



# ESA

## European seed association

### General code of conduct



The mission of ESA consists in working for fair and proportionate regulation of the European seed industry; for effective protection of intellectual property rights relating to plants and seeds; and for freedom of choice for customers (farmers, growers, industry, consumers) in supplying seeds as a result of innovative, diverse technologies and production methods.

Besides having a clear and workable legal framework regulating the plant breeding and seed business and providing effective IP protection it is also of utmost importance for the members of ESA to have a business environment where the players manifest mutual respect and act according to the applicable rules. Members of ESA are therefore expected to take all reasonable steps in order to arrive to and maintain such a business environment.

## **PART I - Undertakings**

In view of the above, the present Code of Conduct lays down the minimum standards to be undertaken in order to meet the above outlined goals.

The Signatories therefore undertake to:

- Respect the present Code of Conduct
- Respect EU law as well as national laws and measures relevant regarding ESA's fields of competence
- Respect the applicable ESA Statutes<sup>1</sup> and Rules of Procedure<sup>2</sup> and the missions and objectives enshrined therein

In addition, the Signatories:

- Accept and agree to follow the Complaint Procedure as outlined in Part II of the present Code of Conduct
- Accept that neither ESA nor the Complaint Committee, as established under point 2.3, can take any steps in order to ensure compliance with the present Code of Conduct other than those described under Part II
- Accept that neither ESA nor the Complaint Committee can be held liable for any potential consequences of the complaint procedure.

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<sup>1</sup> The ESA Statutes are available on the open part of the ESA website.

<sup>2</sup> The Rules of Procedures are available on the internal part of the ESA website.



**PART II – Complaint Procedure**

2.1 The Complaint Procedure is confidential with the exception of the case of no clarification, as stipulated in point 2.5.

2.2 Any ESA member may submit a complaint against another ESA member alleging non-compliance of the latter with the present Code of Conduct. The complaint must be addressed to the ESA Secretariat and must be based on reasonable evidence. The ESA Secretariat informs the ESA Board about the complaint.

2.3 The ESA Board appoints a Complaint Committee which addresses complaints and transmits information between the parties involved in the Complaint Procedure. The Complaint Committee shall consist of three members and shall have the power to conduct the complaint procedure. Members of the Complaint Committee are appointed on a case by case basis from ESA members.

2.3 On the basis of complaints submitted the Complaint Committee addresses the ESA member against whom the complaint is put forward and asks clarifications regarding the alleged non-compliance. The member so addressed by the Complaint Committee shall provide the requested clarification within 30 days from the receipt of the request.

2.4 The Complaint Committee shall decide whether the provided clarification is satisfactory or additional clarification is needed. In the latter case it addresses a second request to the member at issue according to the same rules as applicable for the first request. In case the necessary clarification is provided it is made available for the complainant and with that the complaint procedure terminates.

2.5 In case no sufficient clarification is provided or no clarification is provided within the deadline the Complaint Committee decides to publish, after having called upon the member concerned without any immediate answer, the information about the on-going complaint procedure on the internal part of the ESA website. If following this publication clarification is provided by the member concerned, it will also be published in the same part of the ESA website and with that the complaint procedure terminates.

2.6 In case, on the basis of the information submitted to it, the Complaint Committee is convinced that the case examined constitutes a serious breach of compliance with the present Code of Conduct it proposes – in a motivated opinion – to the ESA Board to decide on denying participation of the member and/or its representatives to the ESA Annual Meeting. The decision of the ESA Board shall take place in accordance with the rules set out in Article 3§6 of the ESA Statutes, as amended and adopted by the General Assembly of 2010.

Date: .....

Signature: .....

Place: .....

Name: .....

Company/Association: .....

Company / Association Stamp: