The European Union adopted a new Regulation on Organic Production and Labelling of Organic Products in May 2018 (EU 2018/848), permitting and encouraging, inter alia, the use and marketing of “plant reproductive material of organic heterogenous material” without having to comply with several of the arduous registration and certification requirements under various EU laws. In order to ensure quality, traceability and compliance with its requirements, the regulation delegates “setting out certain rules for the production and marketing of plant reproductive material of organic heterogenous material of particular genera and species“ to the European Commission. Those rules are supposed to support the creation of (new) markets and marketplaces, especially for facilitating trade in heterogenous seeds and the plant genetic resources (PGRs) contained therein, which requires overcome numerous long-standing problems. Mrinalini Kochupillai argues that these problems constitute a possible use case for blockchain or digital ledger technologies, which can help maintain an immutable record of the flow of PGRs from the source to diverse end users. In her presentation, she will show how such a system, going beyond existing intellectual property protection regimes, may create better incentives for (small) farmers to continue using, conserving and improving PGRs contained in heterogenous seeds, in situ, than the current intellectual property protection regime, while facilitating the management and monetization of this enormous, untapped genetic wealth and offering small farmers an opportunity to become more active players in the EU bio-economy. Limitations of the envisaged system are also examined.

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