



ESA NEWSLETTER

October 2009

ESA Meetings (selected)

- **03.11.2009**
**ESA – ECPA-
EUROPABIO**
- **12.11.2009**
**Executive
Committee
Meeting**
KWS, Einbeck (D)
- **17.11.2009**
CIPR Meeting
- **23.11.2009**
CRLA Meeting
- **24.11.2009**
WGPH Meeting



Dear Members,

our ESA Annual Meeting, held in Brussels between October 11 and 14, again assembled more than 530 representatives of the seed industry in Europe and worldwide. Next to the regular meetings of ESA's Sections and the European Seed Trade Meeting, the ESA General Assembly took two important decisions for the future of the organisation. Firstly, with completion of his three term of office, President François Desprez stepped down from the position and Christoph Amberger took over as new ESA President, following his unanimous election by the General Assembly. In their respective closing remarks and acceptance speech, François Desprez and Christoph Amberger highlighted the priorities of the past, present and future and underlined the importance of a strong common representation of the seed industry at all levels and specifically in Europe. Further information on the Annual Meeting including photos and the presentations given at the open part of the General Assembly are available on the ESA website.

Secondly, the General Assembly adopted new Statutes and Rules of Procedure for our association to allow for more flexibility, speed and differentiation in our working methods. Statutes and Rules now need to be formally accepted by the Belgian authorities in line with the provisions for internal organisations under Belgian law.

It has been a highly successful and important Annual Meeting for ESA – and if you have not been there you sure missed a lot! So make sure to keep 10 to 13 October 2010 free – for ESA's 10th Annual Meeting!



ESA – CPVO Meeting October 15, 2009, Brussels

As usual, on October 15, ESA and CPVO sit together in order to prepare the next meeting of the CPVO Administrative Council (AC). However it might be that this meeting was the last of this kind since the CPVO informed that the AC, at its meeting on October 27-28, would decide on granting ESA and CIOFORA observer status at its future meetings for which ESA had been asking for a long time. The initiative is supported by CPVO and the Commission and also the Chair of the AC expressed his positive views.

Concerning applications the CPVO informed that the drop in the number of applications is expected to be less than 10% for the year 2009 since while the drop in ornamentals and in agricultural crops is quite significant (20% and 8-9% respectively), vegetables and fruits are doing well with even an increase in for example lettuce or tomato. As for the costs of applications, the CPVO stated that it considered the costs to be reasonable as compared to the total costs of the development of a variety.

The president of the CPVO briefly presented the CPVO's strategic plan for 2010 and underlined that following ESA's comments a specific reference to the breeders' exemption had been incorporated into the document. The participants also discussed the issue of farm saved seed and agreed upon the practicalities of setting up the specific working groups as decided as a follow-up to the CPVO's spring workshop on this subject.

The vice-president of the CPVO informed about new IT developments which encompass, among others, the launching of the on-line application system, the introduction of an e-Gazette and the publishing of variety descriptions on a public website. This latter development will also address the request of examiners of the EPO who solicited access to such descriptions in order to facilitate their work. Both parties considered the meeting to be very fruitful. (SzCs)

UPOV Administrative and Legal Committee (CAJ) October 19, 2009, Geneva

In total 91 people attended the meeting representing 40 members of the Union as well as international organisations (ISF, CIOFORA, SAA, AIPH, Croplife Int.). On behalf of ESA Szonja Csörgő and Garlich von Essen were present.

Main items of relevance discussed at the meeting:

Electronic application systems

Two optional proposals for an electronic application system were presented. The CAJ agreed upon option one consisting of a system of attributed standard references whereby UPOV members would make a reference in relevant fields of application forms to the corresponding item in the UPOV Model Application Form and UPOV technical documents. This system would not mean additional resource implications for UPOV members given that references are already standardised. Option two would imply that information provided in an electronic version of the UPOV Model Application Form and technical documents would be used by the applicant to provide information for an authority when submitting an application for a PBR and that authority would integrate that information into the application. This second option would entail higher resource implications. A number of national delegations raised concerns as to the adaptability of such an

External meetings

(selected)

- **03. – 05.11.2009
OECD External
Advisory Group,
Paris (F)**
- **04.11.2009
Workshop Minor
Uses,
Brussels (B)**
- **05. - 06.11.2009
Fleuroselect
Breeders'
Conference,
Düsseldorf (D)**
- **09.11.2009
EESNET,
Krakau (PL)**
- **13.11.2009
EFSA Meeting on
Pesticides,
Parma (IT)**
- **17.11.2009
Food Chain Event
European
Parliament,
Brussels (B)**

External meetings

(continued)

- 19.11.2009
Plant ETP
Strategy Meeting,
Brussels (B)
- 25. – 26.11.2009
European GMO
Conference
de Hague (NL)

electronic system to national electronic application systems already in place. Therefore it was decided that a circular will be issued to the CAJ in order to give time and the possibility to indicate potential concerns.

Matters arising after the grant of the breeder's right

The draft document on the question of stability after the grant of a plant breeder's right basically presents the relevant provisions of the UPOV Convention in that respect (i.e. cancellation/nullity of a plant breeder's right) as well as some practical examples. The document also draws attention to the important fact that in many cases those are not the granting authorities that are confronted with this issue but other authorities which might lack experience in this area.

All delegations supported the preparation of such a document and a number of them addressed further issues which could be included. It was decided that a circular would be sent inviting members of the Union to provide examples of matters they wish to include in such a document. In the meantime the CAJ-AG will have a first exchange of views on the possible structure and content of such a document at its meeting on October 22.

Classification matters:

Following the proposals of the TC the CAJ agreed upon the amendments to Classes 202 and 211. In respect of the latter it was also agreed to change the name of the class to "*Mushrooms*".

In addition, the CAJ also noted a proposal concerning Tomato. The botanical classification *Lycopersicon*, including *Lycopersicon esculentum* Mill. (Tomato) has recently been changed to *Solanum lycopersicon*. The TC at its meeting in March 2010 will consider these developments taking into account that there is a risk of confusion of variety denominations given that some 14.000 entries exist for *Lycopersicon esculentum* and a similarly high number of entries for *Solanum*.

Other issues

The Chair of the CAJ informed the participants that Slovakia became bound by the 1991 UPOV Act on June 12, 2009.

A number of technical documents were presented to and agreed upon by the CAJ, namely a revision of TGP 7 on "*Development of Test Guidelines*", TGP 8 on "*Trial Design and Techniques Used in Examination of DUS*", TGP 11 on "*Examining Stability*" and TGP 14 on "*Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents*".

The CAJ agreed that the request of ISF and CIOPORA for a more institutionalised cooperation with the CAJ-AG will be first considered by that body at its meeting on October 22 and its recommendations will be reported to the CAJ at its next session to be held on March 25, 2010.

UPOV-ROM: The CAJ approved the continued involvement of the Office of the Union in discussions with WIPO on a brand-related database. The idea is to create a common research platform and in that regard UPOV is invited to include data from the UPOV database into a wider WIPO database containing international trademark data. A number of delegations expressed their support to the initiative.

The next meeting of the CAJ will take place on March 25, 2010 in Geneva.

(SC)



Contact with ESA members

On October 9, Szonja Csörgő visited Syngenta Seeds B.V. in Enkhuizen (NL). Mr. Gerard Meijerink, Director External Relations Vegetables EAME, Chairman of the ESA working group on plant health and member of the ESA working group Better Regulation, introduced the company. After an extensive walking tour around the premises of the company and an in-depth presentation of the different phases working through the seed, several important topics such as intellectual property, GM, seed marketing and PVP applications were discussed with Mr. Meijerink and several staff members of Syngenta Seeds. The visit provided an interesting insight to many practical issues and fruitful discussions in a friendly environment. (SC)

CPVO Meetings

October 5, 2009 – CPVO DUS expert meeting cereals

On October 5 the CPVO DUS experts for cereals met in Angers (France). ESA was represented in this meeting by Jim Duncumb (Syngenta UK), Reinhard Müller (BDP – Germany), Thierry Ronsin (Limagrain – France) and Bert Scholte (ESA). The experts agreed to recommend to the CPVO Administrative Council to adopt the Technical protocol for Triticale after a temporary period of 3 years, allowing for less stringent Uniformity requirements. In Wheat an agreement was reached regarding an amendment for the characteristic: Straw – pith in cross section - to decrease the number of states of expression from 9 to 3. In addition, the first experiences with the revised protocol for wheat were evaluated. A final decision will be taken by the end of 2010. For hybrid barley it was agreed to maintain the Uniformity threshold at 0.2 %. However it will be allowed to resubmit the DUS sample in case this threshold is not met and in case the number of off-types is below 0.5%. Subject to the adoption by the CPVO AC these decisions will help to facilitate the daily life of breeders of triticale, wheat and hybrid barley. (BS)

October 6, 2009 – CPVO DUS expert meeting grasses

On October 6 the CPVO DUS experts for grasses met in Angers. ESA was represented by Mrs. Marie-Christine Gras (RAGT), Christophe Galbrun (DLF), Lucas Wolters (Eurogras) and B. Scholte (ESA). The following issues were discussed:

- o Use of plant rows – spaced plants
- o Uniformity levels (COYU – off-type approach)
- o Draft technical protocol for Lolium species
- o Possible use of Electrophoresis
- o Endophytes in material sent in for DUS purposes

The report of the meeting will be prepared by the CPVO and will be circulated as soon as it is available. In 2010 a further CPVO expert meeting will be organised. It was clear to the ESA delegates in this meeting that a face-to-face meeting is needed to prepare ourselves for the follow-up. This meeting is scheduled for December 15 in Paris and is open to members of the SFG Section having an interest in DUS testing. (BS)



ESA confirmed a Member of the EFSA Stakeholder Consultative platform

The management Board of EFSA European Food Safety Authority at its meeting of October 8th 2009 renewed its decision to select ESA as Member of the Stakeholders Consultative Platform.

The creation of the EFSA Stakeholder Consultative Platform was agreed by EFSA's Management Board on June 2005. The Platform, composed of EU-wide stakeholder organisations working in areas related to the food chain, meets to assist EFSA in the development of its overall relations and policy with stakeholders. The meeting provides a platform for honest exchange of opinions and ideas.

ESA is represented at meetings of the Consultative Platform by the Secretary General. (vE)

G. v. Essen appointed to SANCO's Stakeholder Dialogue Group in the areas of public health and consumer protection

With letter of 29. October 2009, G. v. Essen has been appointed by the European Commission as Member of the Stakeholder Dialogue Group of DG Health and consumers for a term of four years. The Group is chaired by Mr Robert Madelin, Director-General of DG Health & Consumer Protection.

The objective of the Stakeholder Dialogue Group is to advise the Directorate General and the European Commission on different process issues that shall facilitate stakeholder involvement in DG Sanco's work.

The Stakeholder Dialogue Group has agreed a Work Programme which covers the following issues: more transparent Comitology, improved consultation, understanding how the Commission should engage (with) stakeholder groups who may not traditionally get involved in EU policy-making, understanding who is representative and when consultation would have most impact on policy-making. (vE)

ESA, COPA and ECPA invited by EFSA to start discussion on pesticides

Together with ECPA European Crop Protection Association and COPA-COGECA, the representation of European Farmers and Cooperatives, ESA has been invited by EFSA for a technical meeting on pesticide related activities of EFSA as well as an exchange of views on current and upcoming pesticide issues. The meeting will take place at EFSA's premises in Parma on November 13th and the SG will report back to Members with the next Newsletter or at the relevant next meetings. (vE)

Next ESA Newsletter to be published on 01.12.2009