



ESA NEWSLETTER

May 2011

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ESA Meetings (selected)

- **08.06.2011**
SVOWic WG
Labelling
Meeting- tbc
- **09.06.2011**
SFG WG
natural turf
Conference Call - tbc
- **09.06.2011**
SPO WG -
re-classification of
pathogens
Conference Call
- **09.06.2011**
Meeting ESA SGs
of CEECs, Belgrade
- **10.06.2011**
Meeting ESA –
Serbian Seed Ass. ,
Belgrade
- **10.06.2011**
SOF WG DUS
Conference Call

Dear Members,

The ISF Congress, held in Belfast, Northern Ireland this year, is not only *the* event of the world seed trade and plant breeding community where common interests and subjects are presented and discussed; it also provides us with the opportunity to realise the differences between different parts of the world as regards the awareness of the challenges ahead of society and the available and best suited options how to address them.

Rarely has this become as evident as when one compares the opening addresses by ISF President Truls Damsgaard, BSPB's CEO Penny Maplestone and the invited guest speaker Professor Chris Leaver, with what Kees Noome, Chairman of ESA's Working Group on New Breeding Techniques and Bernice Slutsky, Chair of the ISF Working Group on LLP of GMOs, reported later on the way these techniques are approached in Europe on the one and the US on the other hand.

While all of them underlined the need to safeguard food security and to enhance the environmental sustainability of agriculture at the same time, rather than to consider these objectives mutually exclusive, it becomes more and more obvious that the practical approach to this debate of societies and politicians seem to differ considerably. US-Americans, Chinese, South-Americans, Indians and the vast majority of Africans and Asians all consider science and technologies as the necessary tools to make the equation of "more and better" work and with that to balance increased productivity with increased sustainability. Europe seems to be the odd one out: in the EU's recent policy proposal for the revision of the CAP after 2013, on the revision of the novel food regulation and on the (possible) future regulatory requirements for new breeding techniques and the cultivation of GMOs, the guiding principle of a "sustainable intensification" of European farming and of respective policy and regulatory initiatives is strangely missing from the picture. Instead, Europe debates the old tools of subsidies, planting rights and regional production and consumption patterns and the responsible Commissioner for Agriculture publicly speaks out against the introduction of GMOs in Europe (while millions of tons of GM crops are imported to safeguard the competitiveness of its livestock sector...).

But it was the EU's possible (over-) regulation of the many new breeding techniques that provided most food for thought to Congress participants. With many of these techniques leading to products that cannot be differentiated from their 'conventional' counterparts, it is obvious that issues such as traceability and labelling obligations, fraud and international trade rules will be high on the agenda. Instead of investing in research and productivity, we would (have to) invest in compliance and liability management. It can only be hoped that the Belfast Congress has helped to bring the whole plant breeding community together to oppose such unnecessary and counterproductive policies – in Europe and elsewhere.

With best regards, yours

Garlich v. Essen, Secretary General



ESA Meetings (continued)

- 15.06.2011
SVOWIC IP
Conference Call
- 16.06.2011
CIPR
Meeting
- 28.06.2011
WGPH
Meeting
- 29.06.2011
WGBR & WGPH
Meeting
- 30.06.2011
CRLA joint Meeting
with WG Biotech
- 06.07.2011
ESTA Steering
Group
Meeting

SCP Section meeting – May 2-3, Isernhagen (DE)

The spring meeting of the Section Cereals & Pulses (SCP) was held on invitation of the BDP in Germany at the premises of Saaten Union in Isernhagen. The meeting was attended by 15 participants from 9 different countries. The most important issue on the agenda was Farm Saved Seed. In addition, the evaluation of the EU legal framework on seed marketing was discussed as well as the one on plant health, GMO and the Community Plant Variety Protection system. J. Wallace informed the group on the state of affairs regarding the European Seed Treatment Assurance scheme (ESTA) and the ESA initiative regarding labelling of treated seed.



The following day SCP visited the Bundessortenamt in Hannover where they were received by Mr. von Kroeher, President of BSA and also President of the Administrative Council of CPVO.

The SCP also visited the breeding station of Limagrain Germany in Rosenthal. (BS)

OECD Meetings – May 9-13, Istanbul (TR)



The meeting of the OECD Technical Working Group was held on May 10 in Istanbul (TR). In total 66 experts attended the meeting representing 27 member countries and 8 observer organisations. ESA was represented by B. Scholte and D. Ruecker (BDP). The meeting focussed on matters relating to varietal identity and varietal purity in relation to the OECD Seed Schemes. Underneath the most important issues being discussed are highlighted:



External Meetings (selected)

• 30.05.-01.06.2011
ISF Congress
Belfast (UK)

• 22.-23.06.2011
CPVO AC
Angers (F)

• 24.06.2011
CPVO farewell
seminar for
President Kiewiet
Angers (F)

The Role of Biochemical and Molecular Techniques in describing or identifying the varieties

It was decided to revise the terms of reference of an existing ad-hoc Working Group on this issue, which will be chaired by Gerry Hall (UK). The next meeting of the WG will be in January 2012 in Paris in the framework of the next meeting of the Extended Advisory Group. On that occasion, there will be a discussion of the BMT techniques being used currently for maize and sunflower.

Introduction of new definitions – official and officially recognized description

This issue was presented by Mr Lindsay (Australia) to reflect the situation in his and other countries. A proposal to amend the OECD rules in this respect was questioned by OECD member countries as such a change could have serious consequences. It was decided to continue the discussion on the issue in order to get a more precise result. It was also noted that definitions used in the OECD Scheme should be in-line with UPOV definitions.

Extension of the authorisation for field inspection to pre-basic & basic seed

The proposal to extend the authorisation for field inspection to pre-basic & basic seed was approved. However, a footnote will be elaborated to reflect the current situation in the European Union. According to the current EU legislation such an authorisation is not permitted. Therefore pre-basic and basic seed exported to the EU should remain to fulfil the current requirement of official inspection. It is expected that this situation is only temporary as very likely the issue will be resolved in the near future in the framework of the evaluation of the EU Seed Marketing Directives. .

Certification of Seed not yet OECD listed & Identification of seed for international movement. It was decided to circulate two questionnaires, one to National Designated Authorities and the other to the seed industry to obtain concrete examples, which will be discussed in the next meeting of the Working Group, in order to get more clarity on these problems and find appropriate solutions.

Classification of Sweet Corn under the Seed Schemes

The TWG discussed problems arising in crops like sweet corn which in certain countries are classified as agricultural crops and in others as vegetable species, having different requirements regarding field inspection. It was concluded by delegates that the best way for OECD is to stay flexible and as broad as possible in terms of giving guidance for the classification of species.

Multiplication Abroad – complex cases

It was decided to set up a new ad-hoc Working Group to develop guidelines for these complex cases.

The next meeting of the TWG will be held on 25 January 2012, at the OECD Office in Paris.

The meeting was followed by the Annual Meeting of the OECD Schemes, which confirmed the proposals of the TWG. The next OECD Annual Meeting will take place in July 2012 in Finland. (BS)



CPVO Enforcement Seminar – May 25, Hamburg (DE)

On May 25 the 5th CPVO regional enforcement seminar took place, this time in Hamburg (Germany) focussing on Germany and the surrounding countries but in particular Scandinavia and the Baltic states. The seminar was well attended by more than 100 persons despite the problems in air traffic caused by the volcano eruption in Iceland. The Seminar was divided into three Sessions; Session I addressed legal aspects regarding enforcement of IP Rights; Session II was organised in two parallel Workshops, the first workshop focussing on enforcement in the agricultural sector including Farm Saved Seed; the second workshop addressed enforcement in ornamentals and fruits. Interesting presentations were given by a. o. Mrs Suelmann regarding a practical court case on infringement in Italy. B. Scholte gave presentations on the breeding industry in the region and the breeders view on the outcome of the CPVO Working Group on Farm Saved Seed. Thor Kofoed representing Copa-Cogeca presented the strategic vision of his organisation on the revision of the Seed Marketing Directive. Unfortunately, T. Kofoed had no mandate to present a farmer's view on the conclusions of the CPVO WG FSS, as the internal discussion within COPA still has not been completed. However, Bart Kiewiet, CPVO President, informed that apparently the Evaluator of the Community Plant Variety Rights System in its report has confirmed that breeders have great difficulty in obtaining information on the use of FSS from farmers and that a change in the legislation in obliging farmers to answer the question (yes/no) if the farmer had made use of FSS would solve the issue. Overall the event took place in a constructive atmosphere. The lively discussions in the different sessions show the importance of having these enforcement seminars. The presentations as presented during the seminar will be published on the CPVO website shortly but are also available on request at the ESA Secretariat. (BS)

Daniel Segonds elected President of GNIS

The following article was published in “Les Echos” on 25/05/2011” on occasion of the election of Daniel Segonds, ESA Board Member, as President of GNIS. Congratulations, dear Daniel!

[...]

Daniel Segonds dedicated his career completely to seeds. He was vice president of GNIS for 9 years. GNIS controls the seed production, studies the evolution of the regulation and sets the framework of contracts between seed companies and breeding companies. At the age of 60, Daniel Segonds was elected president of GNIS.

In 1974, after having finished his studies of agricultural engineering, D. Segonds started his career in RAGT, based in Aveyron. At first, he was responsible for the selection of corn. He started as director of research on seeds in 1983 and continually made a career until in 2005, he became chairman of the executive.

D. Segonds got a lot involved with the expansion of RAGT. The company was originally founded by farmers from Aveyron and after the purchase of the European research on cereals of Monsanto in 2004, it became the 10th biggest seed company worldwide for field crops and it became the first within



Europe regarding wheat. Daniel Segonds commented that “the shareholders favoured the investments over the dividends – which shows a virtuous capitalism”.

Looking at his CV, it becomes clear that D. Segonds probably has “manager-genes”: next to his position of president of GNIS, he is also vice-president of the cluster Agrimip Innovation and member of the Permanent Technical Committee of Selection (CTPS) that decides on the registration of new varieties. Furthermore, he is a member of the High Council of Biotechnology where he fights for the cause of GMOs: “I regret that GMOs are treated in an ideological way without considering the progress that they can bring”.
...]

Better Regulation update

The public consultation of the European Commission on the ‘Options and analysis paper’ proposing a number of possible scenarios for the future seed marketing legislation and seeking the views of stakeholders on those scenarios closed on May 30. The ESA working group Better Regulation discussed the scenarios and the related possible impacts in details and elaborated the respective ESA answers to the public consultation. Before being finalized all national associations were consulted and asked for comments on the draft. The final ESA response has been then sent to national associations for their use in their national answers and has been provided to the Commission. We hope that the ESA answer served as a good guidance and helping tool in the formulation of national answers. (SzCs)

Public hearing on IP protection and enforcement in third countries with DG TRADE

On May 10, DG International Trade of the European Commission organized a public hearing on the topic of IP protection and enforcement in third countries. Sz. Csörgő, representing ESA, participated to the public hearing where ESA was also allocated a slot of 10 minutes to address IP issues of the seed sector in third countries. The meeting provided an excellent opportunity to speak up as seed industry, remind the Commission of the existence and importance of plant breeder’s rights and underline that it is important that the Commission not only addresses issues related to trademarks, copyright and patents in their bilateral discussions with third countries (of Asia, South America, Eastern Europe and North America) but also the issue of UPOV membership of those countries and their adhesion to UPOV ‘91 in particular. (SzCs)

CPVO denomination meeting

During the first phase of the evaluation of the CPVR regime a number of seed companies evoked problems with the currently applicable variety denomination rules. As a response to these concerns and on the request of ESA on May 11 the CPVO organized a meeting in Brussels on the topic of variety denominations where a large group of breeders, members of ESA, participated. The CPVO approached the meeting with a very open spirit ready to take all critics and suggestions on the current application of the CPVO denomination guidelines and to consider and elaborate on changes to



the guidelines and/or its application if necessary. In the course of the whole day meeting the CPVO provided an explanation and practical examples for each paragraph of the denomination guidelines with sufficient possibilities for breeders to address comments and concerns. The well-organized meeting provided excellent discussion and an intensive exchange of views. The CPVO will now internally discuss the outcomes of the meeting and come up with suggestions for eventual changes to the guidelines. A follow-up meeting is foreseen for September. (SzCs)

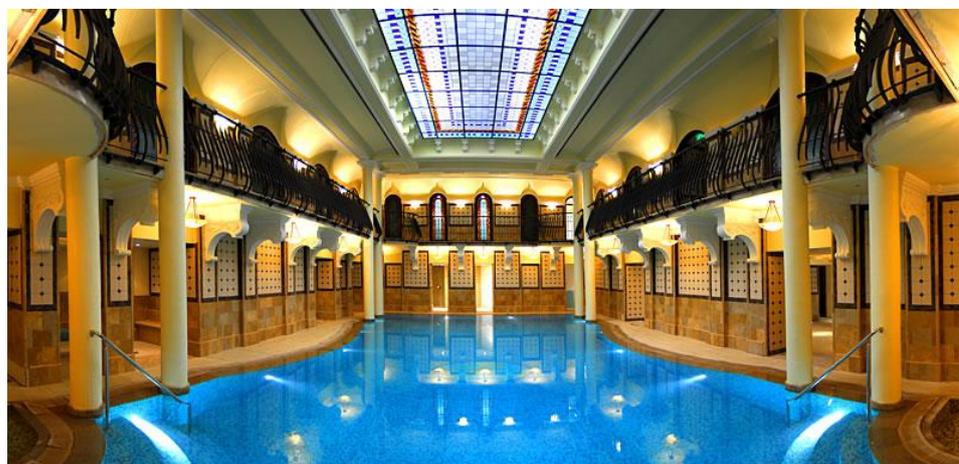
BSPB Annual Meeting – May 17, London

The Annual Meeting of the British Society of Plant Breeders took place on May 17, 2011 in London where ESA was invited to deliver a presentation on the topic of interface between patents and plant breeder's rights and the related discussions and developments within ESA. On this occasion, Sz. Csörgő explained to BSPB members the background to the problem and the evolution of the main direction of the discussions in the ESA CIPR and Board underlining also the questions where a decision has already been taken by the ESA Board in March 2011. The meeting was also a good opportunity to meet and talk with BSPB members as well as officials of UK authorities dealing with seed marketing and PVP issues. Andy Mitchell of FERA presented the latest developments of the Better Regulation discussion on UK as well as European level which presentation provided an interesting insight into the next steps to be expected in this important revision exercise of the EU seed marketing legislation. (SzCs)

Early bird registration for ESA Annual Meeting Budapest ends on 30th June 2011!

We would like to remind you can still register for the early bird fee at the ESA Annual Meeting in Budapest, Hungary until **30 June 2011**. As communicated in our last newsletter, the venue for this year's ESA Annual Meeting is the [Corinthia Grand Hotel Royal](#) in Budapest. Please find further information on the registration, programme and general information by clicking on the following link:

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



The next ESA Newsletter 2011 to be published on 04.07.2011