

# Farm saved seed: what rules?

## Problems

According to LIVESEED's survey on organic seeds use (LIVESEED booklet The State of Organic Seed in Europe), organic farming still relies on farm saved seed (FSS) as a mean to get obtain organic seed for the next sowing. However, the rules on FSS are not always clear. May farmers reproduce their own seeds? For which crops? Do they have to pay royalties on FSS?

## Solutions

FSS is regulated by Council Regulation n. 2100/94 (art. 14 and 15) and Commission Regulation 1768/95 with regards to the definition of the “**farmers' exemption**” (see Fig. 1). In practice, farmers are allowed to save and re-sow protected varieties of only certain species, but then they have to pay the so-called “**equitable remuneration**”, that could be on individual basis or derived by a contract between farmers' and rights holders' organizations.

## Practical recommendations

When you are re-sowing your own seeds please be aware that:

- Conservation varieties, landraces, heritage varieties, heterogeneous materials are in public domain, so no royalties are due;
- Not all modern varieties that are listed in the EU common variety catalogue are protected by Plant Breeders' Rights (PBR), please check out on the CPVO database;
- Farmers, like breeders, can use protected varieties for on farm breeding;
- If you are a small farm, according to art. 7 reg. 1768/95, you are exempted to pay the royalties (see Figure).

## Further information

1. Workshop on FSS: <https://cpvo.europa.eu/en/news-and-events/conferences-and-events/farm-saved-seed-seminar-4-march-2020-tartu-estonia>
1. CPVO public PBR database: <https://online.plantvarieties.eu/#/publicsearch>



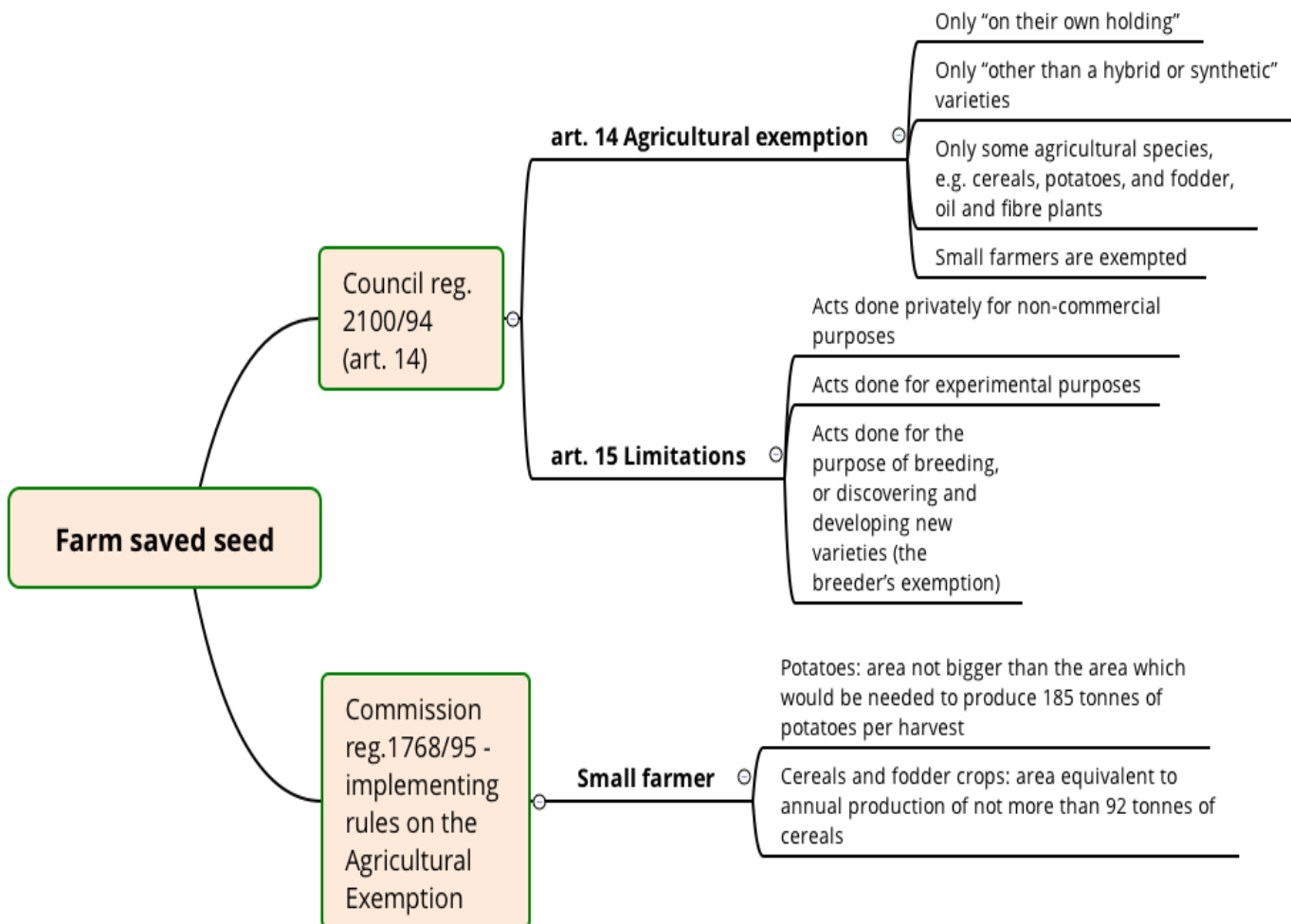


Figure: Plant Breeders' Rights royalties' exemptions for farm saves seeds

**Authors:** Matteo Petitti, Riccardo Bocci (RSR)

**Contact:** [matteo.petitti@semirurali.net](mailto:matteo.petitti@semirurali.net)

**Publisher:** ÖMKI Hungarian Research Institute of Organic Agriculture

**Date:** May 2020

**LIVESEED:** Boosting organic seed and plant breeding across Europe. LIVESEED is based on the concept that cultivars adapted to organic systems are key for realising the full potential of organic agriculture in Europe. Research project 2017-2021.

**Social Media:** Facebook [[LIVESEED](#)] & Twitter [[@LIVESEEDeu](#)]

