

■ Enforcement of Intellectual Property Rights

While important improvements in the area of Intellectual Property Rights (IPRs) and their enforcement largely depend on changes of the regulatory framework and its implementation by Member States, ESA realises that the seed industry itself also has to step up its efforts to obtain, communicate and enforce these rights in the most effective and efficient way.

One important approach to this effect is to increase the flow of information, communication activities towards third parties and to foster the exchange of experience and best practice between breeders in Europe. ESA will provide the platform for this by holding a first specific seminar on these issues in early 2008; further seminars and workshops on specific aspects shall follow in the future.

■ Thresholds for adventitious traces of GMOs in seed

The commercial planting of GM crops continues to grow at levels of more than 10% every year, not only in third countries but also in a number of EU Member States, albeit starting from a very low level. For 2015, GM crop production is estimated to reach some 200 million ha worldwide. This growth in commercial plantings is associated with a similar growth of production of GM seed. Consequently, the likelihood of adventitious, technically unavoidable trace level presence of GMOs in conventional seed is an ever growing reality. ESA will continue its quest for an acknowledgement of this fact by the EU and for the setting of practical and economically sustainable thresholds to re-establish the Common Seed Market as well as to end the legal uncertainty of European breeders and farmers.

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Area Map

The ESA Office is located right in the heart of the EU quarter in Brussels.



Priorities 2008

Better Regulation
for the
EU seed industry

Enforcement of
IP Rights

Thresholds for
GMOs in seed

Members

ESA European Seed Association today represents more than 35 national seed associations from EU Member States and beyond. Next to its association members, ESA's membership also comprises more than 50 company members, both large multinational as well as highly specialised small and medium sized enterprises.

Mission

ESA is the voice of the European seed industry, representing the interests of those active in research, breeding, production and marketing of seeds of agricultural, horticultural and ornamental plant species. Plants from seed are the origin of all food, provide innovative and environmentally friendly industrial products and beautify our landscape.

ESA's mission is to work for:

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

Priorities 2008

■ Better Regulation for the EU seed industry

Promoting competitiveness as a condition for growth and employment is the core of the revised Lisbon agenda of the European Union. The Better Regulation (BR) approach is a central



instrument of the European Commission in achieving this objective.

Following the initiative of the British EU Presidency, the seed sector is now one of the areas to which the instruments and procedures are applied. Starting point is an external

evaluation of the existing legal framework, including a consultation of stakeholders such as seed industry and farmers in spring 2008. As ESA is convinced that the BR initiative offers great opportunities for Europe's seed industry, we have established a specific Working Group for this important issue. At the same time, we are equally convinced that a sufficiently wide approach as well as a clear focus is required in order to strengthen the competitiveness of the industry. Here, the seed industry sees great potential for improvements by modernizing governance and administration of the sector. Breeders and seed producers should be seen as partners, not mere subjects to legislation and implementation and ESA will elaborate respective proposals to this effect.

Next to general administrative and procedural issues, quality standards and international acceptability of any reforms, addressing the current key problems of the seed industry is ESA's main concern with the BR initiative. ESA particularly underlines the need to address the lack of enforceability of breeders' intellectual property rights. Without appropriate tools and where necessary political administrative support from European and national bodies, breeders' rights may become a costly, yet theoretical concept rather than a strong and enforceable provision that safeguards the return on investment needed to sustain the considerable efforts for the development of ever more sophisticated and better performing plant varieties. Together with our membership, we will work for the inclusion of this important issue in the evaluation of the existing legislation and for subsequent proposals that will help to improve plant breeders to effectively enforce their rights.