



ESA NEWSLETTER

June 2011

ESA_11.0534

ESA Meetings (selected)

- **06.07.2011**
ESTA Steering Group Meeting
- **07.07.2011**
STAT Meeting
- **13.07.2011**
Executive Committee Meeting
- **19.07.2011**
SVOWIC WG Labelling Meeting – tbc

Dear Members,

On June 24, the CPVO organised a conference on the future of the EU's plant breeders' rights system and respective legislation. The seminar was held in conjunction with the Administrative Council meeting (you can read more about that on the following pages in this Newsletter); but foremost, it was the occasion to mark the end of the term of office of Bart Kiewiet as President of the CPVO. Bart Kiewiet has in fact been the first and so far only President of the CPVO with his term having been renewed two times after the setting up of the Community Plant Variety Rights system and the respective office in Angers. For 15 years, he has been at the helm of 'the office' and has strongly influenced not only its organisational development, its procedures, rules and technical processes; he has also left his mark on the spirit of the CPVO and its entire staff. This spirit is one of service orientation, efficiency, effectiveness and cost awareness, but also of openness, readiness for discussion and, where necessary, taking of strong positions – but he has also done all of that with a collegial attitude that has made him a successful moderator and facilitator even in difficult discussions.

During speeches by Commissioner John Dalli, Peter Button of UPOV and the Mayor of Angers, all these personal qualities as well as the high level of professionalism of Bart Kiewiet were underlined and considered to be instrumental for the success of both, the CPVO as an organisation and with it, of the EU's plant variety rights system. In a further panel discussion, ESA together with other stakeholders like e.g. CIOPORA and COPA had the possibility to express their general satisfaction with the current legal framework for variety protection, to thank Bart Kiewiet for his personal contribution to this success as well as to point to areas where future improvements may still be sought.

For ESA, I felt it important not only to point out our positive cooperation with the CPVO, our general satisfaction with the EU's legal framework and administration of variety protection in line with the findings of the current evaluation -with the notable exception of the current provisions for the information obligation on farm saved seed use- but to also underline that this successful system must not be taken for granted. The upcoming political discussion will also involve small, but highly vocal pressure groups that reject all forms of IP protection and consider individual rights and ownership to hinder societal development instead of promoting innovation for the public good. It will thus be critical that the whole 'PVP family' (to quote Bart Kiewiet) does actively explain and defend what has been achieved.

It was my special pleasure to announce to Bart Kiewiet that ESA will honour his personal contribution to the well-being of Europe's plant breeding during our Annual Meeting in Budapest in October.

And to wish his successor Martin Ekvad all the best in his continuation of the success story that the CPVO has become under the leadership of Bart Kiewiet!

With best regards, yours

Garlich v. Essen, Secretary General

Bayer Bee Care Event on 20 June 2011



External Meetings (selected)

- **07.07.2011**
SPS Market access
Group - TBC
Brussels (BE)
- **08.07.2011**
EU workshop on
treated seeds -
chapter on risk
mitigation
measures
Paris (FR)
- **18.07.2011**
CPVO – follow up
of the R&D project
potato db
Conference
Call - TBC
- **25.-30.07.2011**
UPOV – TWV
California (USA)

Bee population decline is a multifactorial issue with bee parasites such as Varroa being a key driver. Honey bees are important for almost all pollinations; they influence size, taste and shape of fruit. Finding solutions to this challenge is crucial to improve bee health in Europe.

The Bayer Bee Care Event was set up to discuss honey bee health and to address the problem of bee population decline. The event was attended by a large number of policymakers, beekeepers, farmers and scientists. Julie Girling (MEP), Paolo de Castro (MEP) and Tim Lovett (beekeeper and representative of the British Beekeepers' Association) as well as a fruit farmer were invited as panel members.

Potential causes for the bee decline were discussed and it was pointed out that pesticides are definitely not the single reason. It was said that they are to be considered as just one potential factor among others. The decline of habitats and forests as well as the loss of biodiversity and monocultures were mentioned as possible other factors that contribute to the vanishing of the bees.

As solutions, the panellists suggested good pesticide management to ensure bee health. It was also recommended that, in cases where Varroa is the key cause, medication should be authorised and veterinaries should be trained. Tim Lovett emphasised that medicine for bees is more important than education because the best education does not help if the bees are affected by a disease and there is no medicine available for treatment. The panellists agreed that action should be taken on EU level and that there is a need for more scientific research and fact-based information instead of emotional discussions. The necessity of further bee monitoring was also underlined as well as the need for uniform standards for bee monitoring throughout the EU. In a recent press statement (v. ESA Press Releases on www.euroseeds.org) ESA strongly supported this approach and called upon the EU to continue and strengthen its respective efforts. (SB)

SFG WG monitoring visits Crossnacreevy - May 30

The SFP Working Group Monitoring met on May 30 during the ISF Congress in Belfast and visited trials at the testing station of Crossnacreevy which is situated only 10 km south of the city. The Working Group had decided to have a special trail to verify the varietal identity of commercial seed lots of two varieties following some concrete cases of seed lots not meeting the official variety description. The trial included samples of seed lots of one tall fescue variety and one red fescue variety. Significant differences between certain seed lots and the official reference samples could be observed in the field. The final results of the project and possible consequences will be reported during the SFG Section meeting in October this year. (BS)



CPVO Administrative Council – Angers June 23-24

The CPVO AC met in Angers on June 23-24. ESA attended the meeting as observer and was represented by Mrs Marian Suelmann, Chair of the Committee on Intellectual Property Rights and Bert Scholte. The AC discussed the following issues:

Evaluation of the CPVR system:

Statistics. The number of applications in the first half of 2011 showed an increase of 25%. In particular the increase of 63 % in the number of applications for vegetable varieties was noted.

Mr Ladislav Miko – (deputy Director General in DG SANCO) presented the main conclusions of the evaluation of the Community Plant Variety Right system and mentioned in particular that:

- The provisions for Farm Saved Seed need to be revised.
- Regarding Essentially Derived Varieties, the enforcement tools need to be improved. Standardised protocols could be developed with the help of CPVO.
- The extension of the CPVR system to EFTA countries should be investigated upon.
- Enforcement possibilities need to be harmonised and improved but also aligned with the Enforcement Regulation.



- Duration of protection could be revised on a crop-by-crop basis.
- Interaction with other EU legislation needs to be addressed (one key several doors)
- Information on existing patents is lacking. The CPVO could play a role to facilitate information on different forms of protection

In reply to several questions Mr Miko indicated that the Commission will make an action plan to be discussed with stakeholders which will include all the main elements including the one key several doors issue, bio patents and Farm Saved Seed and that the Commission is open for all proposals. However he also indicated that mutual agreements are needed to help implementation and to enforce what is already there.

Financial overview and fee structure

The financial situation of the CPVO after 6 months is characterised by an increased number of applications (+25%); the fact that the backlog in payments to one of the Examination Offices has been cleared and the exposure of banks to the Greek crises. For the end of the year a small positive return is expected.

The Office has developed and analysed three options for the CPVO fee structure with the aim to arrive at a balanced end of the year financial result (close to 0) and to reduce the free reserve to 5 m €.

Option 1: maintain the current fee level

Option 2: reduce the on-line application fee to €700

Option 3: reduce the on-line application fee to €700 and the annual fee to €250

Option 1 is manageable according to the Office; option 2 is sustainable short term; but not long term; option 3 is not manageable. However the AC decided that it would be premature to decide on a possible change of the fee structure today. Therefore, the decision was postponed to the end of the year.

CPVO Quality Assurance System

Gerhard Schuon informed that in 2010 8 Examination Offices (EOs) were assessed and entrusted by the AC. The quality requirements and audit manual were reviewed on the basis of experience in practice. It was noted that due to the lack of having an internal audit it was still too early to have the QAS system officially certified under ISO.

In 2011, so far 7 audits have been carried out; 5 audits are planned for the remaining part of the year. The assessment of the EOs in Bulgaria and Denmark have not been finalised yet and will be reported in the next AC meeting.

The Administrative Council decided to take over the proposals of the audit team to entrust the EOs of Spain, Portugal, Germany and Belgium (Wallonia) for the species applied for. Regarding the application of Italy (fruit trees), the



auditors have recommended to deny entrustment due to the fact that the newly appointed DUS expert lacked sufficient training and experience. The AC however did not take over this recommendation but agreed with the CPVO to suspend entrustment temporarily and to place the EO under supervision of an independent experienced DUS expert for the time being. The main reason to deviate from the proposal of the audit team is to safeguard the status of the candidate varieties under test and the interest of the breeders. This situation demonstrates however that further discussion is needed how to deal with varieties under test in case the entrustment of an EO is suspended or withdrawn.

CPVO Technical Protocols

The AC adopted three new Technical Protocols; Aster, Lolium species and Festuca species. On behalf of ESA, I highlighted the fact that the protocols for Lolium and Festuca contain a new requirement for breeders to inform on the endophyte status. However, the information on the endophyte status should be used for information only and not to verify uniformity or stability. The CPVO confirmed that indeed the information will not be used for U and S and that a special research project will be developed to investigate the possible impact of endophytes on the variety description.

DNA samples roses

The Administrative Council adopted the proposal to store DNA samples for roses. On behalf of ESA I emphasised the differences to the approach in potato where DNA samples will be taken obligatory, which will be profiled and used in the handling of the reference collection.

Any Other business

CPVO symbol for protection - Mrs Suelmann re-addressed on behalf of ESA the issue of introducing a symbol for CPVO protection, comparable to the one used for copy right. The CPVO confirmed that the matter was put on hold for various reasons in the past but agreed to re-open the discussion and invited ESA comment on the original discussion paper.

Obligatory testing for disease resistance in vegetables - On behalf of ESA I have raised the issue of obligatory testing for disease resistance in vegetables. CPVO confirmed being in the process of finalising a paper on the basis of the input received from EOs and breeders.

The next meeting of the Administrative Council will be held on November 15/16 in Angers. (BS)

European Commission adopts an EU biodiversity strategy to 2020

Biodiversity loss is an enormous challenge in the EU, with around one in four species currently threatened with extinction – claims the European Commission which has adopted a new strategy to end the loss of ecosystem services and biodiversity in the EU by 2020. Six targets were set to tackle this problem: The EU legislation to protect biodiversity should be fully implemented, the ecosystems should be better protected, more sustainable agriculture and forestry as well as better management of fish stocks, tighter



controls on invasive alien species and a bigger EU contribution to averting global biodiversity loss.

According to the Commission the strategy is in line with two commitments made by EU leaders in March 2010: “Halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss”; the second is the 2050 vision: “By 2050, European Union biodiversity and the ecosystem services it provides – its natural capital – are protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided.”

Under the sixth target the Commission is also planning to start working on EU legislation to implement the Nagoya Protocol on Access and Benefit-Sharing so that the EU can ratify the Protocol as soon as possible. (SB)

Please find more information here:

<http://ec.europa.eu/environment/nature/biodiversity/comm2006/2020.htm>

ELO and ECPA Conference: “Pollinators and Agriculture in Europe” on 28 June 2011

The European Landowners Organisation (ELO) and the European Crop Protection Association (ECPA) organised a conference to address the problem of a shrinking number of pollinators and to explain how agriculture is interlinked with it. The conference was attended by numerous policy makers and experts such as e.g. Paolo de Castro (Chair of the Committee “Agriculture and rural development”) and Astrid Lulling (MEP) as invited panel members.

It was emphasised that agriculture is highly dependent on pollinators because they are responsible for 70% of the world's most produced crops. The value of insect pollination in the EU each year is estimated at 153 billion Euros.

However, the actual contribution of honey bees to crops is said to be only 10-15%. Hence, the majority of the crops are pollinated by other pollinators such as flies whose contribution is actually still underestimated. Habitat loss, degradation, pathogens, agro-chemicals, invasive species, climate change were mentioned as the main drivers of the decreasing number of pollinators. Several speakers underlined that the demand for pollinators is increasing while the supply of pollinators is actually decreasing.

Consequently, the need for diversity was mentioned as well as ensuring that farmland will become again a heterogeneous landscape with every farm having a minimum of ecological factor. It was suggested to integrate wildlife into farming by e.g. multifunctional farming. However, incentives to farmers were mentioned as a precondition for these changes.

On the one hand, it was agreed that we need to prioritise public goods and conserve biodiversity. On the other hand, by 2050, a 2.25% increase in



production will be necessary to feed all people. According to the panel, this problem can only be solved if sufficient space is still available to nature. After all, pollinators are needed for this increase of productivity.

To resolve the perceived conflict between food security and biodiversity conservation, a system of eco-functional intensification was proposed which includes the use of soil fertility and the integration of protected areas into farming.

Anne Teller from the European Commission emphasised that within the framework of the EU Biodiversity Strategy for 2020 the priority should be on biodiversity and announced the introduction of a biodiversity information system for the European Union that involves EU citizens to report the loss of biodiversity. According to Mrs Teller, such information system will enable the European institutions to take precautionary action.

The panel agreed that in order to find solutions, companies, politicians and NGOs need to collaborate, coordinated at EU level. Furthermore, as there are no reliable data concerning beehives, it was agreed that there is a need for more knowledge and research to better understand factors that lead to the decreasing number of pollinators (see also article above). (SB)

COPA-COGECA Conference: “The outlook for EU agriculture: causes, constraints and challenges for productivity” on 29 June 2011

COPA-COGECA organised a conference which addressed the challenge of enhancing productivity while at the same time protecting the environment. Representatives of OECD, the European Commission, farmers’ organisations and cooperatives as well as representatives of input industries were invited as panel members.

During the conference, it was said that the agricultural markets are changing; for years, commodities have become cheaper whereas the prices for inputs such as fertilizers and energy have risen. Often, they are considered too expensive by farmers and thus underused which limits productivity.

On the other hand, the current global economic growth has shown a number of important side effects as regards agriculture and food consumption: more people need a stable amount of food and there is an increasing growing middle class in developing countries with consumption patterns similar to those of developed countries, expressed e.g. in increased meat consumption.

However, global productivity increase in agriculture is expected to slow down from 2.6 to 1.7%. Hence, increased productivity is needed both, to meet increasing demand and to limit food price volatility.

It was agreed that there is a need for a balance between agronomy, ecology and social responsibility and speakers underlined that scarce resources should be used more effectively. Moreover, research, education and training are essential. All stakeholders (European institutions, farmers, growers, industry) agreed that today, communication around agriculture is not convincing. Efficient and convincing communication on agriculture is



indispensable in order to inform people about the necessities of innovation and productivity.

Speakers also stated that the role of biotechnology in the world will continue to grow with the EU being the only major food production area that has not adopted this technology. With biotechnology as one key technology to meet the future demands, Europe was described as a 'museum' by other countries, but not as a serious competitor. Therefore, it was underlined that productivity has to come back high on the political agenda of the EU. (SB)

European Land Grabbing Event on 30 June 2011

The Land Use and Food Policy Intergroup (LUFPIG) is a group of MEPs from a range of different Committees, political groups and nationalities who are interested in food, agriculture, land use and trade issues and has been set up to provide a platform for dialogue with agriculture and food policy players.

On the event of 30 June, a study on European land grabbing was presented.

The increasing global food demand, the liberalisation of agricultural markets and the opening up for foreign investments were mentioned as possible reasons. Furthermore, it was said that low levels of R&D funding and priority changes of CAP not focused on productivity have caused a slowdown in productivity growth during last decades, especially in EU agriculture. These productivity increases have however to some extent been realised in third countries with a strong focus on exports.

It was recommended to boost productivity, to re-evaluate environmental and bioenergy policies reducing supply and / or enhancing demand, and to strengthen the contribution of the CAP in view of Europe 2020 towards productivity-oriented measures such as a sustainable intensification of agricultural production based on resource efficiency. Prof. Harald von Witzke, one of the panellists, stressed that productivity has to be increased in order to feed 10 billion people by 2050. In conclusion, all panel members agreed that the main policy goal must be to promote innovative productivity growth and to produce more with less. (CS)

Authorisation requirements for treatment of seed for export

Following the entry into force of Regulation 1107/2009 on the placing on the market of plant protection products, seed and crop protection companies have requested clarity on the required authorisation status of PPPs that are used for treatment in one Member State and where the treated seed is then exported to other Member States.

The Secretariat met with the responsible service of DG SANCO and has received detailed information which has been passed to ESA members by a specific ESA-Info (ESA_11-0539). Association Members have been asked to pass on this information to their respective membership. In case Members have not (yet) received this information note, please contact the ESA Secretariat for a copy. (vE)



Labelling requirements for treated seed: "European Seed Bag Labelling Initiative"

By ESA-Info (ESA_11.0538) Members have been informed about the labelling requirements for treated seed as laid down in Regulation 1107/2009 which came into force on 14.06.2011. There is still some uncertainty as regards these requirements and as Member States seem to have different opinions on what is actually necessary.

In view of the free movement of treated seed as well as based on the fact that treated seed is seed and NOT a plant protection product (PPP), ESA STAT together with those ESA Members that also form, the so-called STISSC (Seed Treatment Industry) group developed and approved the "Safe Use Seed Bag Labelling Initiative".

It is the goal of the initiative to coordinate the communication of a uniform, industry-led stewardship effort as regards communication to the end user of treated seeds via a label on the seed bag that contains clear messages about the best agricultural practice. It uses catchy pictograms and plain language that are immediately understandable and memorable for the end user of the treated seeds.

On the other hand, it is our goal that the initiative in the end is endorsed and accepted by regulatory authorities of Member States. National seed associations have therefore been asked to (again) approach, their country regulatory authorities and try to convince them that the "European Seed Bag Labelling Initiative" is all that is needed to factually comply with Regulation 1107/2009.

The aim is to implement the label text as laid down in the ESA "European Seed Bag Labelling Initiative" without any changes in as many countries across Europe as possible to create a harmonized European standard for treated seed labelling. Where country specific additional label requirements have already been set, these have to be respected. But ESA still emphasizes that the industry will use the ESA "European Seed Bag Labelling Initiative" pictograms and standard phrases as THE industry standard.

All ESA Members have also been supplied with a full scale "information package" on this subject that contains

- * a presentation of the European Seed Bag Labelling Initiative
- * the artwork of the label in all EU languages
- * the pictograms in high resolution for printing

All files are also available on the public part of the ESA website. Please click on <http://www.euroseeds.org/home/latest-news/codes/esta-european-seed-treatment-assurance/esta-european-seed-treatment-assurance>

(vE)

The next ESA Newsletter 2011 to be published on 01.08.2011