



ESA NEWSLETTER

June 2010

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ESA Meetings (selected)

- **01.07.2010**
CIPR Meeting
- **02.07.2010**
Executive Committee Meeting
- **02.07.2010**
WGB Meeting
- **07.07.2010**
SVO wic Lead Persons Conference Call
- **12.07.2010**
STAT Steering Group Meeting
- **19.07.2010**
WG Biotech Conference Call

Dear Members,

The European Commission will present its proposal for a new policy on GMOs to the other EU institutions and the public on 13/14 July. ESA as well as other stakeholders were informed about the principle approach which is currently in the final stages of the Commission's internal consultation at the beginning of June – with the request not to disclose the information received to the wider public. As to be expected, it took only a day for green NGOs to start their media campaign...

From what we know (and some of the draft documents became available quite quickly), the Commission intends to propose two main changes to the existing policy framework: firstly, Member States, regions and local communities will be advised that they may take any measure they consider appropriate to "avoid the presence of GMOs" in their agriculture, including the setting of thresholds lower than the one of 0.9% enshrined in the EU GM food and feed legislation. This advice will be given by a Commission communication that will update (de facto, this means completely change!) the existing guidelines on Coexistence. The Commission itself will no longer apply any scrutiny to such measures, which have to merely be communicated by the respective country for information. For such a 'Commission Communication', no formal legislative procedure is required; neither European Parliament nor Ministers have a possibility to change or block the text. The second element of the proposal is a 'chirurgical change' to the existing legislation on GM authorisations for cultivation. With a proposed single amendment to the text of the current Directive, Member States shall be authorised to restrict the planting of any GMO on their territory – without any obligation to provide a scientific justification for such restrictions as currently required by the so-called 'safeguard clause'. This proposal however requires a regular co-decision procedure of Council and European Parliament and it is still unclear if it is legally possible to restrict these institutions from adding further changes to the Directive in this process. Some also consider the Commission to be in breach with some fundamental principles of EU law (internal market etc.) – but all this may only be clarified after lengthy legal battles at the European Court of Justice.

ESA's reaction to this new policy approach has already been shared with you in our recent Position Paper. In short, we are convinced that the Commission does not resolve any of the current problems but adds several additional ones for seed industry and farmers. What it effectively does is to make the existing labelling requirements for GM presence in food and feed a moving target. Any local, regional or national entity may set other standards and related requirements – but these will only be valid for its own territory while imports from third countries (and possibly other regions) would only have to comply with the general EU rules. This will not only result in unfair competition between EU and non-EU products; it will also drive local farming communities against each other, a fact completely neglected by the Commission. Without thresholds for seed, a nationalisation or regionalisation of authorisations for GM plantings is virtually impossible. Events that will be fully legal for planting in one country will be totally illegal in the other – how can this be compatible with an internal market and the free movement of seed? Again, the Commission seems unwilling to address this topic, despite all facts and all our requests over the past years.

So what does the Commission's proposal achieve? In fact, the only "achievement" is to pass all political responsibility (and possibly some bad press) to Member States. It seems at least questionable (may be even naive) to assume that this will result in a greater willingness of countries to vote favourably on GM authorisations when they may afterwards restrict the factual planting at their own choice. That the Commission seems to be willing to throw over board its responsibility for the internal market and fair competition for just this does not bear witness to policy leadership. ESA will do its best to avoid that seed industry and farmers pay yet another high price for the Commission's lack of willingness to take on its responsibilities.

With best regards, yours

Garlich v. Essen, Secretary General

Mustard



External meetings

(selected)

- 05.-09.07.2010
UPOV TWV
- 07.07.2010
CPVO WG FSS
- 12.07.2010
ISF/BIAC/GAPC
Seed AP WGs
Conference Call
- 20.07.2010
CPVO
Conference Call

As follow up of the discussion on possible illegal activities in mustard seed, on June 16 B. Scholte visited grow out trials of mustard at the station of the Bundessortenamt in Scharnhorst (Germany). Also Mr. Dieter Ruecker (BDP), Mr. Karol Duczmal, President of the Polish Seed Association PIN, PIN Vice-President Mr. L. Chmielnicki and Technical Director, Mr. A. Szymański participated in the visit. Mrs. Beate Ruecker (Bundessortenamt) showed the plots of varieties Bardena and Marine which were found to be true to type and within the Uniformity range set for certified seed. The participants discussed the situation of mustard over lunch with Mr. Soren Petersen and agreed on a visit to grow out trials of Mustard in Slupia Wielka (Poland) to try to finalise this issue. An overview of the different actions undertaken and the conclusions of the findings will be presented in the SOF section meeting in October. (BS)

Farm Saved Seed in grasses

Following a report of increased use of FSS in grasses in France, a meeting was organised on June 29th with the Commission to discuss the situation. The meeting was attended by Mr Gennatas (DG SANCO), Nils Elmegaard and Thor Kofoed representing the Danish Seed Council and Szonja Csörgő and Bert Scholte from the ESA Secretariat. It was noted that FSS of most grass species is not allowed in case the varieties concerned are protected by Community Plant Variety Rights. At the same time it is known that the protection ratio of Lolium Perenne (this is the % of varieties listed on the Common Catalogue protected by CPVR) is rather low. The issue will be put on the agenda of the next SFG section meeting for further discussion. (BS)



Visit to ESA members – Maisadour – June 8-9

On June 8-9 B. Scholte visited Maisadour in Mont-de Marsan (France) where he met Régis Fournier, Joël Meunier and Allain Taillardat. The purpose of the visit was on the one hand to continue the discussion with Allain on the revision of paragraph 1.2 of the ISF position paper on Intellectual Property. On the other hand, the visit was used to discuss with various horizontal issues of importance to the seed industry in particular in relation to the SMA and SOF sections. There was a presentation on the organisation of Maisadour in general and the Maisadour seed division in particular. In addition, the laboratories and seed processing facilities were visited. 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

The ESA working group Better Regulation met on June 25, 2010 and discussed the further approach as regards outreach and lobbying strategies in the upcoming phase of legislative drafting. Given that it appears that there are still many issues that are controversial among the Member States, it is crucial for the seed industry to transmit the right messages to the right people. In order to help and provide guidance to national associations in their lobbying activities, ESA is organising an information session on the ESA position on Better Regulation within the framework of the Secretaries General meeting at the October Annual Meeting and this item is going to be discussed in the different section meetings as well. (SzCs)

International Regime on Access and benefit-sharing

On June 29, 2010 a meeting with DG Environment of the European Commission took place concerning the International Regime on ABS which is currently being negotiated under the CBD. This meeting was part of a series of meetings with a group of stakeholders where, besides the plant breeding industry, also other actors such as the pharmaceutical industry, animal breeders etc. are represented. From ESA Szonja Csörgő and Huib Ghijsen, member of the ESA working group biodiversity, attended the meeting. Before the adoption of the International Regime by the Conference of the Parties of the CBD in October 2010, a last round of negotiations will take place in Montréal during the first week of July which is to result in a final draft text submitted for adoption. The most important issue for the seed industry is to achieve that the multilateral system set up by the the FAO International Treaty on Plant Genetic Resources for Food and Agriculture is recognized as a specific and well-functioning ABS regime and is not disturbed or influenced in any way by the new International Regime on ABS. The EU is quite optimistic on this point and is expecting to achieve positive results in the upcoming final negotiations. The ESA working group biodiversity is working on this important issue (SzCs).



Green Week Conference – 01- 04 June 2010

With 2010 being the International Year of Biodiversity also the “EU Green Week” organised by the European Commission focussed on the topic of biodiversity. One of the main aims of this year’s Green Week event was to raise the awareness of the ongoing loss of biodiversity. During the four days of the conference many interesting sessions took place addressing issues related to the current state of biodiversity; related EU policies including the functioning of the Natura 2000 network; benefits of biodiversity enjoyed by mankind and the economic importance of ecosystem services; possible solutions to react to biodiversity loss and ways to ensure biodiversity conservation. Besides these thematic sessions a permanent exhibition offered a possibility to get acquainted with the activities of different biodiversity-related organisations.

For ESA, the most interesting session was the one addressing the link between biodiversity to food security where the importance of agro-biodiversity as well as the influence of the plant breeding and seed industry on it were raised. In that context also the positive role the FAO IT PGRFA and the sMTA play in the sustainable use of plant genetic resources and in food security was underlined. At the same time, it also became -once again- clear that there is a general lack of knowledge and thus appreciation of the role of the plant breeding sector in the conservation and sustainable use of genetic resources.

To address this lack of awareness, ESA has prepared a short publication entitled **‘Plant breeding and biodiversity’** intended to give a comprehensive overview on the importance of genetic diversity for the plant breeding and seed industry as well as on the efforts, projects and actions related to sustainable use and conservation of biodiversity which our sector is engaged in. This publication is available from the ESA Secretariat as well as for download from the ESA website (www.euroseeds.org) and will also be sent to representatives of the European Commission, the European Parliament, Member States and other relevant bodies. (SzCs)

ESA Working Group Plant Health welcomes representatives of National Plant Protection Offices

On June 10th, the ESA Working Group Plant Health (chaired by G. Meijerink) welcomed the representatives of the Dutch, French and German NPPOs for an exchange on the ongoing evaluation of the Community’s Plant Health Regime and for a discussion on the current work at the level of the International Plant Protection Convention on seed specific phytosanitary standards. The meeting was already a follow-up to an earlier exchange in 2009 and shall be followed-up by a further industry – Member States meeting before the end of the year for which ESA hopes to welcome representatives of further countries. NPPOs and ESA agreed on the need to strengthen the PH legislation but also to streamline procedures to avoid unnecessary costs and speed up decision making. More specifically, all participants agreed that seed merits a specific approach in view of its high value, often limited amounts and frequency of transboundary movements. ESA underlined the expertise and willingness of industry to take on further responsibility in the implementation and management of phytosanitary rules. At the same time, it was pointed out that a more cooperative approach of shared responsibility and modern governance is needed. (vE)

Next ESA Newsletter to be published on 01.09.2010