



# ESA NEWSLETTER

May 2010

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## ESA Meetings (selected)

- **03.05.2010**  
**CIPR Meeting**
- **04.05.2010**  
**SFG WG DUS**  
**Conference Call**
- **07.05.2010**  
**WG FSS**  
**Conference Call**
- **19.05.2010**  
**ESA SFG A.T.**  
**Conference Call**
- **02.06.2010**  
**ESA STAT**  
**Informal Meeting**
- **08.06.2010**  
**New WG Biotech**  
**Meeting**
- **11.06.2010**  
**ESA SVOwic and**  
**AIB**  
**Meeting**

Dear Members,

The negotiations on an access and benefits sharing (ABS) mechanism under the convention on Biological Diversity (CBD) are entering into their decisive phase.

Over years, the rules and potential consequences of such an ABS have been subject of a heated debate, mainly between the so-called developed countries of the Northern hemisphere on the one hand and the developing countries of Southern and Central America, Africa and South Asia on the other. While Europe and the US fear that the Access to genetic resources may be restricted in ways that will harm the further economic development, the latter have emphasised the need for a substantial benefit sharing and strict rules for compliance to assure the factual implementation of their sovereign rights on their own genetic resources. So is it all about money in the end?

Many would answer this question with a 'Yes'. But it seems that trust is the decisive word and lack of trust is what divides the two sides more than anything else.

For the plant breeding industry –and in fact for the agricultural sector as a whole- the possible new rules of a CBD based ABS system would be much less of a worry if the specific rules of the FAO's International Treaty on Plant Genetic Resources for Food and Agriculture (IT) would simply be taken over into the new provisions. The IT has been developed with a considerable input from the plant breeding industry and also the specific access and benefit sharing approach has been based on the experience and needs of the breeding community. The IT with its multilateral approach and its focus on facilitation of both, access and benefit sharing, is the most appropriate framework to support the preservation of biodiversity by a sustainable use of all interested parties.

But the IT is often criticised as a framework that does not achieve the substantial benefit sharing it intends to provide. And it is true that while accessions of genetic resources continue to grow, the financial benefit sharing via the biodiversity fund is still quite limited and in any case does not satisfy the numerous demands from countries for financial support of specific biodiversity related projects. This can partly be explained by the fact that the access is a matter of today while the resulting benefit sharing usually only materialises after a considerable time of research and development and finally market introduction of a final product, we are still faced with the political challenge to maintain the support for this specific regime for our sector and thus to prove that all its elements are working satisfactory.

So our challenge is twofold: to continue our work in the CBD for a taking over of the existing ABS system of the IT – and to demonstrate that this IT and all its elements are providing both the users and the suppliers of genetic resources with the desired genetic and financial resources. And it may well be that our industry (as well as others) need to consider new and additional measures to achieve this goal in order to avoid that we are finally faced with a new system under the CBD that could result in restrictions to the access to genetic diversity that effectively threaten the future of the breeding sector.

With best regards, yours

Garlich v. Essen, Secretary General



## CPVO Working Group Farm Saved Seed

On May 5<sup>th</sup> the 2<sup>nd</sup> meeting of the CPVO WG on FSS took place. ESA was represented by Nigel Moore, Chairman of the ESA WG FSS, and the Secretariat. The WG continued the discussion on possible changes regarding the legal obligation for farmers to provide information on the use of FSS, the possible involvement of official authorities in providing assistance, the definition of small farmer as well as the definition of own holding. As already noticed in the first meeting the input of the farmers represented by COPA-COGECA unfortunately was rather negative. The representatives of COPA-COGECA agreed that there were no technical arguments to exclude a group of farmers to pay a royalty on FSS; however they insisted that for political reasons they could not except to delete the notion of small farmer. In addition it was suggested to change the definition of own holding to legitimate the practice of “block farming” which appears to be common practice in the UK. Besides, the representative of the European Association of mobile cleaners advocated to change the legislation to allow for the use of FSS of hybrids in Oilseed rape and Maize. The representatives of the farmers suggested to elaborate a document together in order to explain to the farmers the reasons why continued investments in plant breeding and the payment of royalties on FSS use are needed to support the competitiveness of agricultural production in the EU. The ESA WG on FSS will evaluate the rather negative outcome of this meeting and the way to go forward in a Conference Call which is scheduled for June 7<sup>th</sup>. However, it is clear that the expectations regarding a possible agreement with the farmers on FSS are less positive than originally expected. (SzCs/BS)

### 12<sup>th</sup> UPOV BMT meeting

The UPOV ad-hoc Working Group on Biochemical and Molecular Techniques met in Ottawa (Canada) from May 11-13 2010. The meeting was attended by 78 experts from 12 different countries, including B. Scholte as representative from ESA. Different presentations were given on the use of Biochemical and Molecular techniques for the purposes of variety identification and essential derivation in different crops. In addition, interesting information was provided by experts from Canada regarding DNA based variety identification in wheat and peas in this country. It was noted that Geves (France) will implement the system of combining phenotypic and molecular distances in the management of the variety collection of maize in 2011. It was also noted that similar systems are being developed by Geves for barley and lettuce. ESA informed on the EDV project as recently approved by the ESA Potato section (SPO) the first results of which could be reported in 2011. The different presentations made clear that the discussion on Molecular and Biochemical Techniques and the possible use of these techniques in DUS testing matures and in specific defined cases could be implemented in the near future. (BS)

### External meetings

(selected)

- 29.05.-04.06.2010  
ISF Congress  
Calgary (CA)
- 01.-04.06.2010  
Green Week  
Conference  
Brussels (BE)
- 14.-18.06.2010  
Patent Seminar  
London (UK)
- 17.06.2010  
CPVO Conference  
Call on DUS of  
Potatoes
- 18.06.2010  
Sustainable  
Agriculture  
TaskForce Meeting  
Brussels (BE)
- 05.-09.07.2010  
UPOV TWV
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### 39<sup>th</sup> session of the UPOV TWA

The UPOV TWA held its 39<sup>th</sup> session from May 24-29 in Osijek (Croatia). The meeting was attended by 55 experts from 25 countries.

- The TWA discussed TGP documents regarding the Examination of Stability (TGP/11); Experience and cooperation in DUS testing (TGP/5); Development of test Guidelines (TGP/7) including the coverage of ornamental varieties in test guidelines, the quantity of plant material required and applications for varieties with low germination. Regarding this issue, I have reported on the outcome of the ESA survey and stated that as there were only few cases reported, the matter did not justify further consideration which was agreed by the TWA. In addition, issues were discussed in relation to the number of plants to be considered for distinctness; the selection of asterisked characteristics; the indication of grouping characteristics; guidance for type of observation; example varieties; providing photographs with the technical Questionnaire.
- Several general issues were discussed including electronic application systems. (TWA 39/8). Following the ISF proposal for a simplified application form resolving linguistic problems, UPOV has elaborated two proposals; to address standard references to the UPOV model application form as well as the Technical Guidelines to help breeders to overcome linguistic problems. The second proposal is the possible use of information provided in an electronic version of the UPOV Model application form. As representative of ESA/ISF I have questioned the usefulness of proposal 1, in particular in relation to the use of standard references in Technical Guidelines as this approach is quite different to the original ISF proposal. Furthermore, the usefulness of the current proposal for breeders can be questioned as it is rather complicated and will cause quite some administrative burden for those countries choosing to implement it. However it should be noted that countries are not obliged to make use of this approach which might be useful for new UPOV member states such as Oman.
- Technical Guidelines. The TWA finalised the discussion on the Technical guidelines for:
  - o Flax / Linseed and
  - o Foxtail milletAs proposed by ESA, several seed characteristics were taken up in the UPOV TG. This will help using these characteristics as additional characteristics in the framework of applications in the EU. Both TG's will be sent for adoption to the UPOV Council in October of this year.
- The TWA continued the discussion on TG for:
  - o Durum wheat – In this respect, it should be noted that no comments were received from breeders, although durum wheat with 2.8 million ha's grown in the EU is an important crop. The TG is expected to be finalised in 2011. The ESA Secretariat will contact the companies active in durum wheat once again in order to get input, as it is the last opportunity for the next 10-15 years.



## - Technical guidelines to be discussed in 2011

- Buckwheat – to be finalised
- Cassava - continued
- Common vetch - continued
- Durum wheat – to be finalised
- Tall wheat grass - new
- Groundnut – to be continued
- Hemp – to be finalised
- Job's tears – new
- Scorpion weed – new
- Rhodes grass – new
- Sesame – to be finalised
- Urochloa – to be finalised

In 2011, the TWA will decide to address a revision of the TG for wheat and triticale. ESA members will surely be interested to contribute to the discussion on the TGs for these important crops.

The Next meeting of the TWA will be organised from 16-20 May 2011 in Brazil. (BS)

### **Meeting of the ESA CIPR – May 3**

On May 3 the ESA CIPR held its second meeting of the year. The main focus of the May meeting was the evaluation of the outcomes of the ESA IP conference held on April 22-23 in Brussels where many of you participated. In general, Committee members expressed a positive view on the conference and were satisfied with the good participation of seed industry representatives as well as representatives of organisations such as the EPO, CPVO or the European Commission; the organisation of the conference and the information and exchange of views it provided. Following a good discussion among the participants and also based on the debates within the framework of the ESA IP conference, the CIPR agreed to the principle that free access to commercially available material for breeding should be safeguarded. For the next meeting, which will take place on July 1, proposals will be elaborated on potential solutions (as suggested in some interventions at the ESA IP conference) which may provide a workable framework for the future to deal with patented material in practice.

The remaining parts of the future IP position, which were also presented at the ESA IP conference, have been finalised and also – reflecting on the outcomes of the conference – it was decided to include a position on IPR enforcement in the future position paper. At the July meeting the CIPR needs to come to a proposal on the future ESA IP position which it will present to the ESA Board in September for decision. (SzCs)

### **Visits to ESA members – Limagrain Group – May 10-11**

On May 10-11, Sz. Csörgő visited Groupe Limagrain in France. The two-day visit, organised by Christiane Duchêne, responsible for seed and IP regulation issues within Limagrain and member of the ESA CIPR, encompassed some study tours in the different facilities and very interesting discussion sessions covering a wide range of issues. On the first day a visit was organised to the headquarters of the



vegetable seed company Vilmorin, in La Méniltré, where Mr. Daniel Gabillard, vice research director of Vilmorin, explained the scientific basics of breeding and showed practical examples of the different concepts in the framework of a very comprehensive tour in the greenhouses and phyto-pathology facilities. In the afternoon, a discussion took place with Mr. Xavier Bouard, legal manager of Vilmorin, covering mainly IP related issues.

The second day started with a visit to a wheat breeding station near Chappes where that specific wheat breeding programme and especially the crossing stage was explained and shown. This was followed by a roundtable discussion with Mrs. Duchêne, Mrs. Magali Pla, patent engineer, Mr. Georges Freyssinet, scientific director of Groupe Limagrain, Mr. Gérard Sicsic, general legal counsel of Groupe Limagrain and Mr. Jean-Christoph Gouache, CEO of the vegetable seeds division of Groupe Limagrain. The discussion covered issues related to the revision of the seed marketing legislation; IP infringements and enforcement issues; GMOs and the question of interface between patents and plant breeders' rights. The fruitful exchange of views and the visit was concluded over a very friendly lunch. The visit provided an excellent practical and intellectual experience. (SzCs)

### **Meeting ESA - Croatian Seed Association May 25**

In the framework of the meeting of the TWA in Osijek, B. Scholte met Mr Stanko Kresic, President of Hrvatsko Sjeme (HS), the Croatia Seed Association, and Mr. Drago Coric, Director of Hrvatsko Sjeme to discuss the possible cooperation between ESA and HS in the future. The meeting was also attended by Mr Durkic, director of the Croatia institute of seed and seedlings. Information on the structure, priorities and specific horizontal issues was exchanged. The meeting took place in a friendly atmosphere and a possible application for ESA membership can be expected in the near future. (BS)

### **Visits to ESA members - Monsanto Vegetables Bergschenhoek May 31**

On May 31 B. Scholte visited Monsanto Vegetables in Bergschenhoek (NL) and met Mrs. Marleen van Balkom following her appointment as leadperson regarding GMO matters in the ESA SVOWic. A presentation was given on the organisation of Monsanto in general and the Monsanto Vegetable division in particular. The meeting was also used to discuss various horizontal issues of importance to the seed industry. In addition, the breeding facilities were visited and several practical issues in relation to tomato were discussed related to Plant Breeders Rights, biodiversity and plant health. The meeting took place in a constructive atmosphere and will help to improve the cooperation between Monsanto and ESA in the future. (BS)



## **Better Regulation**

DG SANCO within the European Commission is further continuing its work on the evaluation of the seed marketing legislation. Within that framework, the Commission has recently prepared and discussed a so-called “reflection document” presenting the issues to address and the options for the Better Regulation exercise regarding DUS, VCU, seed certification and potential exemptions from the general regime. As a reaction to that document and on the basis of ESA’s former input to the Commission on the S&PM review, the ESA working group on better regulation has worked out its position on the issues and options presented in the Commission’s document and sent this input to DG SANCO. This position is available on the ESA website under ‘positions 2010’.

Similarly, as the concerns within ESA sections are growing that under a future regulation the Member States might lose their flexibility to adopt more stringent criteria, a letter was sent to the Commission underlining the importance of this issue. (SzCs)

## **Green Week Conference – 01- 04 June 2010**

This year the EU Green Week Conference is focussing on biodiversity partly because 2010 is the International Year of Biodiversity and because recently the EU has realised and admitted that it had failed meeting its 2010 biodiversity targets.

“Despite numerous efforts around the globe, studies show that biodiversity still is diminishing at startling rates” – the EU says. With street events in cities including Amsterdam, Warsaw, and Madrid, the EU is now launching a Europe-wide campaign aimed at raising citizen's awareness of this issue. The Green Week Conference 2010 is part of this campaign. It is the largest annual conference on European environment policy. Over some 30 sessions, the conference will address the state of biodiversity and nature in Europe and the world, the benefits they bring, present-day pressures on them, and possible solutions to the current rates of loss. The path to be taken by EU policies on biodiversity and nature policies post-2010, the economic dimension of biodiversity, ecosystem services and Natura 2000 will also be investigated.

These are some of the many questions Green Week 2010 will examine in three days of discussion and debate between high-level speakers from Europe and beyond. Some 3,800 participants are expected from EU institutions, business and industry, non-governmental organisations, public authorities, the scientific community and academia.

The main thrust of the campaign will be to show citizens the real implications biodiversity loss will have in their daily lives, with a focus on actions citizens can take to help protect Europe’s natural capital. The events of particular interest for the seed industry will cover issues related to the link between biodiversity and food security and agricultural land use and biodiversity. Also a discussion on post-2010 biodiversity targets will take place in the framework of the conference. ESA will follow the events with due attention. (SB/SzCs)

**Next ESA Newsletter to be published on 01.07.2010**