



ESA NEWSLETTER

February 2010

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ESA Meetings (selected)

- **01.03.2010**
SOF - WG
Hybridity SOR
Conference Call
- **02.03.2010**
WGPH
Conference Call
- **02.03.2010**
SFG
WG Monitoring
Meeting
- **03.03.2010**
SFG Meeting
- **08.03.2010**
WGBT Meeting
- **09.03.2010**
SMA Meeting
- **16.03.2010**
ESA SVOwic
Meeting

Dear Members,

With the evaluation of the EU's current legal framework for plant health at midterm, the European Commission invited private sector stakeholders such as farmers, traders and seed industry together with representatives of EU Member States' plant health authorities for a presentation of the findings by the evaluator and for a discussion on the next steps of the evaluation process. The conference which took place in Brussels on 23.-24 February 2010 was attended by some 150 representatives and demonstrated the high level of interest from both public and private sector in the evaluation exercise.

At the conference, the Chairman of our ESA Working Group on Plant Health, Gerard Meijerink, presented the seed industry's specificity and its requirements for a modernisation of the EU's plant health system as all plant production starts with the seed. While it thus seems obvious that without healthy seed, there cannot be any healthy crop production, this point has not yet sunk in with all parties involved.

And while therefore we see ourselves as a key partner of EU and national authorities for a future plant health policy, many officials still consider industry (and other private sector groups) as mere subjects to legislation.

With increasing globalisation and international trade and budget constraints in the public sector, ESA as well as representatives of agricultural trade and farmers confirmed the readiness of industry to take over more responsibility and tasks in the area of plant health; but industry also underlined that a change of approach to policy and governance was required in this respect. While we are ready and able to contribute more of our expertise, experience and also respective (financial) resources, we also want authorities to acknowledge us as partners and to establish a more cooperative governance of this policy area.

And we have well established practices and positive experience of such shared responsibilities in the area of seed certification and quality control, where already today many tasks are performed by the industry itself under supervision of public authorities. Seed industry has proven to be a reliable and professional partner of authorities in this area and together we have been able to become more efficient and reduce costs. And it is not for nothing that we have underlined the need to continue in this direction in our response to the better regulation exercise; clearly, we should apply the same principles to a new plant health regime and seek alignment and/or integration of tasks wherever this makes sense and improves speed and quality.

I am convinced that evaluators, Commission and representatives of Member States were impressed with the expertise and experience ESA had shown in its answer to the evaluation questionnaire. And I am even more convinced that the ESA delegation -and I thank all of our Members who were present at the Conference once again for their support- clearly underlined the seed industry's commitment to a successful revision to the legislation.

With best regards, yours

Garlich v. Essen, Secretary General



ESA Meetings **(continued)**

- **17.03.2010**
ESA Board
Meeting
- **30.03.2010**
SPO WG
Meeting
- **09.04.2010**
STAT
Meeting

Meeting of the ESA Committee on Intellectual Property Rights

The ESA CIPR held its first meeting of the year on February 17 in Brussels. As you know the Committee is currently reviewing the ESA position on IP and is supposed to finalise its work by the September meeting of the ESA Board. At its February meeting CIPR members discussed several chapters of the IP position regarding use of molecular markers in DUS testing, CPVO, extension of plant variety protection to harvested material and directly obtained products, protection of hybrids, EDVs, duration of plant breeders' rights and biodiversity. An intense discussion took place and some important conclusions were reached which will be presented at the spring IP conference. Also a number of issues were identified by the CIPR which will be put forward for discussion and consideration by the ESA members at the conference. The next meeting of the Committee is scheduled for May 3 where an evaluation of the outcomes of the conference and further the discussion on some still open questions will take place. (SzCs)

First meeting of ESA-CPVO-COPA-Commission working group on FSS

As a follow-up to the seminar organised by the CPVO last June on farm saved seed and in line with the suggestion of ESA a working group consisting of the representatives of the relevant stakeholders and looking at issues related to the agricultural exemption was formed and held its first meeting in the morning of February 26. Representatives from COPA-COGECA, CPVO, European Commission (DG SANCO, AGRI and Internal Market) and some members of the CPVO Administrative Council attended the meeting. ESA was represented by Nigel Moore, Chairman of the ESA Task Force on FSS, Garlich von Essen, Szonja Csörgő and Bert Scholte. A first interesting discussion took place on a number of issues identified as falling under the scope of the work of the group (such as information obligation, small farmers or own holding within the meaning of the farm saved seed exemption) and responsibilities on topics were assigned to the different stakeholder groups. The working group will have three more meetings and is supposed to finalise its work by the end of the year. The next meeting will be held on May 5. (SzCs)

ESA conference on 'IP protection in plants and seed' **Brussels, April 22-23**

The spring ESA seminar on 'IP protection in plants and seed' is approaching with big steps. Already many of you have registered to take part in this event which is crucial for our sector. The conference will provide a floor for discussion for all ESA members on various questions related to plant IP protection and in particular on the issue of interface between patents and plant breeders' rights. I have the pleasure to inform you that by now all the invited speakers have confirmed their availability to contribute to the seminar. The program updated with the names of speakers is available on the ESA website. Your participation at the seminar is important for the whole sector! Registration is still open, so if you are not yet registered but would like to be part of this important event, please do so by clicking at the following link:

<http://www.euroseeds.org/static/esa-2009-ip-conference/registration-link-1>.

(SzCs)



External meetings

(selected)

- **03.-05.03.2010**
CIOPORA IP
Conference
Seville (ES)
- **09.03.2010**
Forum for Agric.
Conference,
Brussels (BE)
- **10.-12.03.2010**
ISF Spring
Meeting
Zurich (CH)
- **11.-12.03.2010**
BDP IP Seminar
Bonn (DE)
- **15.-17.03.2010**
UN-ECE
Geneva (CH)
- **22.-24.03.2010**
IPPC Meeting
Rome (I)
- **25.03.2010**
SANCO SDG
Brussels (BE)
- **26.03.2010**
Plenary of the
Advisory Group on
the Food Chain,
Animal and Plant
Health
Brussels (BE)

2nd Workshop Harmonisation Resistance Terminology

On February 10th the 2nd ESA SVOWic workshop took place regarding Harmonisation of Resistance Terminology. The event was attended by 19 participants from 11 vegetable seed companies. In addition observers from CPVO, ISF and NAK were present. The participants addressed the work carried out so far and the present company policies regarding resistance terminology. It was re-confirmed that there is a clear need for harmonisation in order to improve transparency for clients and to reduce the risk of liability. Also the relation between disease resistance claims and disease resistance used in DUS testing was discussed. Most of the time however was used to elaborate on the disease resistance tables for the different crop groups. The results of the workshop will be presented and discussed in the next meeting of the SVOWic. (BS)

Monitoring of possible illegal activities in grass and forage crops

On February 25 a meeting was organised in Bologna (IT) between ESA, represented by Nils Elmegaard, Chairman of the SFG ad-hoc Working Group, and B. Scholte and Assosementi, represented by Roberto Guarnieri, Chairman of the WG in Assosementi, M. Nardi and 4 members of the WG. The participants exchanged information on the activities regarding the monitoring of possible illegal activities in grass and forage crops both in ESA as well as in Italy. It was noted that following a report on import of uncertified seed of crimson clover the Italian anti fraud services had started an investigation which is still ongoing. As a consequence imports into Italy had decreased to a more normal level in 2009 compared to 2008. The meeting was conducted in a friendly atmosphere and all participants agreed that monitoring of possible illegal activities should continue in the future. (BS)

Preparatory meeting CPVO – ESA for the Administrative Council

On February 26 a meeting was organised in Brussels between CPVO, represented by B. Kiewiet, President of CPVO, and several members of the CPVO staff and the Secretariat in preparation of the next meeting of the Administrative Council. The following issues of importance were addressed:

- Financial result 2009: The total number of applications in 2009 decreased with some 8%. However as a result of cost savings the financial result in 2009 was a surplus of some € 200.000, which brings the income and expenditure of CPVO more or less in balance. The total free reserve is currently € 5.6 M.
- Participation of Breeders' representatives as observers at the meetings of the Administrative Council. The CPVO proposes to the AC to accept the participation of breeders' organisations as observers in meetings of the AC. A request for observer ship has been repeatedly proposed by ESA in the past years.
- The CPVO informed about the developments of the first court case concerning CPVP pending before the European Court of Justice. The advocate general suggested that the ECJ should not review the scientific assessments carried by the CPVO but should only focus on reviewing legality of those assessments. The ruling in the case is still to come.



- **Public access to documents:**

The CPVO intends to publish the official variety descriptions as well as the Technical Questionnaires on the CPVO website. ESA has re-stated its concerns regarding certain parts of the TQ which should be considered as confidential. The CPVO has agreed to eliminate all information in the TQ related to the breeding scheme as well as inbred lines from the files to safeguard the interest of the breeders. It is noted that subject to approval by the AC the CPVO will publish the respective information only from new applications and will not do so retro-actively.

- **Policy of the status of plant material used for DUS purposes:**

The CPVO policy on the handling of material sent in for DUS purposes was adopted 5 years ago. At the time of adoption it was agreed to evaluate it after 5 years. Some Examination Offices have argued to simplify the policy in order to decrease administrative burden. ESA has indicated that the policy should remain unchanged as in particular the handling of plant material of inbred lines is extremely important to breeding companies. The current policy safeguards the breeders' interests. Also as proposed by ESA, the CPVO is of the opinion that the current policy is a well balanced compromise and should not be changed.

- **State of different IT Projects:**

The most important project concerns a facility to apply for CPVR on-line. At present this facility is being tested for a restricted number of crops. The CPVO is planning, depending of the results of the tests, to implement the system in the course of the next few months. As a first step the on-line application system will only be open for certain species (potato, peach, lettuce, chrysanthemum and rose) and will only be available in English. The CPVO will certainly extend the scope to all species step-by-step. To stimulate on-line application the application fee for such applications will be reduced by € 200. (SzCs/BS)



Legal battle on Romanian legislation on seed thresholds

The Romanian Ministry for Agriculture on 26.02.2010 lost a court case against some environmental action groups on the legality of the national AP threshold in seed (0.3% for hybrids and 0.5 for self-pollinated crops). The Court stated that the tolerance levels set up in Romania through a Ministerial Order are illegal and have to be removed, in the light of the EU legislation. Instead, zero tolerance for AP in seed should be consequently imposed. The Court who issued the ruling is only a regional one, from Cluj, a city known as a stronghold of environmental activists; the Ministry is likely to prepare a rebuttal by a higher court. Romania is the only country that implemented a national seed threshold and clearly this ruling once again shows the schizophrenic situation that in the absence of a specific EU regulation, practical national rules may be considered illegal. (vE)

BDP and ESA meet German Ministry officials on biotech policy

The SG joined a delegation of the German Plant Breeders Association (BDP) headed by Ferdinand Schmitz in a meeting with the German Ministry for Agriculture and Consumer Protection in Berlin to discuss the possible further development of legislation and politics in the area of green biotechnology. While the responsible officials clearly were very much aware of the various problems encountered by the seed industry in the absence of proper and practical rules for adventitious / low level presence of GMOs in seed as well as the negative impact on the competitiveness of the industry resulting from trial destructions and delays as well as the blockage of new authorisations, it was specifically the issue of new breeding techniques and their possible coverage by existing or new legislation that was at the focus of their attention. The industry underlined the potential negative effects of an inappropriate legislation in this area and warned that speed and scale of innovation in Europe could suffer from it. (vE)

Next ESA Newsletter to be published on 01.04.2010