, maize, tobacco, potatoes, etc.) we should take and test samples from time to time, especially in countries where GM crops are widely used or easy to obtain. • For non-organic seeds, we mostly rely on a declaration from the supplier or producer, confirming its GM free status. However, frequent testing is required for risk crops in the respective countries (see above). 		
6	Related documents	<ul style="list-style-type: none"> • 4.1.1 Policy on Third Country Certification • 4.3.1 Organic Management Plan Crop Production • 4.3.1.4 Application form for authorisation to use conventional seeds 		