



ESA NEWSLETTER

March 2011

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ESA Meetings (selected)

- **01.04.2011**
WGPH
Conference Call
- **14.04.2011**
WG Biotech
Conference Call
- **14.-15.04.2011**
SPO
Meeting
- **19.-20.04.2011**
SOF
Meeting
- **21.04.2011**
STAT Steering
Group
Meeting
- **27.04.2011**
SVOwic
Conference Call tbc
- **10.05.2011**
WGB
Meeting

Dear Members,

March traditionally is a busy month for the seed industry, both in companies and association offices. Preparation of sowing of spring crops coincides with the preparation of national and international (ISF) meetings and in ESA, Sections and Committees try to meet before the Board comes together. This year, the preparation of the Board meeting was of course dominated by the on-going discussion on the future ESA Position on Intellectual Property Rights. The CIPR had worked very hard since September (and this is a good opportunity to thank its members and specifically its Chair, Marian Suelmann, and Szonja Csorgo from our Secretariat for their determination) to examine the famous 'Broccoli decision' on the patentability of essentially biological breeding processes and to develop scenarios and proposals for discussion by the Board. On the basis of these proposals, the Board made significant progress and reached agreement on a number of aspects; we will inform ESA Members by a separate ESA-Info on this in more detail. The Board confirmed that it will conclude on the new IP Position at its September meeting so that it may be presented in more detail during the ESA Annual Meeting in October.

March also saw the failure of European Parliament and Council of Ministers to finally agree on a revision of the Novel Food Regulation. After more than 3 years of negotiation, it was foremost the EP's insistence on obligatory labelling rules for products derived from off-springs of cloned animals that led to the collapse. Another important aspect of the proposal has made less headlines: the EP also had insisted that all products resulting from breeding techniques not used before 1997 would be defined as 'novel', irrespective of the fact that their properties represented a significant change to already existing foods. ESA had convinced Member States that such a classification was not only impossible to enforce where there are no specific detection possibilities but that this concept also was misleading consumers as it would have differentiated products that are essentially identical. For plant breeders, having no novel food regulation is definitely preferable to having new rules that would have subjected a lot of new varieties to some sort of authorisation and safety assessment procedure. The sector would have been stuck with such unworkable provisions for many years and by the time decision makers would have realised this, many new breeding programmes could have been relocated to other parts of the world, an exodus of R&D similar to the one we have witnessed with the GM technology in the past. Interestingly, the concept of assessing the properties of the final product rather than the technologies used for their production seems now to come back to the political agenda. This could become very important for ESA and its membership in view of the still on-going discussion on new breeding techniques and their regulatory classification in the current GM legislation. Here again, there is a growing concern that Europe may set rules for itself (and its businesses) that will favour imports rather than EU production, similarly to the just approved 'technical solution' for feed imports containing traces of unapproved GM events which de facto grants a threshold to third country farmers while Europe's breeders and farmers still have to comply with a zero tolerance policy.

With best regards, yours

Garlich v. Essen, Secretary General



External Meetings (selected)

- **4.-6.04.2011**
**UPOV Technical
Committee**
Geneva (CH)
- **05.04.2011**
**European Feed
Ingredients
Platform
Symposium**
Brussels (B)
- **06.04.2011**
NIFA
Hanover (D)
- **07.04.2011**
UPOV
**Administrative and
Legal Committee**
(CAJ)
Geneva (CH)
- **08.04.2011**
**EFSA Stakeholder
Platform**
Brussels (B)
- **11.-13.04.2011**
CIOPORA 50th
anniversary
Rome (IT)
- **11.-12.04.2011**
UPOV Seminar
Geneva (CH)

On-line application for EU Plant Breeders Rights – Brussels - March 3

In 2010 the CPVO has implemented the possibility to apply for EU Plant Breeders Rights on-line for a limited number of species. This number has been increased significantly since then. In practice however it turned out that the system was rather slow and not user friendly. On March 3 ESA hosted a meeting organised by the CPVO to discuss these problems and possibilities from improvement in the future. ESA was represented by Mrs. Schenkeveld and E. Nijboer (Rijk Zwaan), J. Vissers (Syngenta), T. de Vries (Limagrain) and B. Scholte. Several practical issues were addressed in relation to agricultural crops, vegetables and ornamentals as well as general issues on the need for Technical Questionnaires in cases of take-over of reports and future developments. The CPVO informed that it is considering a reduced application fee in case applicants would apply on-line to promote the system. To promote the system technical workshop will be organised on national level in cooperation with ESA Association Members. The meeting took place in a constructive spirit and demonstrated the willingness of CPVO to learn from the experience of applicants and to improve the system. (BS)

ESA proposal for a harmonised classification system for seed potatoes in the EU – March 3

ON March 3, G. Backx, SPO Chairman, and B. Scholte met Mr. DeBacker (DG SANCO) to re-emphasize the main elements of the ESA proposal to come to a harmonised classification system for seed potatoes. Parts of the ESA proposal have been taken over by the Expert Group which has prepared a discussion paper on this topic for the Standing Committee on Seeds. The most important point of the discussion is the restriction of the number of generations to maximum 9 and to have automatic downgrading of the generations in particular in the classes which are marketed. The Standing Committee on Seeds will continue its discussion in its meeting in May and hopefully adopt the final proposal in June. (BS)

SVOwic meeting – Brussels - March 15

The Working group Integrated Companies of the Section Vegetables and Ornamentals (SVOwic) had its spring meeting on March 15 in Brussels. The meeting was well attended by 34 participants representing 19 companies and 5 associations. During the meeting, updates were given on issues related to intellectual property protection, rules and regulations, plant health, GMO, Seed Treatment and Technologies, product specification and harmonisation of disease resistance terminology. Especially on the last issue important decisions were taken and agreement could be found on almost all remaining issues. (BS)



External Meetings (continued)

- 13.04.2011
Semo Seeds
Prague (CZ)
- 13.04.2011
CIOPORA PBR
Conference
- 14.04.2011
CPVO DUS experts
Cambridge (UK)
- 15.04.2011
Working group on
Plants and Plant
Products Meeting
Brussels (B)
- 21.04.2011
Clause
Angers (F)
- 26.04.2011
CPVO – UFS
Angers (F)

SFG Board meeting – Innoseeds – March 21/22

The Board of the Section Fodder plants and Grasses (SFG) had its spring meeting on March 21 on invitation by Innoseeds at its premises in Kapelle (NL). The meeting was attended by 19 participants representing 9 seed companies as well as associations from Belgium, the Czech Republic, Denmark, Germany, Italy and the Netherlands. Apart from horizontal issues in relation to the Evaluation of the EU legal framework on Seed Marketing, Plant health, GMO specific issues of importance to the Section were addressed regarding monitoring of possible illegal activities, the promotion of natural turf, availability of Plant Protection Products in seed production of fodder crops and grasses, and DUS testing. The SFG Board also addressed the special circumstances in the market and adopted a press release “Strong developments in the grass seeds markets”, which can be found on the ESA website.



The spring meeting was for the first time held on site of one the SFG Members and was combined with visits to the Innoseeds seed processing facilities in Kapelle as well as its breeding station in Moerstraten. The new organisation of the meeting as well as the hospitality of Innoseeds event was appreciated by all participants. (BS)





Visit to ESA Members – Sejet Plantbreeding

On March 7 Sz. Csörgő visited Sejet Plantbreeding in Horsens, Denmark. The visit started with a short but very educating tour in the research facilities of Sejet with interesting explanation by two breeders, responsible for programs in barley and wheat, on technologies used in breeding, tests on quality as well as tests carried out in greenhouses. After lunch an extensive presentation was given by Mr. Fritz Hansen, director of the Danish Association for Plant Breeders, on the organization of the Danish seed industry as well as on some particularities of the Danish system for seed marketing. The visit ended with a discussion with Mr. Kurt Hjortsholm, director of Sejet Plantbreeding, Mr. Ole Andersen, responsible for regulatory affairs, Mr. Rasmus Hjortshoj, responsible for barley breeding and Mr. Fritz Hansen and touched mainly upon the topics of Better Regulation and intellectual property. It was a very enjoyable visit with great Danish hospitality.

On the following day, on the invitation of Mr. Thor Kofoed, chairman of the COPA working party on seeds, Sz. Csörgő participated to the DanSeed Symposium, a yearly conference attended by interested professionals of the Danish seed sector. In the panel on the 'Future challenges for variety development and protection' she gave a presentation on potential future challenges for the seed marketing legislation and intellectual property protection for plants and seeds in the EU. Other panels of the conference concerned the set-up of the seed industry in Denmark, issued related to seed technology and seed health. It was an interesting and successful event with a participation of more than 50 people from the Danish seed industry. (SzCs)

4th session of the Governing Body of the International Treaty on Plant Genetic resources for Food and Agriculture (IT PGRFA)

The 4th session of the Governing Body (GB) of the IT PGRFA took place from 14 to 18 March, 2011 in Bali, Indonesia and was attended by around 400 people. The seed industry was represented at the meeting by Mrs Anke van den Hurk, who was present as a delegate of ISF, and by Mrs Isabelle Clément-Nissou and Mr François Burgaud from GNIS, who were present as part of the French official delegation.

The meeting resulted in the adoption of nine resolutions on a number of topics of which the most important are:

Funding Strategy

In the discussions around the funding strategy the lack of funds coming from the private sector is an issue which is often raised. The adopted resolution foresees that the special Advisory Committee on the Funding Strategy shall reconvene and continue its respective work. ESA as well as ISF have been working on this topic for some time and ISF has also engaged in a dialogue with this Advisory Committee still in advance of the meeting of the GB. In order to demonstrate that the seed industry is already doing important voluntary contribution to the conservation and sustainable use of genetic resources members of the ESA Working Group on Biodiversity have prepared input papers on the activities



carried out in Germany, France and the Netherlands which have been submitted to the GB and were well perceived.

Implementation of the Multilateral System

Decisions on both the technical changes to the sMTA, proposed by the Ad Hoc Technical Advisory Committee, and the revision of the payment system have been postponed. The resolution mainly focuses on requesting the IT Secretariat to ask information from the Contracting Parties on the inclusion of material into the multilateral system as well as on the related measures to ensure access to PGRFA and to encourage natural and legal persons to include material into the multilateral system.

Sustainable use of PGRFA

The resolution, depending on the availability of financial resources, establishes an Ad Hoc Technical Committee on Sustainable Use of PGRFA, to deal with the possible development of a toolbox in view of existing initiatives; develop steps for implementation of the Global Plan of Action; organize stakeholders' consultations and invite submissions from parties and others on sustainable use; and work with regional networks and partners to promote locally adapted and under-utilized crops.

Farmers' Rights

Following much discussion on the issue the final resolution is very similar to the ones adopted in 2007 and 2009 and reminds and stresses that the implementation of farmers' rights is a national responsibility. The main elements of the resolution are: the IT Secretariat is requested to convene regional workshops on farmers' rights, subject to availability of funding; parties are encouraged to submit views, experiences and best practices on the implementation of farmers' rights; parties are invited to consider convening national and local consultations on farmers' rights with the participation of farmers and other stakeholders; the Secretariat is requested to collect and submit these views, as well as reports from regional workshops to GB 5.

Other resolutions concern the issues of financial rules, compliance, third party beneficiary, cooperation with competent organisations, work program and budget.

In preparation for this 4th session of the GB the ESA Working Group Biodiversity has discussed and elaborated a number of input papers, in particular, on the topics of the contribution of the breeding industry to conservation and sustainable use of PGRFA; on the benefit-sharing value of the breeder's exemption as well as on the plea that the sMTA shall be recognized as a certificate of prior informed consent and mutually agreed terms for the purposes of the CBD and the Nagoya Protocol. These papers have been widely distributed to national delegates of EU Member States directly as well as via the National Associations.

For further information on the 4th session of the GB and related resolutions please contact the ESA Secretariat. (SzCs)



Seminar “Justifying restrictions on the cultivation of GMO crops? – Arguments for and against” on 31 March 2011

As a reaction to the Commission's proposal on the "possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory", MEP Holger Krahmer together with AGRI Rapporteur Mr Lyon and MEP Jan Mulder held a public seminar with stakeholders on the possible justifications that could be used by Member States to restrict or prohibit GMO cultivation. Corinne Lepage (MEP, ENVI rapporteur), Rita Andorkó (Hungarian Presidency of the Council) and Dorothee André (European Commission) were the main speakers.

While Mrs Corinne Lepage as well as a representative from Greenpeace mainly gave arguments against the cultivation of GMOs, Jan Mulder underlined that not all GMOs are the same and that there should be differentiated approaches concerning CISgenesis and other breeding techniques wrongly regulated as transgenes.

Generally, most of the debate focussed on the general pro and con of GM technology for farmers and society and its safety for consumers and the environment. With that, the main question of “reasonable grounds” for Member States to ban cultivation was left unanswered.

However, in the end, it was underlined that EU Member States should have the possibility to choose the technology they prefer in order to promote innovation in agriculture within the European Union. (SB)

EurActiv Workshop “Towards climate-smart agriculture? Post-Cancún and farm policy” on 31 March 2011

On 31 March 2011, a Stakeholder Workshop addressed Olivier De Schutter's (United Nations Special Rapporteur on the right to food) call for a "Green Marshall Plan for Agriculture" ahead of the Cancún Climate Conference. The workshop focussed on making agriculture an integral part of a smart solution to tackle climate change.

Michael Hamell (DG ENV) raised the question how to increase yields worldwide by taking into consideration increasing desertification, less access to water and decreasing biodiversity whereas Myriam Driessen (DG AGRI) underlined the importance of food security with the steadily growing worldwide population. She suggested concentrating on more efficient water use and farmers trainings. According to her, there is no simple solution: in some places extensive grass based agricultural systems may be the best solution and in others intensive systems are needed. Olivier De Schutter argued that highly productive farming could also contribute to biodiversity because of the variety of crops and the diversity of fields. It was generally agreed that improvement of productivity and knowledge transfer were the way forward and that the private sector should play a larger role in it.

Here, all speakers agreed that biotechnology might be one good opportunity for the EU to use its own resources more efficiently and that it could be one of the ways forward. They criticised the ambiguity of on the one hand rejecting cultivation of biotechnology while at the same time indirectly (imports and feed) consuming them in large quantities. (SB)



ESA Annual Meeting 2011 in Budapest, Hungary

From October 16th to 18th 2011, ESA European Seed Association will hold its Annual Meeting and the European Seed Trade Meeting in Budapest, Hungary. The venue for the ESA Annual Meeting is the Corinthia Grand Hotel Royal in Budapest. You can find more information on the registration, programme and general information by clicking on the following link:

<https://esa2011.conceptum.eu/default.aspx>



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