



ESA NEWSLETTER

February 2009

External Meetings (selected)

- **10.03.2009**
ETP Executive Committee, Brussels
- **10.-11.03.2009**
CPVO Ad. Council Angers
- **11.03.2009**
FAO IT on PGRFA Brainstorming on funding strategy, Geneva
- **16.-17.03.2009**
UNECE meeting Geneva
- **17.03.2009**
European Land-owners ELO Conference on Agriculture, Brussels
- **17.03.2009**
IP seminar Bulgaria

Dear Members,

2008 has been another year of missed opportunities. Not for GM crops – but for European seed and biotech industry, farmers, food and feed manufacturers and the growing EU bioenergy industry. With less choice available to them, less products to provide solutions to their production and pest problems and with less access to technology.

And 2008 has been yet another year of standstill and failure. Again, not of GM crops – but of the European Commission and the EU's Member States that continue to delay decisions, discredit the EU's authorisation process for GM products and leave plant breeders and seed producers in legal uncertainty and under the sword of Damocles as regards their liability. And who in this area knowingly accept a growing deterioration of one of the greatest achievements of the European Union: the establishment of a true common market with effective EU-wide competition of the best seed products - to the benefit of farmers, trade and industry as well as consumers and the environment.

Europe's seed industry faces enormous challenges in matching the ever more diverse demands of its customers. Access to and use of all available technologies is imperative to maintain competitive in this truly globalized industry and to effectively contribute to food security in an environmentally sustainable manner.

ESA and its membership have clear demands to EU decision makers to safeguard and promote technological progress in plant breeding, develop a working regulatory system for approvals of GMOs and their introduction in European production systems and to guarantee the freedom of choice for both producers and users of seed. But most urgently, we need workable thresholds for the presence of GMOs in conventional seed. Since 10 years, seed companies and farmers live without legal certainty and are subject to a 'zero tolerance' policy of the EU that is increasingly out of touch with reality. 10 years of inaction by the Commission, despite continuous requests from plant breeders, seed producers, farmers, Ministers for Agriculture, Ministers for environment and many, many more. It is unacceptable that so many fall victim to the lack of political leadership and the shying away from responsibility of so few. Of course, it is politics. And it is election time in Europe with not only MEPs but also Commissioners campaigning for a new term of office. We have made it clear in our press conference of 2.3.2009 (see report in this Newsletter) that we ask those that want to lead Europe in the coming years to do just that: lead – and accept that leadership is not a beauty contest but requires the willingness to take responsibility, especially where this may be unpopular. We all should remind European decision makers of this; and election time may be a perfect opportunity to do that!

With best regards, yours

Garlich v. Essen, Secretary General



External Meetings (continued)

- **17.03.2009**
Knowledge for Innovation Seminar on IPRs, Brussels
- **18.03.2009**
EU Seed Conference, Brussels
- **20.03.2009**
ETP Steering Council, Brussels
- **30.3. – 02.04.2009**
UPOV meetings, Geneva
- **31.3. – 01.04.2009**
CBD Co-Chairs on ABS meeting, Paris
- **02.04. – 08.04.2009**
CBD ABS Working Group meeting, Paris

- **The European Seed Conference on 18.03.2009 - next step of the Better Regulation process for seed marketing legislation**

The European Commission will hold a high level seed conference on 18.03.2009 to present the conclusions and final report of the evaluators on the Better regulation initiative for the seed marketing legislation. Next to an extensive overview on the BR process and the findings by the evaluator, the programme will include presentations from representatives of Member States, third countries, the European Parliament, farmers and seed industry. Registration to the conference was organised via a dedicated website and processed on a first come – first served base. The ESA Secretariat informed all Members about the opening of the registration by e-mail and urged members to make use of the opportunity to be present at this important event. Following the event, a short information note will be send to members and the issue will be reported as well in the next Newsletter.

If you are interested to view more information the conference, please go to the following link: http://ec.europa.eu/food/dyna/seed_conf/index.cfm (vE)

ESA holds press conference on GMOs in seed and presents new European Seed Industry 'Call for Action' to Commission



Despite the fact that the EU Ministers for Environment in their Council Conclusions of December again called upon the Commission to put forward a proposal for thresholds for GMOs in conventional seed, the responsible Commission service (DG ENVI) still has not reacted to this request.

On 2.3.2009, ESA brought this inaction which by now lasts for almost 10 years to the attention of the media during a press briefing held in Brussels. The date was chosen to coincide with another meeting of Environment Ministers on the same date (see report in this ESA Newsletter).



ESA Meetings

(at ESA Office unless otherwise indicated)

- 03.03.2009
SFG WG Illegal Seed
- 04.03.2009
SFG Board / ETTS
- 05.03.2009
WGP
- 06.03.2009
API
Conf. Call
- 10.03.2009
SMA
- 12.03.2009
SOF WG Glucos.
Conf. Call
- 19.03.2009
ESA Board
- 20.03.2009
WGBT
- 23.-24.03.2009
SVO,
Sheraton Airport
- 27.03.2009
STAT
- 27.03.2009
API
Conf. Call
- 07.04.2009
SPO
Denmark

For the press briefing, which featured Olivier Lucas (RAGT) for the seed industry and T. Kofoed (COPA) for the seed producing farmers and was moderated by the Secretary General, a specific brochure was developed to trigger interest of the media and show the frustration of the industry.



At the press event itself, the 'European Seed Industry Call for Action' was presented (see below) which renewed the request to the Commission to put forward a proposal.

Call for Action

The European seed industry once again calls upon the Commission and specifically on Commissioners with responsibility for GMOs to urgently conclude the preparatory work and to present a legislative proposal on thresholds for adventitious presence of GMOs in conventional seed for decision by the appropriate body without any further delay.

10 years of inaction have severely damaged the EU's common market for seed and have harmed Europe's seed companies and seed producing farmers in their economic and technological competitiveness. This inaction is financially and legally intolerable and threatens the future of the EU's plant breeding and variety development and with that its sustainable agriculture

The Call for Action which also displayed the logos and national flags of all ESA members (associations and companies) was later officially handed over to a representative of the President of the Commission.



Finally, letters to Member States (Ministers for AGRI and ENVI and Perm.Reps) and Commission (Commissioners with responsibility for GMOs) in advance of the press briefing as well as a specific press release following the event completed the communication activities.

ESA is now developing follow-up activities for national associations as well as companies and GBE country teams. So far, the take up and feedback, particularly from the electronic media, has been very positive. (vE)

- **Ministers yet again are unwilling to apply their own legislation and fail to lift the ban of GM cultivation in Member States**

On 02.03.2009, EU Ministers for the Environment again refused to apply their own legislation when voting against a Commission proposal to lift the ban on cultivation of GMOs in Austria and Greece which -following EFSA scrutiny- had no scientific or other justification. In order not to risk a negative vote earlier, the Commission had already separated the files for food and feed imports from the one on cultivation. In a press statement, the SG underlined that the Ministers systematically act against their own legislation and discredit the reputation of EFSA by dismissing science and replacing it by ideology. Anti-biotech NGOs hailed the vote as a 'slap in the face of pro-biotech Barroso' and renewed their request of a GM free Europe. (vE)

- **Update on the situation with treated seeds in Europe**

Following the bee incident in Germany last spring 2008, the authorizations of certain insecticides used for seed treatment were suspended in several Member States. For maize seed, the authorization of ST products and marketing/use of treated seed has been subject to scrutiny, which has led to the adoption of national quality standards in some Member States, including a maximum dust threshold. At technical level, the ESA Dust Working Group (DWG) is concluding a 2nd ring tests on the reproducibility and reliability of the test methods. At political level, The ESA STAT (Seed Treatment Application Technology) has engaged into internal discussion on an ESA Strategy for treated seed. Given the potential implications for the seed industry in Europe, the ESA Secretariat will refer the matter for guidance to the ESA Board in its meeting on 19.03.2009. (IK)

- **EU Consultation on access and benefit sharing of genetic resources**

Upon request from the industry, the European Commission invited representatives of European industrial sectors for an informal exchange with EU Member States' experts on access and benefit sharing (ABS) in Brussels on 12 February 2009.

The industry had been involved in a similar consultation exercise on 15 September 2008 where ESA provided a practical insight on the organization of the plant breeding industry with regards to access and use of plant genetic resources (see ESA Newsletter, Sept. - Oct. 2008).

This time, discussion with the EU mainly focused on the preparation, submissions and expectations for the next negotiation stage in Paris (*Ad hoc* Working Group on ABS, 2-8 April 2009).

In April, Parties and Observers to the Convention of Biological Diversity (CBD) will continue to discuss the implementation of the CBD, in particular key elements of a future International Regime related to ABS. WGB members and the ESA Secretariat will be present in Paris throughout the negotiations. (IK)



For further information, the ESA position prepared in view of the Paris meeting is publicly available on the ESA website under ([ESA_08.0832](#)).

- **FAO invites to discuss funding of the International Treaty**

On invitation of the Secretary of the FAO's International Treaty on Plant Genetic Resources for Food and Agriculture (IT), Shakeel Bhatti, the SG participated in a brainstorming meeting of experts to discuss a future fundraising strategy for the Access and Benefit Sharing mechanism for the IT. Numerous experts from different professional fundraising consultancies, international pro bono organisations and foundations presented preconditions and best practices of successful fundraising activities in other sectors to representatives of the political regions of the IT. On request from the IT secretariat, the SG contributed an industry view by reflecting on elements of a donor's perspective on fundraising requests. The discussion will continue in the official bodies of the FAO IT and should lead to the adoption of a formal strategy in the future.

Members are reminded that ESA has strongly supported the IT and specifically the development of its multilateral system for access and benefit sharing in comparison to the approach currently discussed in the framework of the CBD. However, the IT is limited to specific crops and uses and so far has failed to generate the scale of funds for which applications for financial support had been received. This has caused a significant frustration and dissatisfaction with a number of FAO Member States. (vE)

- **EUROFINS Conference in Paris focuses on the next generation of biotech in agriculture**

The 17th EUROFINS International Conference took place in Paris on 24.-26.2.2009 and concentrated on an outlook on the next generation of biotech crops and their introduction around the world. As usual, sampling, detection methodology and analysis played a major in the programme.



In his speech, the SG gave an overview on latest developments on GMOs in the EU and specifically on the start of the evaluation of some of the principal legal texts by Commission and Member States. (vE)

All presentations are available at:

<http://www.eurofins.fr/analyses/produits-alimentaires/seminaires/eis-2009proceedings.aspx>