



# ESA 2012 ANNUAL MEETING

## ANNUAL REPORT

Presented to the ESA General Assembly

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by

Garlich v. Essen

Secretary General



Dear Members,  
Ladies and Gentlemen,

it is my pleasure to present you the ESA Annual Report 2011/2012.

Every year, this presentation provides an opportunity to do both, to look back on our activities over the past twelve months, as well as to look ahead and prepare for the challenges that lie ahead of the plant breeding and seed production sector, and ahead of ESA as its European top level organisation.

A first look back at last year's Annual Meeting in Budapest. It was our first annual meeting outside of Brussels. And it was a highly successful one.

With a perfect location, a record attendance of 700 participants and a strong participation from Central and Eastern Europe, we achieved our objective of bringing ESA closer to its membership and here specifically to our colleagues from the East. We did not think it possible that numbers could still increase for this year when we returned to Brussels. But they did.

This year, more than 750 representatives of companies and associations from Europe, but also from the Americas, from Russia, Africa, Asia and even Oceania have joined us for our ESA Annual Meeting!

This has been quite a challenge for our logistics and organisation and has led us to change a number of things over the past days. We sincerely hope that you all found your travel worthwhile and that you have enjoyed your time with us. I would like to take the opportunity to thank our trusted Conference Organisation Team with Julie Weisenburger and Caroline Daneels; you did a great job.

In 2013, the ESA Annual Meeting shall be held in Warsaw and we are certain that we will be able to once again organise a successful and interesting congress for you, this time in Poland. Based on your experiences in Budapest and here in Brussels, we will ask all of you for your input on the organisation of future ESA Annual Meetings. And we are committed to do our best to match your expectations also in the years to come.

Ladies and gentlemen,

The finalisation of the ESA Position on Intellectual Property Rights for Plants and Seed has probably been the most important achievement in the past year.

And it has -no doubt- been one of the most challenging discussions for ESA as an organisation. It has tested our patience, commitment and procedures. And I think it is fair to say that ESA has passed the test – and passed it well!

The elaboration of the position by our Committee for Intellectual Property and Breeders Rights -under the

lead of Marian Suelmann-, the guidance provided and the final adoption by the ESA Board in March and since then the start of the more practical work on its implementation in practical politics and regulations has proven ESA's maturity as an organisation that is able to provide the trusted platform also for controversial debate, for different views and positions, but inspired by the shared commitment to achieve a balanced and fair outcome that takes account of the views of the wide ESA membership.

It is in this spirit of cooperation and with this objective to achieve the broadest consensus possible that we have established fundamental principles for IP protection for both plant varieties and biotechnological inventions and for the interface between them.

Access to genetic resources is a precondition for breeding. And so is the proper protection of breeders' intellectual property to assure the necessary return on the long term investments of this industry in its quest for sustained innovation. Neither the freedom to breed nor the proper protection of valid rights must be jeopardised if plant breeding is to continue to deliver the much needed progress for productive farming.

The ESA Position strikes this balance, which was not least proven by the taking over of our principles and concepts by the International Seed Federation in its revision of the ISF View on IP.

ESA can be proud of the leadership it has shown in this debate!

We are now working on the practical implementation of this position. Here, the still on-going discussion on the so-called “EU Patent” and on the inclusion of a limited breeders’ exemption has been at the top of our policy agenda. Following a very successful dinner debate with representatives of Member States and many, many contacts with leading members of the European Parliament as well as the European Commission, I think we can state that the concerns of the plant breeders and our concrete proposal and position are now well understood and have become one of the core subjects of the debate.

Yet, this debate is not over. Unrelated, fundamental policy objectives of Member States still may override our concrete subject in the final negotiations. It is therefore of utmost importance that we continue to argue our case and that we present a clear and unified message. I would like to make use of this opportunity to once again call upon all ESA Members to close the ranks behind our ESA Position. If we do not achieve our goal, we may fall victim to a much broader and quite likely uncontrollable debate on the need for a revision of the Biopatent Directive and more generally on IP rights on plants and seed - to the detriment of our whole sector.

Improvements are also needed in our classical EU plant variety protection legislation. Following the extensive evaluation of the current system, a number of areas and respective proposals have been identified,

specifically as regards the information obligation of farmers who make use of farm saved seed.

ESA therefore is disappointed that the Commission has announced that it does not intend to address these much needed improvements as a legislative priority in the near future. We have called upon the Commission to reconsider its policy priorities and to elaborate and present the necessary legislative proposals as soon as possible.

I am specifically thankful that Szonja is back on our team! Dear Szonja, you have played a major role in establishing the new ESA Position on IP. And I am certain that you will again play a decisive role in its practical implementation.

Your legal expertise as well as your ability to analyse complex issues and steer a clear course are going to be high in demand, not only as regards the IP issues but also for the overhaul of the EU's seed marketing and phytosanitary legislation.

Dear Members,

What used to be the 'seed marketing Directives' will soon become the 'Plant Reproductive Material Regulation'. In addition, we will see significant changes to the plant health regime and the establishing of a new EU competence in the area harmonisation and control of implementation of provisions related to seed.

ESA has been strongly engaged in the evaluation processes for both, seed marketing and plant health, since the very beginning. Based on the vast and specific input from the different crop Sections, our dedicated Working Groups and the Committee on Regulatory and Legal Affairs have managed to form a consistent and where necessary differentiated position.

Today, we see many of our ideas for improvements already enshrined in the Commission's different Working Documents and we certainly expect these also to be present in the final legislative proposal that is supposed to be presented in January next year.

What will follow is an extensive political debate in different Committees of the European Parliament and in Council Working Groups that will very likely take us to the end of 2013 or even into the year 2014. We will have to explain well how our sector works, we will have to demonstrate how we can contribute to achieving the general political objectives of the European Union, provided we can rely on a regulatory framework that respects and takes account of the specific conditions and needs of our industry.

This will require advocacy and lobbying way beyond what we have been used to in these rather technical policy areas in the past. Consequently, it had been decided to strengthen the ESA Secretariat with further personnel to assure that our messages are delivered to a larger number of addressees, in time, and in a consistent manner.

I am convinced that with Jean-Paul, we have found the right person to help us achieve this objective. Dear Jean Paul, you have meanwhile successfully taken over the responsibility for our Working Group on Better Regulation; and you have acquired the necessary practical understanding and technical knowledge that is a prerequisite for being recognised as a competent representative of our industry in discussions with Parliament and Commission. I am looking forward to the upcoming legislative process and am confident that ESA as an association and you as a person are well prepared for a successful lobbying campaign.

Ladies and gentlemen,

Much of what we have discussed in seed marketing, in plant health and in the administrative procedures involved in both is about common standards, necessary harmonisation or mutual recognition; in short, it is about the practicalities of a true common market for seed.

Similarly, we have been arguing the need for an EU standard sampling and testing protocol for the presence of GMOs in conventional seed. Yet, what should be seen as a technical standard has become the subject of a highly politicised and even emotional debate. And this has paralysed the Commission since almost a dozen years.



The consequences of this paralysation have been described by the sector over and over again. But it seems to have taken the most recent examples of large scale field destructions in Hungary in 2011 and 2012 as well as the case of a small German organic seed producer to again showcase how the internal market for seed is deteriorating in absence of clear rules, harmonised implementation and EU level control.

The Commission is supposed to be the guardian of the treaty. It has the exclusive right to propose legislation, in particular where this is needed to ensure that one of Europe's greatest achievements is preserved - the Common Market.

But as always, such an exclusive right also should be understood as an obligation to take responsibility.

ESA therefore continues to urge the Commission to, at last!, take this responsibility and to present the necessary legislative proposals for adoption by the competent bodies. We are aware that this will mean difficult and highly controversial discussions. It will mean criticism, accusations and a hostile environment.

But this is not about winning a beauty contest.

It is about competence, responsibility, credibility, and, last but not least, political leadership.

This is what we expect from the Commission.

And we will support it as a reliable partner.

Dear Members,

competence, responsibility and leadership is also what we ourselves as an industry association have to demonstrate to be accepted as a credible and reliable partner in decision making and implementation.

ESTA, the European Seed Treatment Assurance scheme is just about that.

And ESTA goes live – now!

Over the past two years, the ESA Working Group on Seed Treatment and Technologies, led by Jan-Willem Breukink and supported by Ruud Scheffer, has worked very hard to establish an industry led quality assurance system that shall help to improve seed treatment quality, avoid unwanted and unnecessary environmental effects and help seed companies, service providers, farmers and growers to work safely and successfully with treated seed.

With ESTA, we not only take our own responsibilities seriously. We also will demonstrate to national and European administrations, to politicians and to society at large that it does not necessarily take restrictive legislation or official controls to achieve a policy goal.

Seed companies, the crop protection industry, seed treaters and farmers share the same goal: we want to maintain seed treatment applications as the most

modern, most efficient, most advanced seed and crop protection technology for the future.

With the development of ESTA and its alignment with similar activities in a number of Member States, ESA firmly establishes itself also as a leading, competent and effective service provider to its membership.

I certainly hope that this will serve as an example of what we are capable of, what we can achieve - if we work together.

But first, we must make ESTA a practical success!

To do so, we have now started the recruitment process for a dedicated ESTA Manager as an addition to our ESA team. May I use this opportunity to call upon all of you, our members in companies and associations, to help us find the right person for this important position.

The advertisement will also be in your mailboxes when you return home and we would very much appreciate your help in spreading it to the most suitable journals and fora in your respective countries.

Ladies and gentlemen,

Bee care, environmental protection, climate change, food safety and preservation of biodiversity...

All these subjects show how much many of the issues that we often perceived as merely technical or

managerial have become entwined with larger, much more principal societal debates.

And this goes hand in hand with a much more critical public, increasingly detached from rural areas and practical farming, and with a much broader and intensive scrutiny of our business, our actions and our objectives.

Clearly, this calls for a stronger engagement of our sector with the wider public. And this engagement also clearly needs to go beyond our classical policy areas and beyond our traditional ways of voicing our positions.

We have to show and prove the alignment and interaction of our well-established and justified sectoral objectives with those of other groups and society at large.

And we have to implement this outreach and advocacy with a modern communication policy and strategy, acknowledging the importance of new communication technologies and trends such as the new social media.

Just in time for this year's Annual Meeting, we have therefore updated and modernised our ESA website and here specifically the open, general part where we try to provide more information on the sector, its actors and the importance of plant breeding for addressing the grand challenges.

The new look and feel of the website has been chosen to bring it in line with the new webpages we have created on Wikipedia and more importantly on Facebook where we try to do exactly what this site is named for: to give a face to ESA, to show what we are doing and to keep those interested to follow us and the developments in our sector well informed.

Last but not least, at least some of you will have seen and read a number of tweets from this Annual Meeting on your mobile phones or i-pads over the past days. Twitter is increasingly being used -and probably sometimes also abused- as a communication tool that can generate and multiply actions and reactions in a very short period of time.

What all of these new media have in common is that they are increasingly consulted and used by politicians, the tool of choice for disseminating information and image by individuals as well as professional journalists.

It is true, the seed business is often characterised as a rather conservative industry, despite the fact that it works with the most modern technologies and is effectively based on state of the art knowledge of numerous sciences such as biology, chemistry, physics and data processing.

Maybe, it is rather the seedsmen and –women that are perceived as conservative...

With Katharina, we have a young and enthusiastic colleague in the Secretariat who is constantly challenging this conservatism. And as you can see from both the establishing of our new media presence and update of the website as well as our revamped ESA Newsletter, she is quite successful in this.

Dear Katharina, you have already helped giving ESA a more modern, more exciting and also more human image. I am sure that there is still more that you have on your agenda for the coming months – and I am looking forward to again be challenged by your ideas.

Dear Members,

ESA is still a growing organisation as the membership applications for this year's General Assembly clearly show.

And we are not only growing in numbers; we are also growing in diversity and distance. More companies, more countries, more seed related activities, more policy areas and more tasks -

all this also means more challenges for the ESA Secretariat and our association's structures and procedures.

On Monday and this morning, many of you have been attending the meetings of the different ESA crop Sections.

And you will have seen how many quite different and often highly complex issues are addressed: from communication activities on natural turf to codes for pests and pathogens in vegetables, from seed certification and phytosanitary standards to DUS and VCU testing procedures, from OECD equivalence to Codes of Conduct for seed businesses...

and many, many more.

The ESA Sections are at the very core of our association. This is where the majority of the members are active and where the heart of ESA as a business organisation is beating.

It is first and foremost Bert's achievement that this heart is beating strong and steady. And that the important input that can only come from the many crop specialists assembled in these Sections is delivered in time, to the point and well explained.

Dear Bert, even when it has been so difficult for you to manage all this in parallel to your personal obligations towards your family over the past year, you have shown incredibly professionalism and great dedication towards ESA and its members and to your colleagues.

I know, this is not enough – but I still want to thank you for that.

Ladies and gentlemen,

As usual, such an Annual Report can only scratch the surface of the many things that happened during the last twelve months, of our achievements and of the many areas where further work still needs to be done.

We had important successes such as the final ruling of the European Court of Justice on the Kokopelli case where the Court in the end followed the line of argumentation put forward by ESA. In hindsight, this may well prove to be one of the most important political and legal discussions that ESA has been engaged in.

We are now gearing up for the lobbying campaign on seed marketing and plant health. It will be decisive that the European seed industry speaks with one voice if we want to convince the legislators in the European Parliament and in Member States of our positions and proposals.

ESA is what you, our members, make it.

Or as our Mission Statement puts it: if we are coordinated and aligned, we can be “the single voice of the European seed sector”. Then this voice will be clear and strong.

Or we can be one voice in a polyphonic choir of mixed messages on individual objectives. Then we will not be heard and not be understood.



The practical management of the various and important issues that lie ahead of ESA is a continuous challenge.

Over the year, the Secretariat has again organised more than a hundred conference calls and physical meetings, both in Brussels and abroad. The Secretariat has participated as representative of the industry in meetings of the CPVO, of UPOV, OECD and ISF as well as in numerous bilateral and multilateral meetings with different services of the Commission, the Stakeholder Platform of EFSA, European Parliament Committee meetings and in exchanges with representatives of Member States and many more.

For many, if not most of these meetings, we have elaborated agendas, preparatory documents and minutes and have carried out the actions decided by you, the members, in the manner and timeline agreed.

Much of this is only possible because of the professional and effective management of our administration and reception by Gaia and Marguerite.

Dear Gaia, dear Marguerite – you are in the true sense of the word at the forefront of everything and everybody that comes to ESA. And it is not only me and the colleagues that appreciate the quality and sheer quantity of the tasks that you take care of every day as well as the friendly, positive and hands on attitude by which you do it. I am sure this appreciation is shared by the entire ESA membership.

Ladies and gentlemen,  
dear Members,  
a few personal comments at the end.

I would like to thank the ESA Members for their support to me throughout the past twelve months. Even though opinions may on occasion have been different, I hope that I have always been available to you for discussion and fair in my appreciation of your concerns and needs. I very much appreciate your trust and I sincerely hope that you will continue to support me and the ESA team as you have done in the past.

My specific thanks go to the ESA Board and Executive Committee.

It is based on your guidance as well as your good faith that I have carried out the tasks assigned to me. You have consistently been available to me for discussion, provided me with your insights and suggestions, yet you have given me the confidence and freedom to act on your behalf, to the benefit of the association. I know that such confidence and freedom is the exception, not the norm, and I hope you are content with the results.

Finally, my very special tanks go to Christoph Amberger, my President over the past three years.

Dear Christoph,

Now that we are almost at the end of our President-SG relationship –

and now that we are almost alone and in private...

I think it is fair to say that we had a bit of a bumpy start.

It took a few meetings and discussions for both of us to understand the way of thinking, the working and management style and the priorities of the other.

But for me, it has been exactly this difference from which I have learned and benefited the most in the years that I have served as your Secretary General.

You have always been approachable, even where your own priorities may have been different; you have always provided me with your insights and well-reasoned opinions to help me carrying out my tasks successfully; and you have always done so in your very special, personal style that combines clear statements and positions with a graceful, friendly and very collegial attitude.

But foremost, you have put your principal trust and your confidence in me. And I have appreciated that more than anything else.

It is not for me to make this judgement on behalf of ESA; but I am convinced that you can be proud of your time as President and proud of the achievements of our association during your Presidency.

What is for me is my personal judgement:

It has been a privilege and a pleasure to have served as your Secretary General over the past three years.

And today, it is an honour to consider you a friend.

Ladies and gentlemen,

I thank you for your attention.