



ESA NEWSLETTER

May/June 2009

External Meetings (selected)

- **01.07.2009**
COM WG on Plant Health: Diabrotica
Brussels, BE
- **01.07.2009**
COM WG on Plant Health: Evaluation
Brussels, BE
- **02.07.2009**
COM AG Seed Meeting with new Chair (ESA)
Brussels, BE
- **13.-17.7.2009**
EP Constituting Plenary
Strasbourg, F
- **17.07.2009**
COM AG Food Chain: GM food / feed evaluation
Brussels, BE

Dear Members,

Already a month has passed by again since many of us had the opportunity to meet during the ISF Congress in Antalya, Turkey. Next to the many current as well as more long-term issues that were presented and discussed in the various ISF bodies and not least during the General Assembly, there were some relatively new developments that were attracting specific attention.

First, the decision of the German Federal Government to ban the cultivation of GM maize had astonished many of our non-European colleagues. Up to then, quite many of them had considered the opposition to concentrate in countries such as Greece, Italy or Austria –and lately France- where highly active and political small farmers' organizations and consumer and environmental protection groups had since long formed a remarkable alliance against what they perceive to become an increasingly industrialized agriculture responsible for loss of biodiversity and potentially dangerous, even careless to our wellbeing. Germany's change of sides may well mark the starting point of yet another long debate on the EU's authorization system, the responsibilities of EU and Member States; and on the principles of decision making in a free society and economy – in short: 'the right to say no' versus 'the right to grow'. It is therefore much more at stake than 'just' GMOs or a specific product. It is the freedom of research, the use of new technology and the production, offering and sale of safe products in general. And the reliability of the EU's political and administrative system.

The European Parliament elections have shown an even lower turnout than before and in many countries, radical parties benefited from this apathy of the majority of voters. Even though some of the most strange and fundamentalist parties in the end did not make it, the new EP is even more diverse and with that even less predictable. What this will mean for the building of political majorities today is one of Brussels' most popular chat-up openers. Despite all uncertainty, it may be safe to say that the new EP represents a challenge to lobbyists in general. It will require a lot of time and effort, both at Brussels level as well as in Member States, to form the necessary relationship with new MEPs in the various parties, Committees and working Groups. But it is also an opportunity to bring ESA and the seed industry to the attention of a new crop of politicians that is eager to find its political opportunities and interesting topics.

Back to ISF. The new position of our member association Plantum NL, adopted just before the ISF Congress, on Intellectual Property naturally was subject to a lot of interest, both from Europe as well as from other parts of the world. As IP protection is often considered the single most important policy area for all innovation driven industries and with that quite clearly also for the seed industry, this high level of interest was of course to be expected. In ESA, we will have a first opportunity to get in-depth insight into the background of the discussion in the Netherlands, the new (and old) elements of the position and the relation to existing positions on world and EU level during our CIPR meeting mid of next months. Naturally, this will also contribute to the ongoing work of the Committee to keep ESA's position on IP as actual and valuable as possible - for our industry, for politicians, administrators and third parties. So again, we have challenging discussions and tasks in front of us – but if we approach them with the dedication, energy and common interest this industry is known for, I am sure we will prevail.

With best regards, yours

Garlich v. Essen, Secretary General

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

- 02.07.2009
SVOWic
Conference Call
- 03.07.2009
WGBR Meeting
- 07.07.2009
WG STAT
Horizontal Dust
Group Meeting
- 09.07.2009
WGBT Meeting
- 15.07.2009
SPO WG edv (tbc)
- 16.07.2009
CIPR Meeting
- 22.07.2009
SPO WG edv (tbc)

Please note:
The ESA Office will
be closed on 20. and
21.07.2009 for the
Belgian State
Holiday

Regional seminar on FSS – Riga

FSS – On May 6 a regional seminar was organised in Riga regarding royalty collection on FSS. Some 30 participants attended the seminar; both representatives from breeders and national seed associations as well as from national authorities in Estonia, Latvia and Lithuania. B. Scholte was invited to give a presentation of FSS royalty collection systems in other EU Member States. The different presentations were followed by an interesting discussion which demonstrated the importance of the topic as well as the problems breeders in the Baltic are facing since they have started royalty collection on FSS some years ago. (BS)

CPVO Steering Committee – Paris

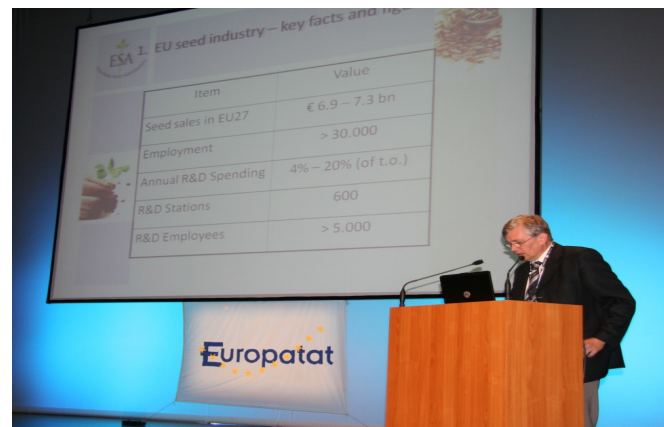
CPVO – On May 11 the first meeting of the CPVO Steering Committee took place. This committee was set up to monitor the internal evaluation process of the CPVO Office. During the meeting the terms of reference were discussed and it was agreed to focus on the internal process as a broader evaluation of the EU Intellectual Property system is expected to be carried out in 2010/2011. (BS)

ESA SPO - ANOVE meeting on FSS and black market

SPO – As a result of discussions in the ESA Potato section (SPO), a meeting was organised in Madrid on May 12 during which the Spanish seed potato market was discussed as well as the possibilities to address black market as well as the royalty collection on FSS. The meeting was attended by some 15 participants representing seed companies covering 95% of the Spanish seed potato market. At the end of the day it was decided to set up an ad-hoc Working Group in ANOVE to discuss the problems in detail and to prepare a proposal for concrete action. The Working Group is expected to report before the summer break. (BS)

Europatat Congress – Intellectual Property Rights in potatoes

On May 29 the annual congress (AM) of EUROPATAT took place in Angers (FR). The event was attended by some 150 participants. During the open part of the congress a workshop was organised on Intellectual Property Rights. B. Scholte was invited to give a presentation on the enforcement of IP rights in particular black market and royalty collection on FSS in potatoes and the need for support of the (seed) potato trade as represented by Europatat.





EPO / ISF / ESA event

On June 4 a workshop was organised between breeders and patent examiners at the premises of the European patent Office in Rijnswijk (NL) as a follow up of a similar meeting which took place last year in France. The event was attended by some 40 persons. Several interesting presentations were given on behalf of ESA, ISF and EPO aiming on a better understanding of patent examiners of the state of the art in plant breeding. In addition various difficulties were discussed which breeders and patent examiners face when filing or examining patent applications. Overall the workshop was well appreciated by all participants and it was agreed to continue the discussion in the future between breeders and patent examiners in order to get a better understanding. (BS)

OECD Annual meeting – Paris

From June 11-12 the annual meeting of the OECD took place in the renovated OECD Headquarters in Paris. Some 80 persons representing 35 OECD member countries and observers attended the meeting, including B. Scholte representing ESA. During the meeting the Strategic and Action plan for the OECD Seed Schemes was adopted. Reports were presented of the Working Group on varietal identity and purity and the use of synonyms in variety denominations.

Also the discussion VCU testing in relation to eligibility for OECD listing was continued. On this point no progress was made.

A controversial item was the application to the OECD Seed Schemes of Ukraine. At the end of a long discussion it was agreed that a 2nd assessment visit would be organised to the Ukraine to verify some specific areas in seed testing and post control plots. Depending of the outcome of this assessment the OECD members would be asked their opinion on the application of Ukraine in a written procedure. (BS)

CPVO meetings

- CPVO R&D Advisory Group / Extension duration PBR

On June 16 the CPVO R&D Advisory Group met in Brussels to discuss requests for co-financing of R&D projects in relation to wheat, barley, vegetables and apple. The Advisory Group decided that all 4 projects meet the requirements as they aim to improve the quality of DUS testing, to possibly reduce the costs of DUS testing and/or the reduction of the duration of DUS testing. However before taking a final decision on the eligibility for co-financing some additional information is requested from the applying institutes. Depending of the answers received a final decision regarding a possible recommendation to the CPVO President will taken after the summer break. (BS)

Also on June 16 the possible extension of the duration of EU Plant Breeders Rights was discussed in a meeting organised by CPVO as a follow up of the ESA request for the extension of the duration of PBR for asparagus and similar requests from Plantum in relation to several ornamental species.

On proposal of CPVO the following criteria were identified to take into consideration:

1. Multiplication time
2. Breeding time
3. Lifetime of plants
4. Time to evaluate market potential
5. Combination 1-4

In principle the CPVO supported the proposal to extend the duration for PBR for asparagus and some bulb species. The issue will be further discussed in the October meeting of the Administrative Council. (BS)

CPVO Workshop on FSS

On June 17 a meeting was organised by the CPVO, in Brussels, on Farm Saved Seed for which different stakeholders were invited.

Some 60 experts representing ESA, the Commission, COPA-Cogeca, companies active in royalty collection from different Member States and the CPVO Administrative Council participated including Dr Hans Rutz who presented his report on FSS systems in Europe. Several interesting presentations were given which are available on the CPVO website: <http://www.cpvo.europa.eu/main/en/home/news/conferences-and-special-events/100-workshop-on-farm-saved-seeds>

The main conclusions from the meeting were:

- Both farmers as breeders agreed that the small farmer exemption from the FSS information and payment obligations should be abolished; nobody could see any logic for it or reason why one group of farmers should be excluded.
- COPA wanted above all to have a simple, effective and fair FSS system implemented equally across all of Europe. It proposed making use of the Single Farm Payment application form to ask farmers about FSS use, to solve the information problem;
- ESA pushed strongly for action to overcome the consequences of the ECJ case law for the information obligation for farmers and processors as the highest priority needing resolution before systems could function properly across Europe. It is this case law that has led to serious problems with FSS collection in Germany;
- Timothy Millet reviewed the ECJ case law. In his estimation it was not impossible that it could be overturned; but with 3 consecutive and consistent rulings this had to be regarded as highly unlikely in the short to medium term. He considered that legislative change in relation to the information obligation would be a better option or making compulsory the currently optional provision for national authorities to make official data available to breeders and picking up the COPA proposal for a linkage to the SFP;



Overall the meeting was quite positive. It is important to note that on the main principles breeders and farmers share the same opinion. The outcome is likely to be one or more working groups involving DG AGRI and/or DG SANCO, CPVO, ESA and COPA to develop the ideas further. (BS)

ISTA Annual Meeting, Zurich

On invitation of the International Seed Testing Association ISTA, the Secretary General at the ISTA Annual Meeting 2009 held on 17. June in Zurich (Switzerland) gave an overview on the developments in the seed sector in Europe and an outlook on the challenges ahead after the election to the European Parliament, the awaited nomination of new Commissioners and the possible implementation of the changes to the decision making procedures and responsibilities of the EU institutions with the Treaty of Lisbon. The discussion specifically looked at the many evaluations and possible changes to the regulatory framework governing seed in the European Union. (vE)

Meeting with DG AGRI on statistics

On June 23 N. Elmegaard, Chairman of the ESA SFG Working Group monitoring, and B. Scholte met Mr. Dooley and Mr. van der Elst from DG AGRI, to discuss the possibilities to make better use of existing data, to monitor the movement of seed into and within the EU in order to be able to observe imports and exports of suspicious seed lots. The Commission was informed of the practice of imports of "birdseed" which is certified as seed after entry into the EU. Mr. Dooley was quite interested in the issue and will provide additional, more detailed, data, which could be helpful in the monitoring process. A follow up meeting will be organised after the summer break. (BS)

Conference on EU and world-wide rules for classification, labelling and packaging of chemicals

On 17 June 2009, ESA attended a conference organised by the European Commission (DGs Enterprise and Environment) to inform stakeholders about the new EU provisions for classification, labelling and packaging for the supply and use of chemicals, including plant protection products.

Adopted last December, Regulation 1272/2008 aligns the existing EU legislation to internationally agreed classification criteria and labelling rules. It aims to address inconsistencies in label warnings and other hazard communication tools to facilitate trade. It also contributes towards global efforts to protect humans and the environment from hazardous effects of chemicals. Specific labelling provisions apply for the transport of goods classified by transport regulations as hazardous. The new Regulation will also complement the REACH Regulation on the registration, evaluation, authorisation and restriction of chemicals. (IK)

All presentations are available on the European Commission's website: http://ec.europa.eu/enterprise/reach/information/events/index_en.htm

Final “Co-Extra” Conference in Paris confirms that anti-GM movement interprets Coexistence as a need to ban all GM plantings

The Commission funded research project on Coexistence policy and measures for organising the growing of conventional, organic and GM plants next to each other under practical farming conditions ends this year and the researchers presented their conclusions to a wide audience at a three day scientific and stakeholder conference in Paris from 03. to 05. June 2009.

The scientific findings clearly showed that Coexistence can be managed, even under challenging farming conditions, e.g. with a lot of small scale agriculture, under the condition of good farming practice - and some common sense. It was also confirmed that workable thresholds for the adventitious presence of GMOs in seed (and possibly revised ones for food and feed, depending on market penetration of GMOs in the future) are precondition for a proper coexistence management.

However, the final stakeholder meeting revealed the well-known principal opposition of some towards any use of GM technology and their intention to (ab)use coexistence rules to make plantings practically impossible.

While COPA and ESA together with the food industry opposed this abuse, representatives of large retailers and environmentalists renewed their position that only a general ban on all GM planting would be sufficient to safeguard in particular organic farming. The SG who represented industry on the panel expressed the disappointment that after 5 years of intensive and expensive research and numerous publications by “Co-Extra”, it seemed that still many hadn't taken note of any of it. (vE).

Commission informs stakeholders about evaluations in the area of plant health legislation and policy

On 01. July, the Commission started its information and official consultation process on its evaluation of the EU's plant health regime, i.e. the totality of the Union's phytosanitary legislation and standards.

This started with a specific consultation on the evaluation of the EU's Diabrotica policy; this evaluation is linked to the overall evaluation of the plant health regime but will be run separately and independently and with a much shorter timetable as the Commission wishes to put forward concrete options and legislative proposals soon.

As regards the overall evaluation of the plant health regime, the evaluation consortium already known to ESA from the Better Regulation initiative for the seed marketing legislation again will take on the task.

This should help to assure that the areas where already the earlier evaluation revealed possibilities for alignments and cost savings will not be overlooked during the latter one.



At the stakeholder meeting, the evaluator announced that a first questionnaire to the industry and other stakeholders is likely to be sent already early September and that a second consultation meeting will be organised for some time late October or early November.

It is obvious that the plant health evaluation will ask a lot of time and energy from the dedicated ESA WG Phytosanitary Issues but also from many experts in Sections and national associations.

The Secretariat is currently preparing a respective information and warning note to all members to assure that the industry voice is voiced as effectively on this issue as it was on the Better Regulation exercise. (vE)

Meeting ESA – DG AGRI to improve the Advisory Group Seed

On 02. July, ESA met with representatives of the European Commission's Directorates General Agriculture (AGRI), Environment (ENVI) and (Consumer Protection and Public Health (SANCO) to discuss possible ways of improving and strengthening the quality and relevance of the regular meetings of the Advisory Group Seeds (AGS).

The AGS which is under the organisational responsibility of DG AGRI has since long suffered from the fact that the political responsibility for seed / seed related issues is scattered over a number of services in eth Commission. This has often led to unsatisfactory preparation of meetings and attendance by staff that was either not authorised or not competent to answer the questions of the sector on the future policy agenda of the Commission.

At the AGS meeting of April, Michael Gohn (Chairman of ESA Section Cereals and Pulses) was elected as new President of the AGS for a two year term. At the same time, Daniel Segonds (Chair of the ESA Section Maize) was confirmed as Vice-President). The Presidency now gives ESA an opportunity to work with the Commission on improving the situation.

Already at the first meeting with the representatives of the different services it quickly became clear that ESA's demand for two meetings per year (instead of one) is justified and the COM promised to address the hierarchy accordingly.

ESA also proposed a draft strategic agenda which is currently being discussed with the other stakeholders that are member of the AGS, particularly COPA-COGECA. Commission and ESA agreed on a more continuous exchange for the preparation of future AGS meetings and we hope that the ESA representatives attending the AGS meetings will start to see a difference already at the next meeting. (vE)

Next edition of the ESA Newsletter

In view of the summer holidays, the next edition of the ESA Newsletter will be published on 31.08.2009.