



ESA NEWSLETTER

February 2011

ESA_11.0118

ESA Meetings (selected)

- **04.03.2011**
ESA STAT WG
Minor Uses
Conference Call
- **09.03.2011**
WG Biotech
Meeting
- **10.03.2011**
CRLA Meeting
- **15.03.2011**
SVOwic Meeting
- **16.03.2011**
WGPH Meeting
- **21.-22.03.2011**
SFG Meeting
Kapelle (NL)
- **23.03.2011**
STAT Meeting
- **24.03.2011**
Board Meeting
- **29.03.2011**
SMA Meeting

Dear Members,

As you may be aware, ESA is a leading partner in the ETP European Technology Platform 'Plants for the Future' and also hosts the ETP Coordinator, Silvia Travella, and the ETP Secretariat in the ESA Office.

The ETP 'Plants for the Future' is a stakeholder forum for the plant sector with members from industry (European Seed Association + individual companies), academia (EPSO) and the farming community (Copa-Cogeca). It provides a vision for the European plant sector and sets out a consensus on the research needed to fulfill this vision (for further info v. www.plantetp.org).

At its last meeting, the ESA Board decided not only to continue ESA's financial support for the platform but also to strengthen our direct input to the upcoming discussions on the direction and priorities of the future research and innovation policy of the European Union (in particular in view of the upcoming discussion on the 8th EU Framework Programme for Research and Innovation, a programme worth billions of EUR for support of R&I activities and projects and with a strong focus also on SMEs).

To do so, ESA is therefore now setting up a specific "ESA Working Group on Research and Innovation (WGRI)" and has invited all Association and Individual Members to communicate their interest to participate to the Secretariat.

The Working Group is mainly supposed to provide feedback to the ETP and to identify specific areas of interest for the plant breeding industry in the area of research and innovation. We are specifically calling upon Members with responsibility for the strategic and/or (crop) specific research agenda in their companies, with experience in public-private or cooperative industry projects and with the legal and financial administration of such projects to join the ESA WG.

To kick off the group, interested members are kindly invited to join on March 22nd at 14.30h the partners of the FP7 European project BECOTEPS, which our Plant ETP successfully coordinated for the last 2 years, for the final event "Unlocking the potential of the Bioeconomy" (detailed programme available from the Secretariat).



External Meetings (selected)

- **03.03.2011**
**Agri-Food Council
& Commission
Meeting
Hanover (D)**
- **03.03.2011**
**CPVO Meeting
Brussels (B)**
- **07.03.2011**
**Danseed
Conference
Copenhagen (DK)**
- **14.-16.03.2011**
**UN-ECE
Geneva (CH)**
- **14.03.2011**
**Advisory Group on
the Food Chain,
Animal and Plant
Health
Brussels (B)**
- **15.03.2011**
**fourth edition of
FFA : CAP renewal
for better farming
Brussels (B)**
- **4.-6.04.2011**
**UPOV Technical
Committee
Geneva (CH)**

This final event will take place at the Royal Belgian Institute of Natural Sciences in Brussels, very close to the European Parliament and ESA Office. It will be the occasion to present the White Paper (the document is available from the ESA Secretariat) the nine ETPs have worked on for the last 2 years and network with colleagues active in the bioeconomy area. A walking dinner will take place in the evening.

The following day, March 23rd, a special ESA – ETP workshop meeting for Research, Innovation and Education will take place at the Hotel Renaissance, Rue du Parnasse 19, in Brussels.

After our Plant ETP successfully focused on the research strategy during its early stages, the resulting Strategic Research Agenda (SRA) must now be put into action by defining quite concrete priorities and instruments for implementation in a so-called “Research Action Plan (RAP)”.

At the same time, the Plant ETP must take the next steps by developing a common perspective on the “Innovation Action Plan (IAP)” as well and by addressing the urgent needs to develop human resources in an Education Action Plan (EAP); the last activity however will mainly be carried by the public research community and ESA’s focus is clearly on the Research and Innovation part of the workshop.

Dedicated Working Groups for Research, Innovation and Education involving all stakeholders of the platform will discuss challenges and options, and develop concrete proposals to achieve their specific goals:

1. RESEARCH: generation of knowledge on plants, their production and their valorisation into products
2. INNOVATION: transformation of knowledge into practice and products
3. EDUCATION: development of skillful and knowledgeable people for research, industry and the farming communities.

If you or any of your colleagues interested to join the ESA WGRI and/or to participate to the Workshop, please do not hesitate to contact us!

It is of utmost importance that we as ESA provide input first to the Technology Platform and then via the platform to the political discussions of European Commission, European Parliament and Member States.

Only if we clearly identify the conditions as well as the main focus of a successful future research and innovation policy of the EU will we see more members becoming active and profit from the financial support and projects in the R&I framework programme.

With best regards, yours

Garlich v. Essen, Secretary General



Better Regulation

The revision of the EU Seed Marketing Legislation by the Commission, known as the Better Regulation exercise, has been on-going now for a while. The next step due in the exercise is a public consultation on a number of possible scenarios for the future legislation. According to the most recent information received from the Commission this public consultation is now delayed and will not be launched before the end of March 2011. (SzCs)

Meeting of the ESA CIPR – 15/16 February, 2011, Brussels

The ESA Committee on Intellectual Property and Breeder's Rights (CIPR) met in mid-February for a two-days meeting to continue its discussions on the new ESA IP position on the interface between patents and plant breeder's rights. As requested by the ESA Board in September 2010 the CIPR first worked on the question of limitation of patentability. In this respect a small working group, established by the CIPR, examined a number of patent claims that have been granted by the European Patent Office and on the basis of the findings of the working group the CIPR formulated its opinion regarding subject matter that should not be patentable. In the framework of this discussion the CIPR extensively discussed also the recent Broccoli decision from the Enlarged Board of Appeal of the EPO and its potential consequences. The proposal of the CIPR to the Board on a limitation of patentability will be based to a large extent on what the CIPR believes the 'spirit' of the Biopatent Directive and the Broccoli decision suggest.

Regarding the organization of commercialization in situations of interface the CIPR continued its discussions on the basis of the proposals already presented to the Board in September. These proposals include bilateral negotiations; compulsory licensing; a full breeder's exemption in patent law as well as the possibility of an industry-led contractual arrangement. The extent to which these proposals can provide a solution to the interface problem is very different since certain proposals would involve a mandatory arrangement based on law while other proposals would constitute voluntary arrangements between companies. Also, some of the proposals suggest a financial compensation for the patent holder while others do not. The details of these proposals will be presented to the Board in the end of March.

Furthermore, the CIPR has formulated concrete proposals on the issues of "raising the bar for examination of patent applications" and transparency as regards patent status of plant genetic material. These proposals are also going to be presented to the Board by the end of March. (SzCs)

Mr. Jacques Gennatas from DG SANCO retires

Jacques Gennatas, Senior advisor to the director general of DG SANCO, started his retirement on March 1, 2011. Jacques was the responsible person within the European Commission for plant variety protection and as such was the contact person for ESA for all matters related to the Community Plant Variety Rights legislation.



The collaboration with Jacques was always very fruitful and constructive and provided many enjoyable moments. The ESA team is thankful for Jacques for the many years of prosperous collaboration and wishes him all the best for his new life! (SzCs)

CPVO Administrative Council – February 16

On February 16, G. von Essen and B. Scholte attended the public part of the meeting of the Administrative Council of CPVO in Brussels. It was a historical meeting as it was the first time that ESA could participate as observer in such a meeting. The following items of interest were addressed:

- During the closed session two candidates for the position of President of the CPVO presented themselves to the AC.
 - Accounts 2010 and outlook: the financial result in 2010 is a surplus of 1.3 million. CPVO reported that this is exceptional high mainly due to a backlog in invoicing of certain Examination Offices. It is expected that this backlog will be cleared in the course of this year.
 - Budget 2012: It is forecasted that the free reserve in 2012 will decrease with 127.000 Euro.
 - Quality Audit Service: On proposal of the QAS the AC decided to entrust FERA/UK and NAK/NL to carry out DUS testing for a number of species. It was noted that the NAK has withdrawn its application for DUS testing of cereals.
 - Outcome of the discussions on FSS. The AC took note of the outcome of the discussion with stakeholders. In particular the agreement of breeders and farmers was noted that there is a need to change the legislation and to introduce an obligation for farmers to inform on the use of FSS without the obligation for breeders to provide a clue.
 - New Technical Protocols
 - Vegetables: Several Technical Protocols were adopted including the one for lettuce which reflect the discussion on obligatory testing for disease resistance as initiated by ESA.
 - Agricultural crops: The AC decided to prolong the temporary regime for wheat and triticale which is important as this regime has solved problems in France and other countries in setting less stringent Uniformity requirements. The introduction of a threshold for re-submission of seed samples in these Technical Protocols is new and also important for the breeding sector.
- (BS)

Visit to ESA members

Innoseeds (NL)

On February 14 B. Scholte visited Innoseeds in Kapelle (NL) and met Mr. Gert van Straalen, Chairman of the Section Fodder plants and Grasses (SFG), to prepare the agenda of the up-coming meeting of the SFG Board. For the first time the SFG Board will not meet in Brussels but on invitation of Innoseeds on their premises in Kapelle. Until today 17 persons have registered for the meeting. (BS)



ENZA Zaden (NL)

On February 18 B. Scholte visited ENZA Zaden in Enkhuizen (NL) and met Mrs. Dutmer (Legal Affairs), Mr. Rob Keene (Director Export and member of SVOwic), Mr. Lambalk (Director R&D) and Mr. van Bentum (Director Seed Operations). The goal of the visit was to better understand the needs of the vegetable industry in general and also on the views of ENZA on several important issues as Intellectual Property Rights and Seed Marketing. In addition the meeting was used to discuss possible services provided by ESA and possibilities for improvement. (BS)

DG SANCO Advisory Group on the Food Chain and Animal Health: meeting of the Working Group Plant Health

At a meeting of the AG on the Food Chain of on 18.02.2011, the Commission and the evaluator provided stakeholders with further explanations and some documentation on these questions. Next to one-on-one discussions, a respective consultation now offers the possibility for further input within the coming 8 weeks. The ESA WGPH will meet on 16.03.2011 to discuss the seed industry's response and coordinate the input which will also be made available to national associations for their respective national contacts.

In addition to the points listed above, ESA has consistently underlined the need for improvements in two policy areas:

- Facilitating re-export provisions
- Improving the governance of the system by public-private partnership and specifically by the setting up of an Advisory Group on Plant Health

Here, the WGPH will also prepare concrete proposals and continue to insist that these must form part of the future legislative proposal for a revision of the PH regime. (vE)

Minor Uses evaluation and industry positioning

The new Pesticides Regulation states that the Commission shall by fall 2011 present to Council and EP a report, possibly accompanied by a respective concrete proposal, if an EU fund should be established to support minor use authorisations. The Commission has commissioned an external evaluator with preparing socio-economic background information for this report. ESA has been approached meanwhile and ESA STAT will discuss the matter at its meeting of 23.03.2011, based upon the input of an ad-hoc WG on Minor Uses set up for this exercise under STAT.

In addition, and to support its position, ESA together with a number of food chain organisations developed a Position on Minor Uses and Specialty Crops which has been shared widely with members and decision makers. Furthermore, the parties involved have agreed to organise a high-level workshop on Minor Uses during November 2011. (vE)