



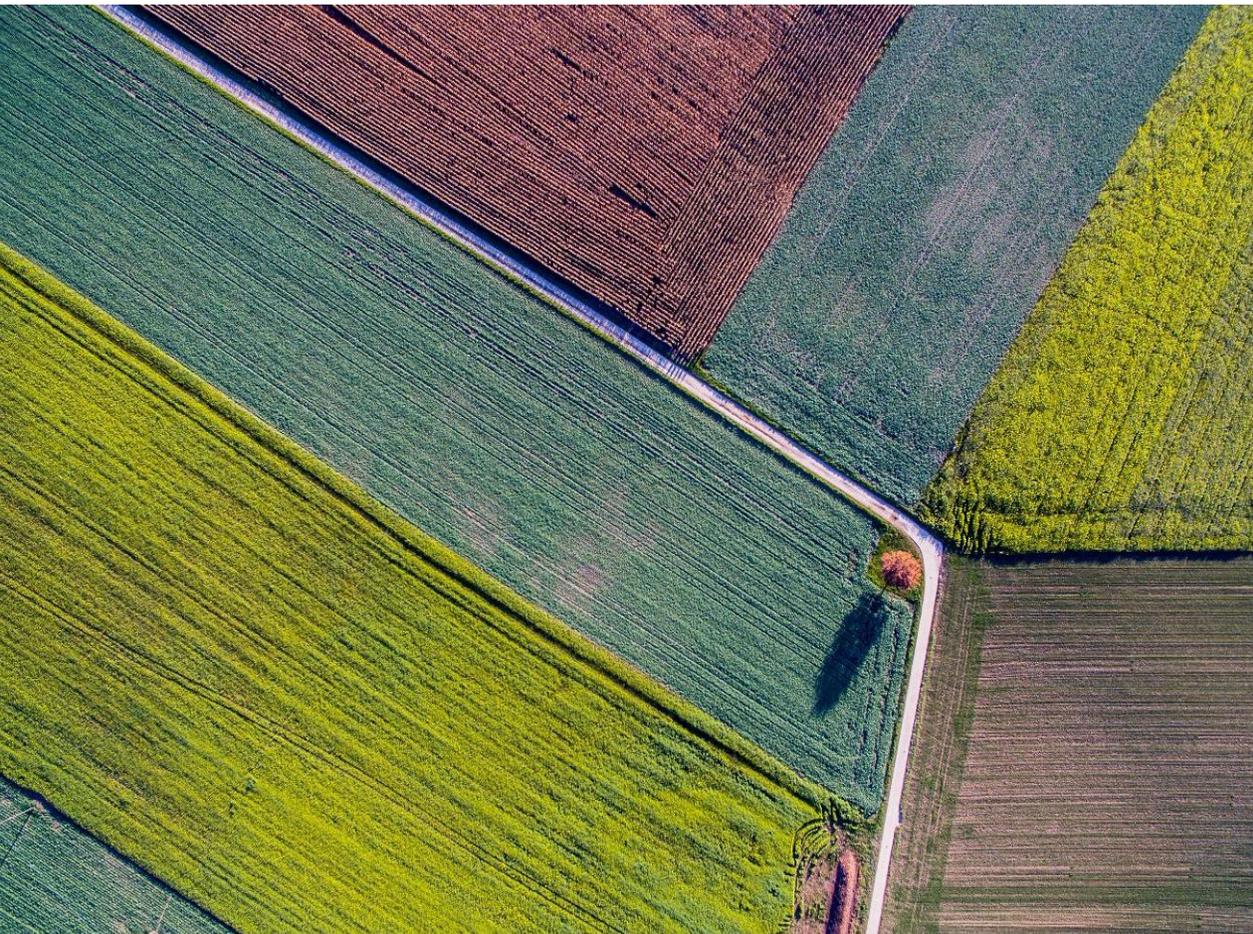
#GrowingTheFuture

Latvian Seed Congress

Farm Saved Seed (FSS) in EU – Legal Framework

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Riga, 24 February 2026



OUTLINE

1. **About Euroseeds**
2. **Plant Breeder's Rights in Europe**
3. **Farm Saved Seed (FSS)**
4. **Other Intellectual Property Rights (IPRs)**

About Euroseeds



About Euroseeds

SINGLE VOICE

of the entire **European seed sector**



Who we are

30+ **National member associations** from EU Member States and beyond, which in turn represent many thousand seed businesses across Europe.

70+ **Direct company members** from family businesses to multi-nationals, including seed related industries.

Euroseeds has members also in other parts of the world: e.g. **Morocco, South Africa, USA, Canada...**



Mission

Euroseeds' mission is to engage, on behalf of its members, with all relevant European decision makers in order to represent their interests and to contribute to a:

- **fair and proportionate regulation** of the European seed sector;
- **freedom of choice for customers (farmers, growers, industry, consumers)** in supplying seeds as a result of innovative, diverse technologies and production methods;
- **effective protection of intellectual property rights** relating to plants and seeds.

What we do

- **Inform – Represent - Advocate**

on **all seed related issues:**

- Variety registration and seed marketing, incl. new breeding methods and organic seed
 - IPRs; biodiversity; research
 - plant/seed health; seed treatment
 - land use and food production
- **Help resolving members' concerns related to different crops**





Who we are working with

Euroseeds represents the European seed industry towards the European institutions and their representatives:

-  EU Commission
-  European Parliament
-  CPVO

Plant Breeder's Rights In Europe

A type of IP that grants a plant breeder an exclusive right over their plant variety for a limited period



Plant Breeder's Rights - Importance



Products of plant breeding are of high value



Future R&D investments to improve on yield and respond to new challenges require incentives



PBRs allow a **fair return on investment**

What's inside a wheat seed?



Farm Saved Seed



What is Plant Variety Protection and Farm Saved Seed?

Farm saved seed (FSS): the product of the harvest (seed) that a farmer has saved for his own re-planting on his own land.



Derogation from the PBR

● [18.1083-Euroseeds-FSS-factsheet.pdf](#)

Legal Framework for FSS



- [Article 15\(2\) of UPOV Convention](#) : optional exception allowing farmers to use for propagating purposes the product of the harvest they obtained by planting the protected variety

UPOV

- [Art. 14 of Council Regulation n. 2100/94 on Community Plant Variety Rights](#): 'agricultural exemption' allowing the use of FSS of certain species of fodder plants, cereals, potatoes and oil and fibre plants & [Commission Regulation n. 1768/95 – Implementing Rules on the Agricultural Exemption](#)



- National PVP laws & National enforcement laws (Euroseeds collects information on national FSS provisions)

Legal Framework for FSS - Scope

- Only other than a hybrid or synthetic varieties (art. 14(1))
- Only for 21 agricultural plant species (art. 14(2))
 - 4 categories (fodder plants, cereals, potatoes, oil and fiber plants)
- Distinction between small and large farm holdings

Legal Framework for FSS - Conditions

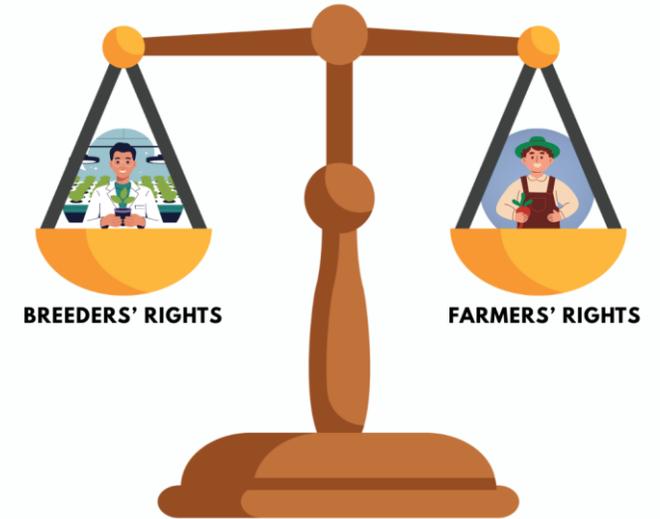
Justification for the derogation:

- **Safeguarding agricultural production**

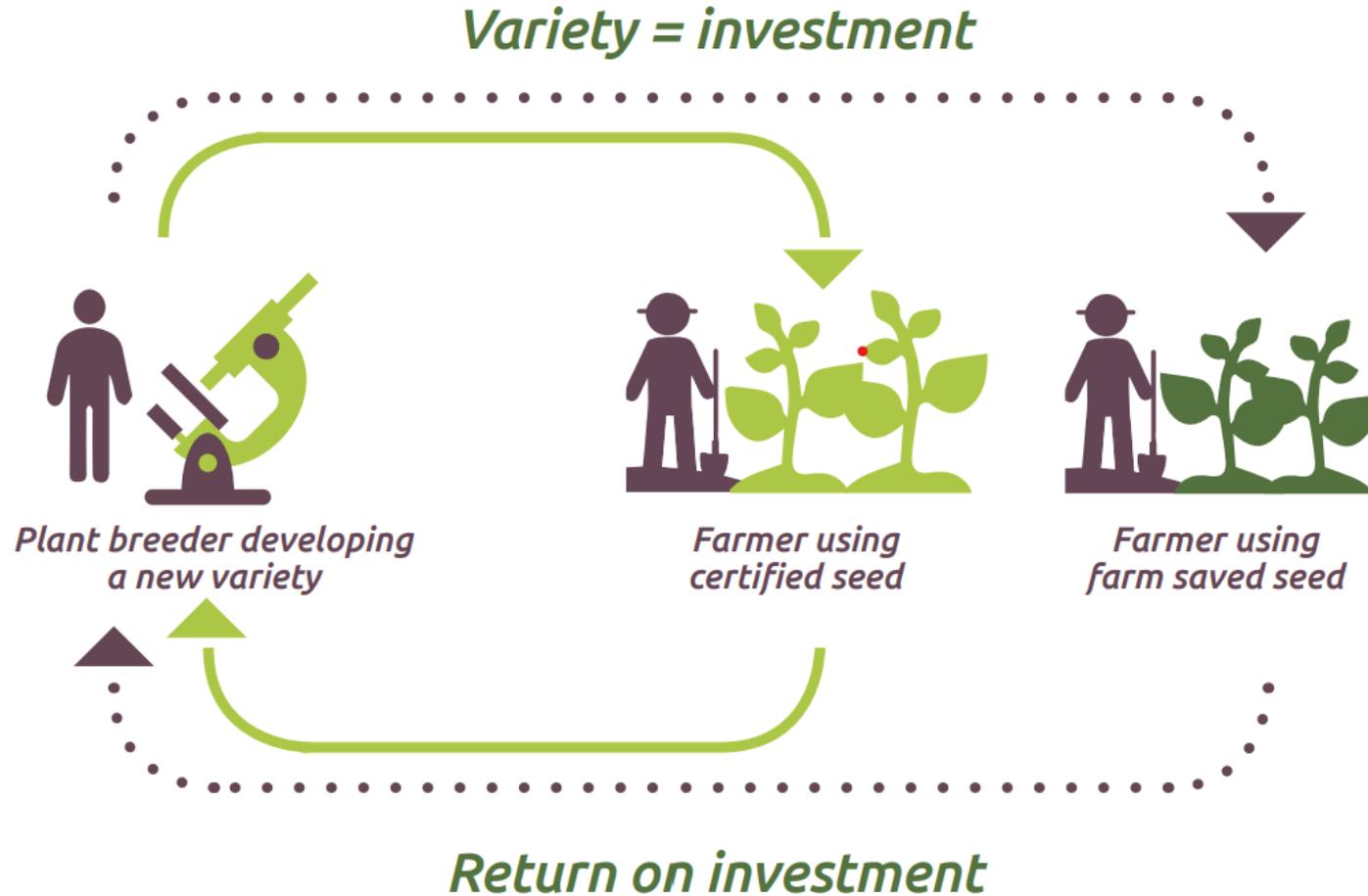
Base principles:

- **Safeguarding breeders' and farmers' legitimate interests** → **Need of balance between the two interests**
 - Farmers' obligation to provide information on FSS use (art. 8 and 9 of 1768/95)
 - Farmers' obligation to pay an equitable remuneration (art. 14(3) of 2100/94)
- } → **Need of incentives**

[11.0050-Euroseeds-position-Farm-Saved-Seed.doc-1.pdf](#)



Importance of paying FSS remuneration





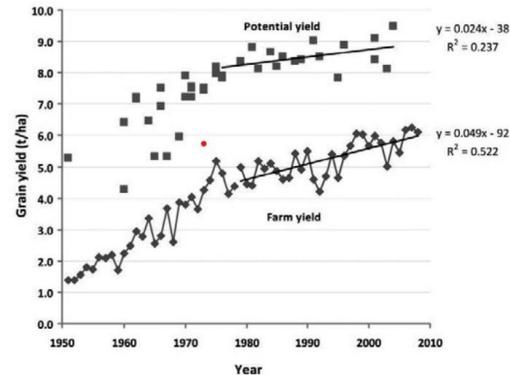
Paying for Farm Saved Seed: Paying for Innovation



Modern plant breeding is a time-consuming and costly endeavour: Plant breeders invest up to 20% of their annual turnover into the development of new varieties, which is higher than other industry sectors.

Investing today for tomorrow's innovation

Depending on the crops, it can take a plant breeder 6 to 20 years to bring a new variety to market, delivering benefits to farmers and society of higher yield, pest and disease resistance, end use quality, better nutrition and environmental resilience. The breeder must look into the future to predict what farmers and society will need in 10 years' time and beyond and target his investment to give farmers the innovation they need.



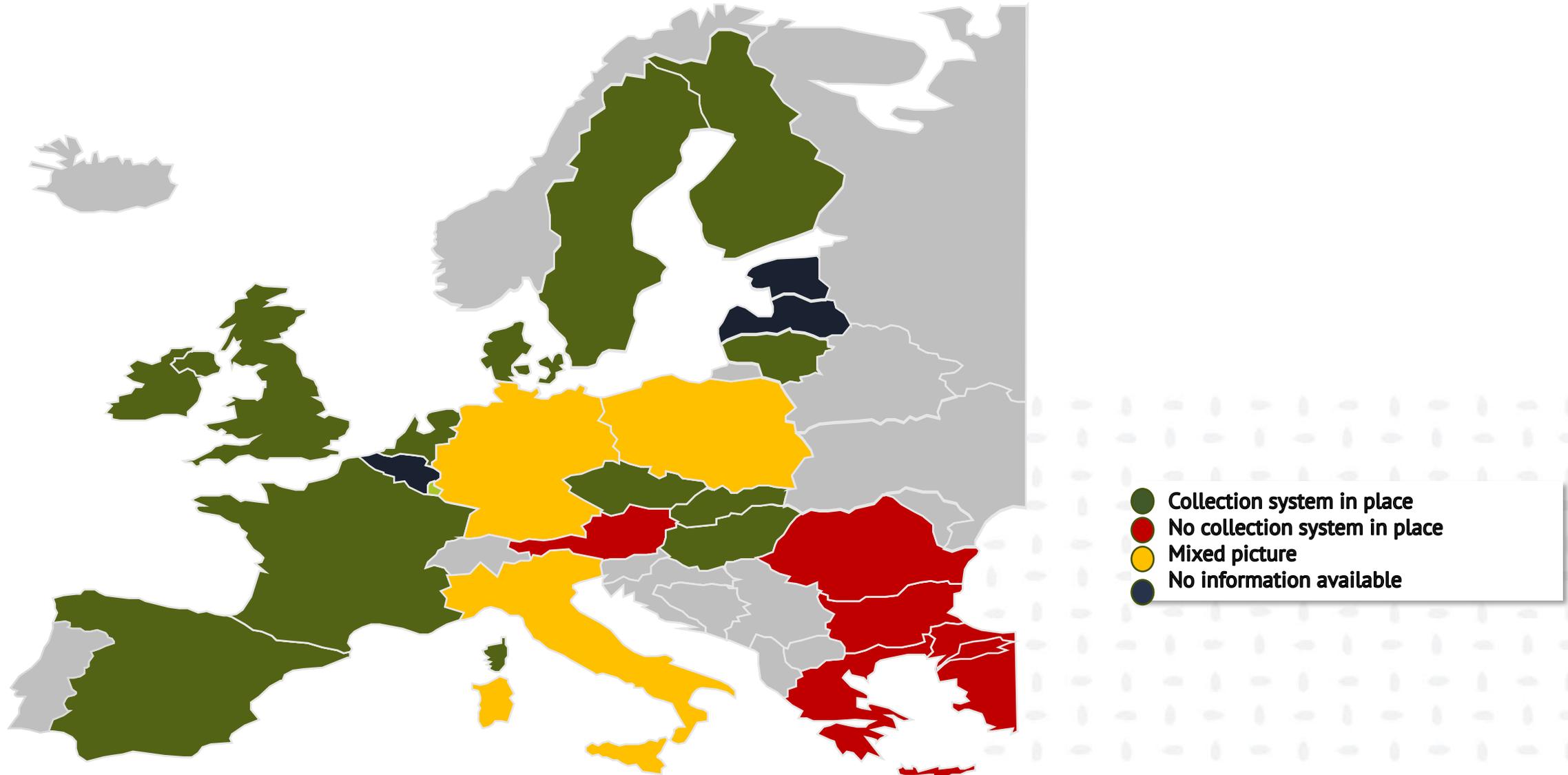
(source: https://dl.sciencesocieties.org/publications/cs/articles/50/Supplement_1/S-85)

Why collecting remuneration on FSS?

COLLECTION SYSTEMS IN EUROPE



FSS Collection Systems in Europe



National FSS royalty collection systems

- Euroseeds collects information on national FSS royalty collection systems through yearly survey
- Currently detailed information available on 15 countries
- In cereals, it is known that systems are in place in:
IE, UK, ES, FR, BE, NL, DK, FI, SW, PL, DE, HU, SK, CZ, EE,
LT, LV
- In potatoes, it is known that systems exist in:
UK, FR, BE, NL, DK, FI, SW, PL, DE, HU, SK, CZ, EE, LT, LV



Working Group FSS

Brussels, 7 January 2020

NATIONAL FSS ROYALTY COLLECTION SYSTEMS: DETAILED DESCRIPTION

National FSS royalty collection systems

Various models exist:

- Who runs the system?
 - National seed/breeders' association (mandated by breeders) – e.g.: NL, SW, FI etc.
 - Separate entity founded and mandated by right holders (Ltd or non-profit) – e.g.: HU, CZ, PL, DE etc.
- Is it based on an agreement?
 - Yes – e.g.: FI, SW, ES, FR, UK, BE etc.
 - No – e.g.: CZ, IE, DE, PL, HU etc.

Various models exist:

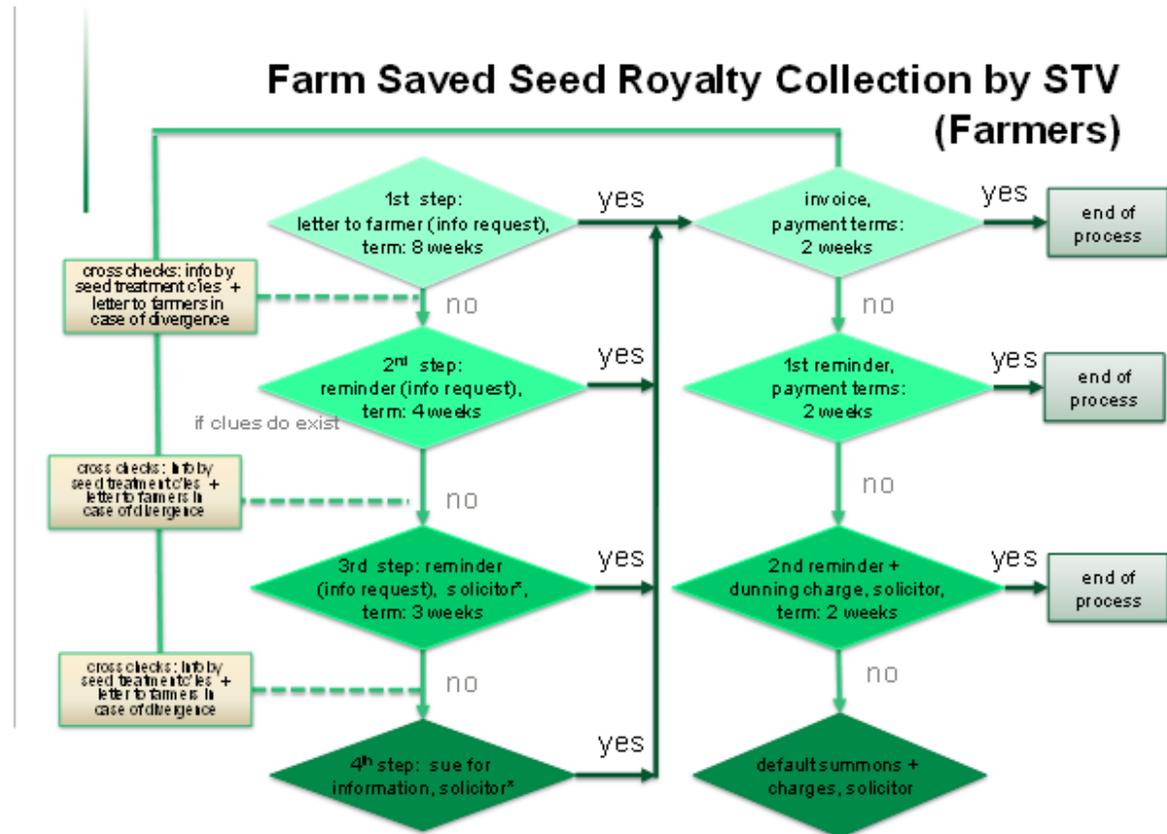
- 1. System making use of Single Farm Payment Scheme – e.g.: FI, SW, DK
- 2. System based on declarations from farmers – e.g.: CZ, HU, DE
- 3. UK system – relying party on processors
- 4. FR system – CRIV (contribution recherche et innovation variétale)

Examples of national FSS royalty collection systems

1. System based on declarations from public authorities (Finland)

- According to EU law, breeder need an indication (“clue”) that the farmer has used FSS of a protected variety
- How to get the “clue” is a challenge
- Single Payment Scheme - subsidy system under the EU CAP – farmers provide information on crop, variety, type of seed used (certified or FSS)
- Finnish authority provides data to Finnish breeders - “clue” to enforce their rights
- Agreement between breeders and farmers associations allowing for the use of the SPS data

2. System based on declarations from farmers - (Germany)

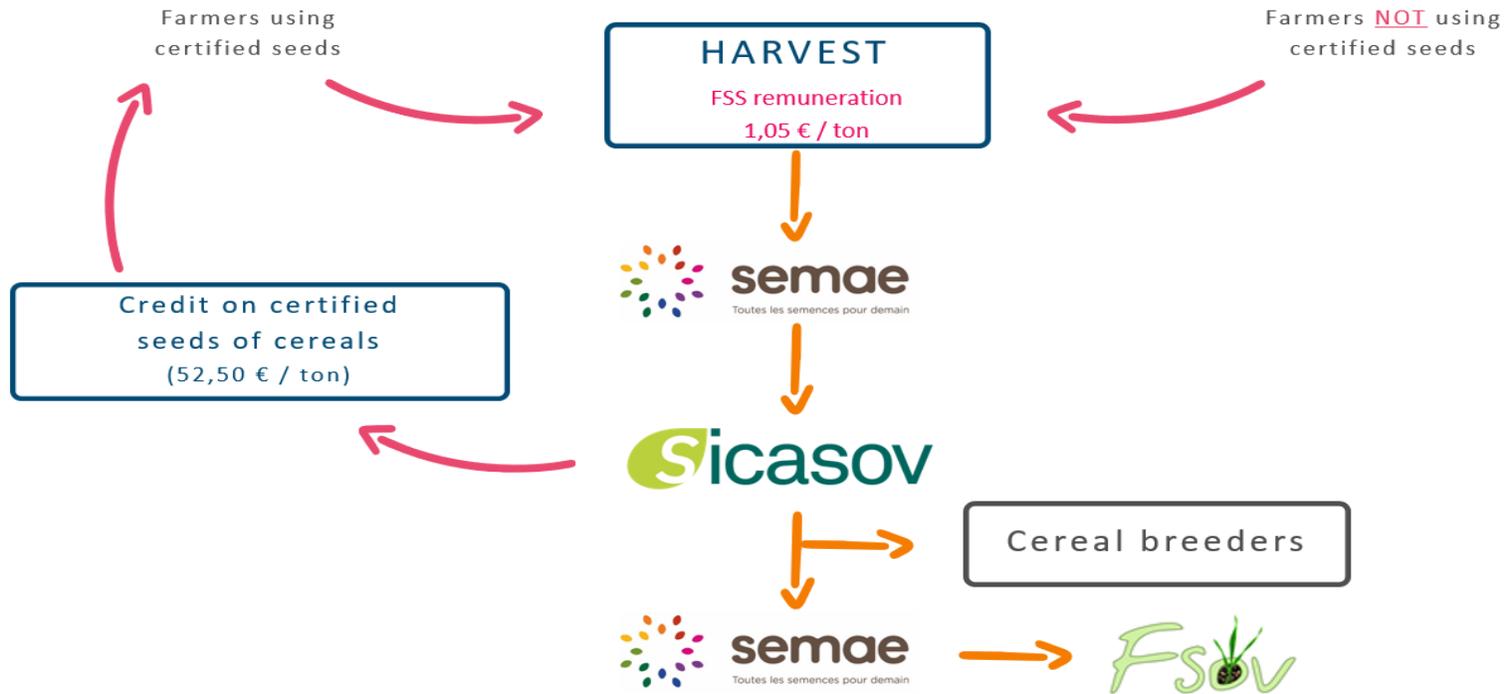


* When a request for information was presented with clues, failure to answer constitutes a contravention against the seed marketing legislation. In this case, the full license fee instead of farm saved seed royalties will be invoiced.

3. System partially relying on processors (United Kingdom)

- Based on agreement between BSPB & 3 NFUs
- BSPB voluntary **agreement with majority of processors** to collect the money on behalf of BSPB
- Farmers **have choice** to pay
 - via FSS processors (based on tonnes) or
 - directly to BSPB (based on ha)
 - 75-80% of FSS royalties collected through processors
- BSPB farmer database – declaration forms sent out 2/year
- Under UK law not providing information in declaration is criminal offence
- Extensive communication efforts: [FAIR PLAY](#)

4. System based on levy at collectors (France)



Conclusions (1)



Agricultural system of the country determines the overall context



Farm structure



National legal framework

Defines:

- Which crops are eligible for FSS use
- Which farmers are required to pay (including exemptions)
- Who is entitled to exercise the right to collect the remuneration on FSS use



Collection mechanism

Entities responsible can be:

- NSAs
- Separate entities established by breeders



Cost of collection

Should be based on an assessment of efficiency and on the establishment of acceptable thresholds

Conclusion (2)



Collecting royalties for FSS:

- Foreseen by the EU legal framework
- Fundamental to enable breeders to continue innovating

Questions?





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Thank you!



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* This presentation is based on, and adapted from, prior work by Mrs. S. Csörgő



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Back-up slides

Back-up slide on Legal Framework for FSS

- article 12 of 1768/95: "Protection of personal data:
- 1. Any person who is providing or receiving information under the provisions of Articles 8, 9, 10 or 11 shall be subject, in respect of personal data, to the provisions of Community legislation or of legislation of Member States on the protection of individuals with regard to the processing and free movement of personal data.
- 2. Any person receiving information under the provisions of Articles 8, 9, 10 or 11 shall not, without prior consent of the person who has supplied the information, pass any of this information to another person or use it for any purpose other than for the exercise of the Community plant variety right or for the use of the authorization provided for in Article 14 of the Basic Regulation, respectively."

Back-up slide on Legal Framework for FSS

- Art 15(2) UPOV Convention

(2) [Optional exception] Notwithstanding Article 14, each Contracting Party may, within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder, restrict the breeder's right in relation to any variety in order to permit farmers to use for propagating purposes, on their own holdings, the product of the harvest which they have obtained by planting, on their own holdings, the protected variety or a variety covered by Article 14(5)(a)(i) or (ii)

- Art 14(1) of Council Regulation n. 2100/94 on Community Plant Variety Rights

Derogation from Community plant variety right:

1 . Notwithstanding Article 13 (2), and for the purposes of safeguarding agricultural production, farmers are authorized to use for propagating purposes in the field, on their own holding the product of the harvest which they have obtained by planting, on their own holding, propagating material of a variety other than a hybrid or synthetic variety, which is covered by a Community plant variety right