

European Seed Association



Better Regulation –

fostering the competitiveness of the European seed sector

**A first input to the assessment of Europe’s legislative framework
for the seed sector by the European Seed Association (ESA)**

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The European Seed Association ESA is the voice of the European seed industry, representing the interests of all European companies and national associations active in research breeding, production and marketing of seed of agricultural, horticultural and ornamental plant species.

Today, ESA has 35 national seed associations (representing their respective national industry) and 50 companies as direct members.

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 its customers (farmers, growers, industry and consumers) in supplying seeds as a result of innovative, diverse technologies and production methods

ESA European Seed Association welcomes the initiative to apply the European Union’s Better Regulation approach to the seed sector and herewith gives its initial input to the discussion on the proper terms of reference for the assessment study commissioned by DG SANCO. Further details to the principal points stated here are given by two annexes (ESA_07.0243.5A1 and ESA_07.0243.5A2).

ESA European Seed Association welcomes the initiative to apply the European Union's Better Regulation approach to the seed sector. An overall assessment of the existing legislative framework and its impact on the industry may provide a well established base for future legislative proposals in this area. It is however important that this assessment is designed in a comprehensive manner and with clear focus on the overall goal of the Better Regulation approach: the fostering of the competitiveness of the EU's seed sector.

For ESA, it is of principal importance that the terms of reference for this assessment of the legislative framework in particular address:

- **Enforceability of the legal provisions relating to the intellectual property rights of breeders** as these constitute the base for innovation and thus future competitiveness of the industry. It is insufficient to solely consider the principal provisions allowing for the filing of intellectual property rights; it is indispensable that legislators and administration also provide for and where required assist their effective enforcement to effectuate them in practice.
- **Strengthening and (re-)establishing of a true Common Market for seed in line with international systems and schemes** providing for harmonised rules and procedures governing the cross-boundary exchange of seed and planting material and thus allowing for an increased choice for farmers, growers, industry and consumers.
- **Modern governance and administration of the seed sector** allowing for a participatory policy, decision making process and finally administration of legislation with the aim to cut costs, increase effectiveness and thus competitiveness of the EU's seed legislation and industry and to boost legitimacy of policy and its implementation.
- **The increasing (ab)use of plant health measures as unfounded and impractical barriers to trade**, both within the EU as well as in relation to third countries.
- **Safeguarding the EU's seed industry's continuous need to access plant genetic resources worldwide** by practical setting and implementation of related international policy as the base for further innovation of plant varieties to the benefit of agriculture and mankind.
- **Practical and consistent legislative provisions that take account of the increasing use of plant biotechnology** in general and genetic modification in particular in variety development and seed production and use in the EU and worldwide.