



ESA NEWSLETTER

April 2010

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ESA Meetings (selected)

- **27.04.2010**
CRLA
Conference Call
- **28.04.2010**
WGBR
Meeting
- **29.04.2010**
WGPH Meeting
- **29.04.2010**
SVOwic IP
Conference Call
- **03.05.2010**
CIPR Meeting
- **04.05.2010**
SFG WG DUS
Conference Call
- **07.05.2010**
WG FSS
Conference Call
- **19.05.2010**
ESA SFG A.T.
Conference Call

Dear Members,

We have kept you updated on the ESA Quality Assurance project for seed treatment over the past months – and it really looked that our common efforts would result in the starting of the project quite quickly mid of the year. Although we still await some more financial commitments, we are quite optimistic that financially, the project can be realised.

We also had good applications for the position of project manager and a specific Steering Group set-up under STAT held the first round of selection interview with candidates mid of April and a second follow up round end of April.

But meanwhile, our political and regulatory situation has changed quite a bit! The European Commission adopted a Directive that calls upon Member States to pass legislation to assure quality seed treatment by end of October this year. The scope of the Directive is limited to four insecticide treatments only; but it must be assumed that it will set the direction for any future seed treatment related requirements.

What does this mean for our project?

It is important to note that the objectives of the Commission Directive and of the outline of our quality assurance project are identical. So we do not have an issue on our goal but rather on the way and the realistic timetable how to achieve it. Partly, the Directive may even help us to first focus our efforts on a limited set of products and possibly also crops. Still, as any Directive needs to be transposed into national legislation by member States, we see a big risk of incompatible legislation being passed by the different countries – with the effect of a further disharmonisation of the common market for (treated)seed, an improvement we fought so hard for during our lobbying campaign.

In view of this, ESA STAT and its Steering Group that took specific responsibility for the future QA project are currently discussing with the possible project leader how to best re-focus the project in view of the new regulatory requirements - but also to take account of the new timetable! End of October is an almost impossible date to match in case detailed technical legislation shall be passed for all crops and products; we therefore ask countries to support a pragmatic and practical approach and have sent a respective note to all Member States and our national associations. In parallel, we will call upon the European Commission to assure that the future national rules will not erode the new provisions for the common market for treated seed; here, the Commission must play a coordinating role and make sure that information is exchanged via the respective regulatory Committee and that national rules do not create artificial barriers to intra-Community trade.

We will keep you informed on any further steps and developments and sincerely hope that our idea of an industry led European Quality Assurance for Treated Seed will prove to be the better alternative in comparison to technocratic standards and control.

With best regards, yours

Garlich v. Essen, Secretary General



ESA IP Conference – 22-23 April, 2010

The ESA IP Conference, held at the Sheraton Hotel in Brussels, assembled more than 100 representatives of the seed industry as well as representatives of the European Commission, CPVO and European Patent Office. During our IP Conference, several experts held presentations about various IP related issues. The IP Conference started with a presentation by Rod Snowdon (Germany) who gave an overview of the technological developments in plant breeding and biotechnology, explained very interesting new breeding techniques and also shared some thoughts about possible related consequences for IP protection. Szonja Csörgő then gave a thorough overview of the revision of ESA's IP position and presented the cornerstones of that position. In the end of the afternoon two presentations, one by Tim Roberts (UK) and the second by Anselm Kamperman Sanders (the Netherlands) gave in-depth explanation of the historical background and of the differences between plant breeder's rights and patents within Europe and the USA and shared their viewpoints about the need for these two systems. The second presentation also touched upon the point that it is for the individual seed companies to determine how to protect their property depending on their business and innovation model. The representatives of two seed companies, Natalia Voruz from Monsanto and Rob Huijten from Nunhems, were then invited to share their practical experiences as regards IP protection with the audience. The first day of the conference then finished with an enjoyable walking dinner on the top floor of the Sheraton Hotel.

On the second day first socio-economic aspects of current developments were on the agenda. First Niels Louwaars (the Netherlands) presented the findings of the study "The future of plant breeding in the light of developments in patent rights and plant breeder's rights" which has recently been prepared on the request of two Dutch ministers. This presentation was followed by the speech of Bruno van Pottelsberghe (Belgium) who shared his view about socio-economic aspect of IP for the seed and plant breeding industry. The conference then continued in a debate moderated by Ferdinand Schmitz (Germany) who first outlined the main concerns of the sector as well as the leading principle to safeguard innovation in the plant breeding industry. In the moderation of the debate a panel of four experts specialised in the scientific, commercial, legal and technical aspects of plant breeding and IP protection (Rod Snowdon, Jean-Christoph Gouache (Limagrain); Ralf Badur (Syngenta) and Bert Schrijver (Bejo) helped Mr Schmitz. The debate provided a good occasion for all participants to ask questions and share views and created a fruitful discussion on this very important subject. Some interesting questions and ideas were raised which need to be considered in the review of the ESA IP position. The conference ended in a friendly environment with a farewell sandwich lunch.

The ESA IP Conference has been a successful and very important event for ESA and we thank all participants for their presence and useful contribution! The presentations given during the conference will be shortly available on the restricted part of the ESA website. Now the ESA CIPR will have a first discussion on the outcome at its meeting of 03. May and consider its further work on the identified main subjects such as e.g. the interface of PBRs and patents and on how to best safeguard the access to genetic variability for further breeding. All ESA members will be regularly informed about the next steps via the ESA Newsletter. (SzCs / SB)

External meetings

(selected)

- **05.05.2010**
CPVO Working Group on FSS Brussels (BE)
- **06.05.2010**
Plant ETP Becoteps Brussels (BE)
- **12.05.2010**
FFC Brussels (BE)
- **12.-13.05.2010**
EESNET SG meeting, Bratislava (SK)
- **13.05.2010**
BSPB event London (UK)
- **18.05.2010**
ETP Steering Council Brussels (BE)
- **29.05.-04.06.2010**
ISF Congress Calgary (CA)
- **10.06.2010**
SANCO SDG Brussels (BE)



CPVO enforcement seminar, Athens, April 15, 2010

Sz. Csörgő attended a seminar on the enforcement of plant variety rights organised by the Community Plant Variety Office in Athens where she was invited to give a presentation on the breeders' point of view regarding farm saved seed in Europe. In her presentation she gave an overview of the different royalty collection systems which exist in the different Member States of the European Union and addressed the main concerns and problems breeders experience with the system as currently set up. Other presentations covered the CPVR system and enforcement tools in the EU in general and in Greece in special as well as information on the organisation of plant breeding in Greece. The afternoon session covered the agricultural exemption where, besides the breeders' opinion, the farmers' viewpoint was also presented as well as enforcement in the ornamental sector. The seminar assembled approximately 150 participants and provided a very informative and well-organised event in a beautiful venue. (SzCs)

ESA Potato section meets at Agrico – Bant (NL)



The ESA Potato section (SPO) had its spring meeting on April 15/16 at the breeding station of Agrico in Bant (NL). The meeting was attended by more than 20 participants which was the highest number ever. Interesting issues were discussed in relation to royalty collection systems on Farm saved Seed in different countries, the enforcement of PBR but also issues on the ESA project on Essential Derivation on seed potatoes and the important issue of a harmonised classification scheme on EU level in the framework of the Better Regulation initiative.

The participants enjoyed a pleasant dinner in Emmeloord hosted by Agrico. On April 16 a visit was organised to NAK, the Dutch seed certification agency as well as to a seed potato producer where the participants could witness state of the art precision planting of seed potatoes. (BS)

ESA Section on Cereals and Pulses meets at Cambridge (UK)



The ESA section on cereals and pulses had its spring meeting in Cambridge on April 12/13 at the premises of NIAB on the invitation of BSPB and AIC. The participants enjoyed interesting presentations from BSPB and AIC on their respective organisations and discussed issues as the status on FSS in the different Member States, Better regulation in particular in relation the provisions in the Seed Marketing Directive for cereals, CPVO issues and topics related to seed treatment.

The participants dined in the beautiful St. John's College and visited the following day the premises of KWS (UK) as well as the new facilities of NIAB focussing on pre-breeding and gene transfer. (BS)

ESA Section on Oil and Fibre crops

Originally the meeting of the SOF Board was scheduled for on April 20/21 in Boissay (France) at the premises of Monsanto. Unfortunately the meeting had to be cancelled due to the disturbed air traffic caused by volcano eruption in Iceland. As alternative a conference call was organised on April 21 instead. Some 14 participants discussed horizontal issues as seed treatment, the evaluation of the EU legal framework on plant health, GM, Better regulation and IP Rights as well as technical issues related to cotton, flax, mustard, oilseed rape and sunflower. (BS)

Visits to ESA members

Following the SCP section meeting in Cambridge B.Scholte visited the premises of RSPR in Flv on April 13 and met Mrs Penny Manlestone (RSPR) and Paul



were evaluated and possibilities were discussed how to improve section meetings and the cooperation between ESA and BSPB and AIC.

On April 14 B.Scholte visited Elsoms seeds in Spalding and met Robin Wood. A presentation was given of the activities and organisation of Elsoms as well as the priority issues of ESA in general and the SVOWic in particular.

Both the meetings with AIC/BSPB and Elsoms took place in a friendly atmosphere and will help to improve mutual understanding and cooperation in the interest of the seed industry. (BS)

EFSA Consultative Group gathers in Brussels for spring meeting

The EFSA Consultative group held its regular spring meeting in Brussels on 12./13. April 2010. Next to the future work of the group on defined issues and an exchange on the agency's information policy on critical subjects such as GMOs, nanotechnology and novel foods, a quite principle discussion centred around the role of stakeholders in the definition of EFSA's priorities and allocation of resources. Here, industry representatives once again underlined the need for proper procedures to be adhered to and specifically for confidentiality of data to be honoured. But industry also expressed its worry that EFSA is asked to take on more and more additional tasks and that this may result in even further delays of procedures and of publication of final scientific opinions which in turn are precondition for the further regulatory procedure. The next meeting of the Consultative Group will take place in summer 2010, then again in the EFSA premises in Parma. (vE)

DG AGRI Advisory Group Seed meets despite air travel problems

Despite the severe difficulties with air travel following the eruption of the volcano on Iceland, DG AGRI maintained the meeting of the Advisory Group Seed – a decision heavily criticised by COPA-COGECA representatives. Also ESA's representation suffered from the volcano outbreak; but Michael Gohn (Austria) currently the President of the Advisory Group and nominated for this position by ESA was committed to chair the meeting and went all the way from Vienna to Brussels (and back!) by car. Not only the Commission was impressed by such determination – thank you once again, Michael!

Not only because of the travel problems but also for general reasons, ESA And COPA once again demanded a second meeting of the AG in order to have the opportunity of an appropriate follow-up on actions identified by the group. Specifically, the discussion of statistics of seed production, use and trade always merit a follow-up to see if information can be further specified or needs to be changed. Next to statistics, Commission representatives from SANCO presented short overviews on the developments as regards the evaluation of the seed marketing legislation and the plant health regime.

No presentation was given on the state of affairs of Coexistence measures in Member States, an issue suggested by ESA and COPA and in the responsibility of DG AGRI. It was agreed to bring this subject back to the agenda for the next meeting. (vE)



ESA and COPA meet with the Cabinet of Commissioner Quinn

Together with COPA, the Secretary General met with the Cabinet of new Commissioner for Research and Innovation Maire Geoghegan-Quinn (IRE) to discuss on the state of affairs of biotech related research and development activities and funding under the current a possible future framework programme, but also in relation to the ongoing political discussions on a re-nationalisation for authorisations for cultivation of GMO's. Here, both COPA and ESA made it clear that this discussion must not be seen as a solution to some of the most fundamental problems for Europe's agri-food sector and specifically for farmers and plant breeders. Access to technology for farmers and practical rules for the inevitable presence of GMOs in seed are at the top of the two organisations agendas for many years and should be included in the further deliberations for the College, a demand well received by the Cabinet.

In addition, COPA and ESA suggested to organise a specific meeting with the Commissioner related to more R&D specific questions; here, the SG underlined the risk of a false classification of (m)any of the so-called new breeding techniques as GMOs or as requiring similar de-regulation. The Cabinet took good note of this subject and it was agreed to provide the Cabinet with further information, not least in view of the upcoming conference on NBTs in Seville at the end of May. (vE)

Commission seems to steer a strange course on Better Regulation

At the meeting of 15.04.2010 of the Working Group Seed of the Advisory Group on the Food chain and Animal and Plant Health, DG SANCO presented a new 'Reflection Document' related to the Better Regulation initiative and outlining possible approaches to changes of legislation in the areas of DUS, VCU, seed certification and a number of other issues such as biodiversity and niche markets. Following the earlier sending over of a new questionnaire on VCU and certification where the concept of 'local markets' was newly introduced, this was the second occasion where ESA had to question the principal approach of the Commission and underline the main findings of the evaluation report as presented in March 2010. However, it becomes more and more obvious that the Commission sees itself under political pressure from different angles and now tries to test the water how strong the support for individual ideas is. While member States seem to concentrate on saving costs for their national budgets, the EP and some NGOs seem to specifically target 'improvements' for niche markets and biodiversity (conservation varieties). At the same time, political considerations such as the strengthening of the competitiveness of the seed and with that the whole agri-food chain have been pushed to the background.

ESA has reacted strongly at the meeting and on the first questionnaire and will send an equally strong reaction to evaluator and Commission on the options paper,. It is important to maintain the unity of the seed sector at this point of the evaluation and to clearly stick to our basic position of improvements of the legislation and our support for its main pillars (DUS, VCU, certification etc.). (vE)

Next ESA Newsletter to be published on 01.06.2010