



PRESS RELEASE

Brussels

4 November 2010

Ref. : *ESA_10.1031*

ESA is the voice of the European seed industry, representing those active in research, breeding, production and marketing of seeds of agricultural and ornamental plant species. It represents 35 national seed associations (and with that more than 1000 seed businesses in the EU, most of them SMEs) and 43 direct company members.

ESA's mission is to work for fair and proportionate regulation of the European seed industry, freedom of choice for customers in supplying seeds as a result of innovative, diverse technologies and production methods and for effective protection of intellectual property rights relating to plants and seed.

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New Protocol on Access and Benefit-sharing adopted in Japan

The 'Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity' was finally adopted after much suspense in the early hours of the morning of Saturday 30 October, in Nagoya, Japan where the 10th meeting of the Conference of the parties took place during the last two weeks.

The Decision and Protocol text were finally agreed at the political level as a package along with over 40 decisions and among them a decision on the strategic plan for the Convention on Biological Diversity (CBD) for the years 2011-2020, as well as a decision on resource mobilisation strategy.

The draft text of the ABS protocol itself had been discussed for months before and even during the meeting of the COP in an effort to reach agreement. Despite all these efforts discussions and differences of opinions still held back any agreement until the very last moment and as a result the Protocol represents a delicate balance of compromises and concessions made by all parties.

Through the business delegation of the International Chamber of Commerce the seed industry had the opportunity to participate in the negotiations. Major issues of concern for the seed industry were whether the new ABS regime will interfere with already existing sector specific ABS regimes such as the IT PGRFA, whether the new regime will apply only to plant genetic resources acquired after the entry into force of the protocol or also retroactively and what the measures would be that user countries could take to monitor and enforce compliance with the agreements that provide access to genetic resources from other countries. In order to pass the necessary messages also to the negotiators of the EU, ESA participated in the preparation of industry position papers and in joint industry actions on European level.

Although the final text of the Protocol still needs to go through some checking it is already worth mentioning that the Protocol recognizes pre-existing norms for access and benefit sharing established by international agreements and instruments such as the International Treaty on Plant Genetic Resources for Food and Agriculture – a major demand of the seed industry. And it also leaves space for the development of future specialized ABS regimes that are consistent with the objectives of the CBD and the Protocol which appears to allow for a future enlargement of the existing FAO IT provisions - again, a specific request put forward by many industries. As regards the details of these provisions as well as those covering the issues of scope in time, compliance etc. the ESA working group Biodiversity will analyse the text and will provide further guidance to ESA members.

The European seed industry welcomes the fact that the existing FAO IT and its single material transfer agreement are recognized by the new CBD ABS protocol leaving us the opportunity to further work with and develop this more specific and adapted framework for our industry. But there are still many open questions and the final text will surely require a lot of screening before we can give our final verdict on what exactly has been achieved.