

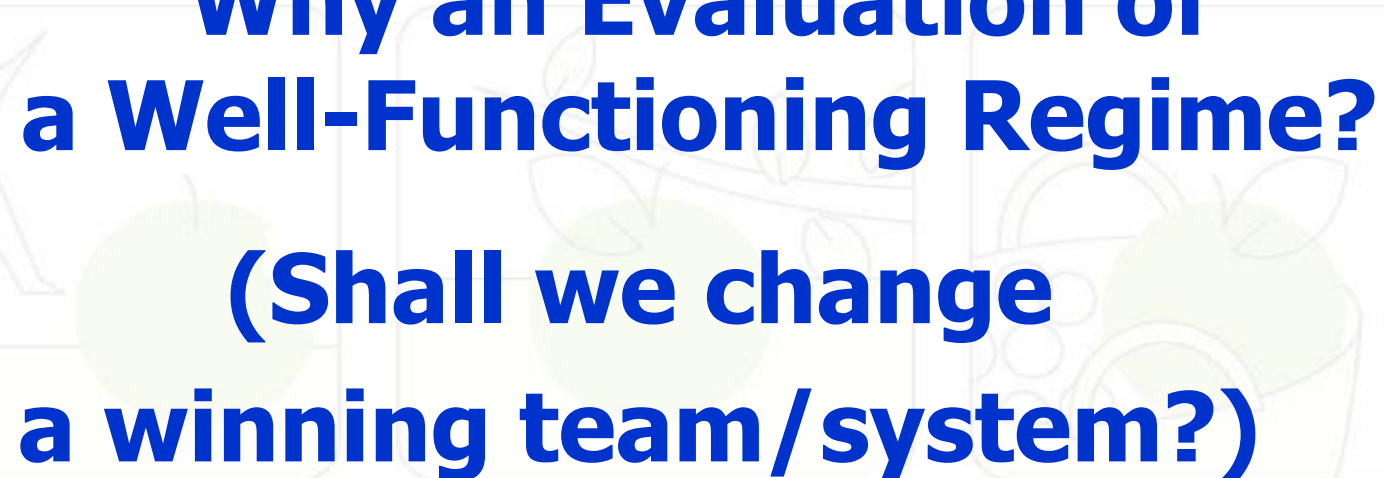
# Evaluation of the EU Plant Variety Rights Regime

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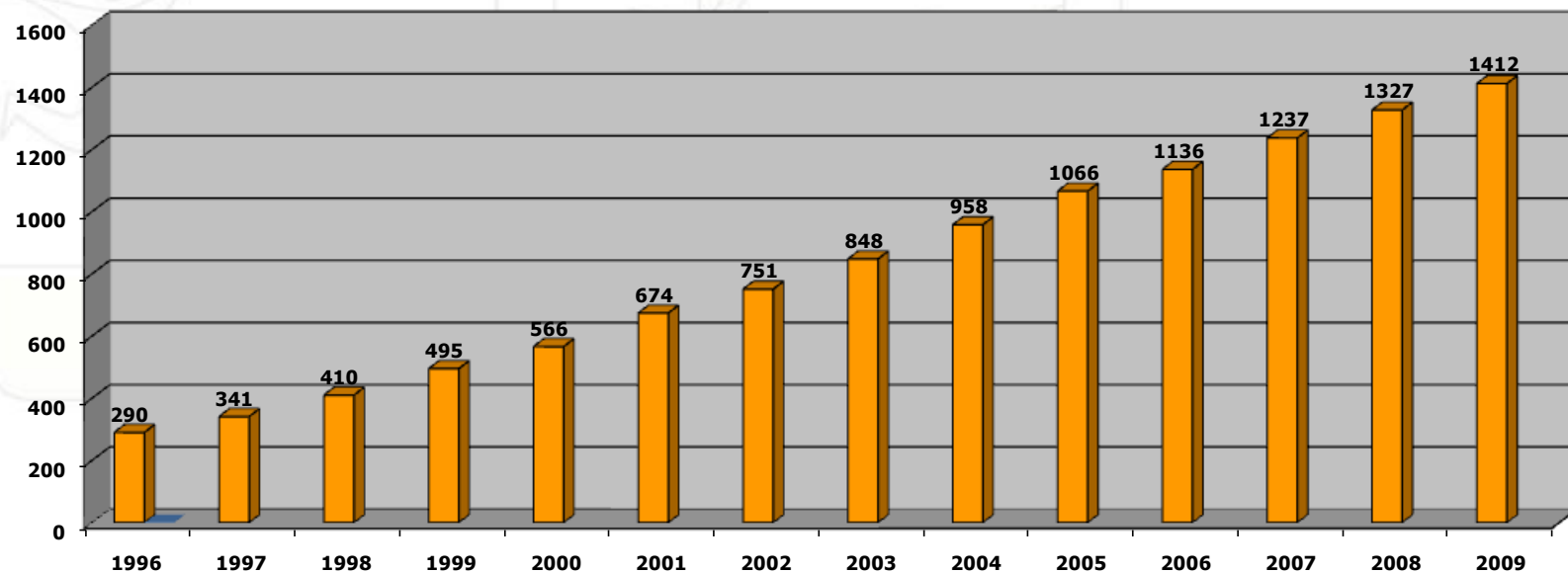
**Brussels, 12 October 2010**

**ESA General Assembly**



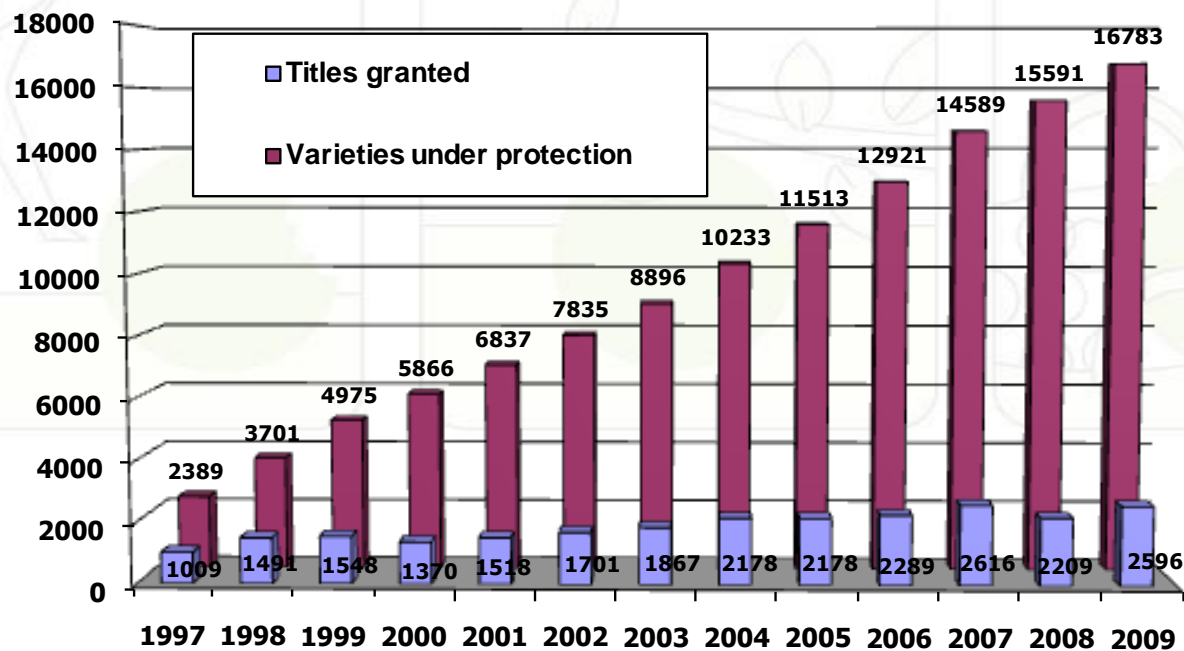
**Why an Evaluation of  
a Well-Functioning Regime?  
(Shall we change  
a winning team/system?)**

# Evolution of the number of species of which varieties were applied for Community Plant Variety Rights from 01/01/1996 to 31/12/2009

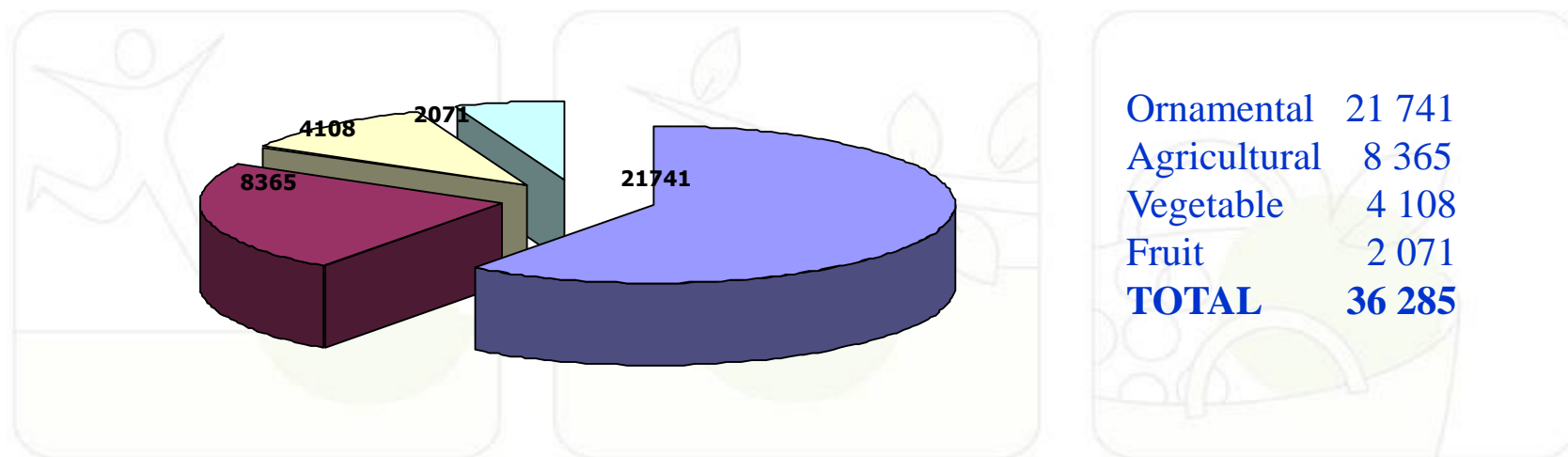


*(\*) + 6.41% compared to 2008*

# Evolution of varieties protected under the Community system from 01/01/1997 to 31/12/2009



## Applications received for Community Plant Variety Rights from 27/04/1995 to 28/02/2010



59.9%

23.1%

11.3%

5.7%

Evaluation does not mean a systematic  
change of the CPVR *Acquis*

**BUT**

intends to improve the system for the  
sake of the stakeholders:

- the breeding industry
- the users of protected varieties

# Why to evaluate now?

- The CPVR regime is 15 years old
- The agriculture world has changed
- The EU has expanded from 15 to 27 MSs
- The new EU policy stimulates innovation and entrepreneurial culture

# Why to evaluate now? (ctd)

- The need for ex-post evaluation in EU policy-making and EU policy revision
- DG SANCO Advisory Group on food chain, animal and plant health marked a clear interest to review the CPVR *Acquis*
- Contribution to the evaluation and revision of the EU seed and plant propagating marketing legislation



# Evaluation Mode

- External evaluation by a private contractor: **GHK Consulting Ltd.**
- Under a frame contract of DG SANCO
- 12 months (May 2010 - May 2011)

# Evaluation Mode (ctd)

- **3 clusters of questions:**

- 1.** Has the CPVR regime reached its targets (harmonization, incitation to innovation, co-existing with national regimes, administrative simplification for the EU breeders)?

# Evaluation Mode (ctd)

**2.** Strengths and weaknesses of the CPVR regime (views of the breeders, users, EU citizens, impact on the EU economy).

**3.** Challenges to the CPVR regime in a changing world.

# Evaluation Mode (ctd)

- Contribution of stakeholders (EU breeders, ESA, EU farmers, COPA-COGECA, EU Member States, Seed traders, NGOs, Commission DGs):
  - direct interviews by GHK;
  - direct survey
- Under the control of an ISSG

# **GHK External Evaluation Time-Table**

- 4 May 2010: Kick-off meeting/ISSG
- June 2010: Inception report by GHK
- End-October 2010: Deadline/Survey by GHK
- Mid-November 2010: interim report/ISSG
- January 2011: optional papers by GHK
- March 2011: Draft Final Report/ISSG

## Time-Table (ctd)

- End April 2011: Final Report to be adopted
- May 2011: presentation to the Commission services and stakeholders
- 5 October 2011: Conference in Brussels under the Polish Presidency of the EU Council

## Example of concern for the evaluator: the “farm-saved seed exemption” (FSS)

1. Shall the EU legislator maintain or delete the FSS exemption in the CPVR regime?
2. Within the FSS exemption shall the EU legislator maintain or amend the definition of „own holding“?
  - See Article 4(2) of Commission Regulation 1768/95:  
„An own holding shall be considered to be any holding or part thereof which the farmer actually exploits for plant growing, whether as his property or otherwise managed under his own responsibility and on his own account in particular in case of leaseholds“.

**Is this definition still appropriate when we consider new farm management?**


# Matters of concern on the FSS...

3. Shall the EU legislator maintain, delete or amend the exemption for „small farmers“ not to pay an equitable remuneration to the breeders?
4. Shall the EU legislator maintain or amend the provisions concerning the collection of information between farmers using FSS and breeders?



# Matters of concern on the FSS

A **FSS Brain-storming working group** in 2010 :

- 
- Representatives of EU farmers
  - Representatives of EU plant breeders and seed industry
  - Representatives of EU Commission services
  - Chaired by the CPVO
  - 4 meetings in 2010

**Conclusions of the group:** should be sent to the current external evaluator on the CPVR regime

# E-SURVEY by GHK

Deadline END-OCTOBER  
2010

**Your input is crucial:**

**[www.cpvr.info](http://www.cpvr.info)**

THANK YOU!

