



# ESA NEWSLETTER

April 2009

## External Meetings (selected)

- **06.-07.05.2009**  
**BDP An. Meeting**  
**Bad Nenndorf, D**
- **07.05.2009**  
**FSS Event**  
**Baltic States**
- **11.05.2009**  
**CPVO Steering**  
**Committee**  
**Paris, F**
- **14.05.2009**  
**BSPB An. Meeting**  
**Newby Bridge, UK**
- **23.-27.05.2009**  
**ISF Congress**  
**Antalya, TR**
- **28.05.2009**  
**ISF Phytosanitary**  
**Workshop**  
**Antalya, TR**

Dear Members,

in this Newsletter, ESA publishes the advert for the recruitment of a 'Manager Intellectual Property and Legal Affairs' as new staff member of the General Secretariat in Brussels. I kindly ask you to communicate this open position to any suitable candidate that you may know or to forward to potential candidates or organizations. In addition, the advert is on-line on a number of dedicated recruitment websites.

The reason for this opening and advert is twofold. Firstly, Isabelle Klopstein, our current Legal Advisor, will leave the ESA Secretariat at the end of July after having been with us for a good two years and we are again advertising for a legal expert. This confirms that strong legal expertise is needed within the permanent staff of the Secretariat to effectively support our membership. Elaborating amendments to the revision of the EU's plant protection legislation or working on draft proposals for implementation of international agreements such as the FAO Treaty on Plant Genetic resources or the Convention on Biodiversity (CBD) had to be based on a thorough understanding of what is legally possible and what is not; otherwise we would have risked to present just wish lists to Commission, Parliament or Member States that lack the proper foundation of practical proposals.

Secondly, and even more importantly, Europe's seed industry is coming to a number of crossroads over the coming years. We have informed you extensively on the ongoing work for the revision of the EU's seed marketing legislation ('Better Regulation'), a process that has only started and will end with the adoption of a new legal framework some time in 2012 at the earliest. In addition, similar evaluations have been started for a revision of the plant health legislation, the GM food and feed regulation and the Directive on the deliberate release of GMOs into the environment. This means that a large part of the total legal framework of the seed industry could be opened for change. And last, but not least, the existing legal framework for the protection of intellectual property rights consisting of the Community plant variety rights system and the Directive on biotechnological inventions may be up for review – and with that another core issue for the sustainable future of Europe's plant breeders. Again, legal expertise will be crucial in preparing proposals for discussion by the ESA members and for advocating our final position to others.

In view of these developments and in line with the declared objective of taking ESA as an organisation and its Secretariat as an efficient and professional representation to the next level based on the findings of last year's internal evaluation, we have decided to further adapt the internal structures and working procedures in the office and to develop the advertised position into a truly horizontal one with clear focus and priority on IPRs and legal and regulatory matters. This development will be a process of change rather than a swift, simple decision and implementation. But we are convinced of both, need and timing of this change. And we are convinced that it will show the desired result of a Secretariat that has the right mix of skills, experience and formal education as well as an effective and efficient organisation to make the best use of these; for the benefit of the European seed industry and for the benefit of you, ESA's Members.

With best regards, yours

Garlich v. Essen, Secretary General



### External meetings (continued)

- 02.06.2009  
Globalgap - SPO  
Köln, DE
- 04.06.2009  
EPO/ESA/ISF event  
Rijswijk, NL

### ESA Section meetings

**SPO** - On April 7 the ESA Section Potato (SPO) had its spring meeting in Billund (Denmark) on the invitation of Danespo. The Section meeting was attended by 15 participants who also visited a local farmer specialised in the production of pre-basic and basic seed potatoes as well as the breeding facilities of Vandel. (BS)



**SOF** – On April 22nd the ESA Section for Oil and Fibre crops (SOF) had its spring meeting in Hohenlieth (Germany) on invitation of NPZ-Lembke. The SOF Board meeting was attended by 15 members of the Section / Section Board. (BS). In the framework of the SOF Board meeting the participants visited the breeding premises of NPZ-Lembke in Hohenlieth and a demonstration field of Oilseed rape. (BS)

**SCP** – On April 27 the ESA Section on Cereal and Pulse crops (SCP) had its spring meeting in Vienna on invitation of Mauthner seeds. The Meeting was well attended by 18 participants and took place in a historical room in the „Boerse fuer Landwirtschaftliche Produkte“ in Vienna (Austria). Following the meeting the participants visited the premises of Probstdorfer Saatzucht. (BS)



In the framework of the SPO meeting B. Scholte also visited Sejet Plantforeadlung and discussed with Kurt Hjortsholm (Sejet) and F.Hansen (Danish Association of Plant Breeders DAPB) the set-up and priorities of the different Danish seed associations. The visit clearly helped to improve the mutual understanding and will help to improve the cooperation in the future. (BS)



**ESA Meetings**  
(all meetings at the  
ESA Office unless  
indicated otherwise)

- **13.05.2009**  
**ESA Horizontal  
Group on Dust**
- **13.05.2009**  
**WGB  
Conf. call**
- **14.05.2009**  
**ESA WGBT**
- **19.05.2009**  
**ESA SFG WG  
Monitoring**
- **26.05.2009**  
**ESA WGBR  
Antalya**

### **CPVO expert meeting on DUS of Oilseed rape**

On April 21<sup>st</sup> the discussion on the CPVO Technical protocol for Oilseed rape continued. This time the meeting took place in La Miniere on invitation of GEVES (France). During the meeting detailed information was provided on the GAIA software which is used in France to organise the reference collection in the field. Afterwards the French approach was observed in the field.



In a next step the CPVO will redraft the Technical Protocol for Oilseed rape to allow the different DUS systems to co-exist while at the same time addressing the methods to identify and describe oilseed rape hybrids. (BS)

### **CPVO expert workshop on Farm Saved Seed**

The Community Plant Variety Office CPVO is organising an expert meeting on 17.06.2009 in Brussels to officially present the result of the study on the situation of Farm Saved Seed (FSS) in the EU which had been elaborated by H.W. Rutz from BSA, Germany. The preliminary findings of the study had already been presented to ESA members during the Annual meeting 2008.

In addition to this technical and economic study, the CPVO meanwhile has commissioned a legal study which is carried out by Timothy Millet, a well known legal expert in the area of breeders' rights. This study focuses on the legal possibilities of breeders and their organisations in their enforcement of rights in the light of the existing case law and specifically the ECJ rulings on the Schulin case and others. ESA's delegation will be headed by the Vice-President and the Chairs of the Sections Cereals, Potatoes and the Task Force Farm Saved Seed. Further information from the event will be supplied to all Members in due course. (vE)

### **Registration of ESA 2009 Annual Meeting is open!**

The registration for the ESA 2009 Annual Meeting and European Seed Trade meeting to be held in Brussels from 11. – 14. October 2009 is now open!

All information on the draft programme, possibilities for reserved trade tables and exhibitors can be found on the ESA website together with the on-line registration form (just go to [www.euroseeds.org](http://www.euroseeds.org) and click 'Annual Meeting').

The reduced early bird registration fee applies until 31.07.2009. (vE)



### **Access and Benefit-sharing (ABS) – 7th meeting of the Ad Hoc Open-ended WG on ABS of the Convention on Biological Diversity (CBD), 2-5 April 2009, Paris**

The *Ad Hoc* Working Group concluded its work on 8 April 2009 after seven days of negotiation on operational texts for a future International Regime (IR) on Access and Benefit Sharing. About 500 participants including national delegations, international organizations (FAO, WIPO, etc), NGOs attended the meeting. Kees Noome (WGB chair) and Isabelle Klopstein (ESA Secretariat) attended the negotiations on behalf of ESA and as part of the business delegation. The business delegation, led by the International Chamber of Commerce (ICC), organised several meetings with national delegations throughout the week. ICC also hosted two side events on gene flow and use of genetic resources in R&D in different sectors, including the plant breeding sector (co-sponsored by ESA). The side events were relatively well attended, despite the on-going negotiations and other regional meetings held in parallel.

As the discussions moved forward, the divergences became clearer and no consensus emerged out of the proposals made by national delegations. Draft texts developed on objective, scope, compliance, fair and equitable benefit-sharing, and access will serve as a basis for the next negotiation round in November 2009 where delegates will notably address the nature of the IR and continue their work on language for compliance, access and benefit sharing. Time wise, the IR is expected to be finalized and submitted for adoption by the end of 2010 with the final ABS working group meeting planned in February 2010. (IK)

For further information:

CBD website on ABS: <http://www.cbd.int/abs/>

Earth Negotiation Bulletin: <http://www.iisd.ca/biodiv/abs7/>

ICC website: <http://www.iccwbo.org/policy/environment/id20878/index.html>

### **Anti-counterfeiting Trade Agreement (ACTA) – Stakeholders' Consultation Meeting, 21 April 2009, Brussels**

The European Commission (DG Trade) organized a meeting on 21 April 2009 to inform and consult interested parties about the multilateral Anti-Counterfeiting Trade Agreement (ACTA) currently negotiated between 11 countries (US, EC and MS, Switzerland, Australia, Canada, New Zealand, Korea, Mexico, Singapore, Japan and Morocco). The ESA secretariat attended the consultation. A document summarizing the key elements under discussion (see below) received direct comments from stakeholders. The European Commission recalled that ACTA aims to combat global infringements of intellectual property rights (IPRs) and should apply to a broad range of IP infringements, including Plant Breeder's right. The negotiation should be prolonged in 2009. (IK)

For further information:

About ACTA negotiation (European Commission's website):

[http://ec.europa.eu/trade/issues/sectoral/intell\\_property/acta\\_en.htm](http://ec.europa.eu/trade/issues/sectoral/intell_property/acta_en.htm)

Summary of Key Elements Under Discussion:

[http://trade.ec.europa.eu/doclib/docs/2009/april/tradoc\\_142745.pdf](http://trade.ec.europa.eu/doclib/docs/2009/april/tradoc_142745.pdf)



## RECRUITMENT: ESA Manager Intellectual Property and Legal Affairs

*European Seed Association (ESA) represents the seed industry in Europe. Members are more than 35 national associations, representing almost 1000 seed businesses, and around 50 individual companies.*

*ESA's mission is to work for effective protection of intellectual property rights for plants and seeds, fair and proportionate regulation of the European seed industry and freedom of choice for customers in supplying seeds resulting from innovative and diverse technologies and production methods.*

*The ESA General Secretariat is based in Brussels, Belgium, and headed by the Secretary General who is supported by a Technical Director and currently two assistants. ESA is now recruiting a new*

### MANAGER INTELLECTUAL PROPERTY AND LEGAL AFFAIRS (M/F)

Main responsibilities of the position include:

- Management of ESA's Committee on Intellectual Property and Breeders Rights for which the LA / LD shall assume leadership and full responsibility following a reasonable period of familiarization
- Support of ESA's Committee on Regulatory and Legal Affairs and management of assigned related Working Groups
- Support for the work of ESA's Sections for beets, cereals & pulses, forage plants and amenity grasses, maize, oil & fibre plants, potatoes, vegetables and all ESA Working Groups in areas where legal expertise and/or input from horizontal Committees and Working Groups is required
- External representation of ESA on intellectual property issues and other legal and regulatory matters towards EU institutions, EU authorities, international seed organisations etc., and internally towards national seed associations and companies and seed related organisations

We expect a University degree in law, ideally with a focus on intellectual property rights and/or EU law, and a strong interest in EU politics.

Excellent written and spoken English (ESA's working language) is a prerequisite and knowledge of other major EU languages would be considered an asset.

Proficiency in MS Office applications and internet research is required and familiarity with website content management systems would be welcomed.

ESA is looking for a highly motivated, younger professional, ideally with work experience on IP related issues, within the European institutions or industry interest representations, and with an affinity to the agro-food chain.

We are expecting a team player with strong communication, implementation and analytical skills who remains calm under pressure, displays excellent manners, enjoys a challenging multi-national environment and is able to develop effective leadership in the assigned areas of responsibility.

The position is based in Brussels and requires some international travel.

Please send your application and CV including your salary expectation by **02.06.2009** to



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