



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

**Views, Experiences and Best Practices as an example of possible options for
the national implementation of Article 9 of the International Treaty**

Note by the Secretary

At its [second meeting](#) of the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG), the Expert Group agreed on a revised version of the [template](#) for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers' Rights

This document presents the updated information on best practices and measures of implementing Article 9 of the International Treaty submitted by International Seed Federation (ISF) on 31 July 2019.

The submission is presented in the form and language in which it was received.



Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

Basic information

- Title of measure/practice: Plant Breeders' Rights legislation in the EU implementing the Treaty and the UPOV 1991 Convention in a mutually supportive manner
- Date of submission 31/07/2019
- Name(s) of country/countries in which the measure/practice is taking place: European Union and its member States
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person) European Commission / national governments
- Type of institution/organization (categories) public
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s)) NA

Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:

EU Regulation 2100/94 of 1994 sets out the EU plant variety protection system following the principles of the UPOV 1991 Convention. The objective is to provide a balanced IP framework for protecting plant varieties which stimulates the creation of new varieties of plants for the benefit of farmers and the society at large. The core components of the system, which ensure the mutually supportive implementation of the Treaty and the UPOV Convention, are the scope of the right (article 13 of the EU Regulation) and the exceptions to the right (articles 14 and 15 of the EU Regulation). These exceptions ensure that farmers, especially smallholder farmers, can continue their practices of seed saving. One key outcome of the system is the number of varieties available for farmers on the EU market, adding up to around 40,000 varieties of agricultural and vegetable species, of which around 20,000 are protected; around 3,500 new varieties are released every year. All these varieties contribute to farmers' choices; where the variety is not or no longer protected, farmers are free to save, use, exchange and sell farm-saved seed of those varieties subject to national law.

Implementing entity and partners

Start year 1994

Objective(s)

To provide a balanced IP framework for protecting plant varieties which stimulates the creation of new varieties of plants for the benefit of farmers and the society at large.

Summary of core components

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.



The core components of the systems which ensure the mutually supportive implementation of the Treaty and UPOV are the scope of the right (article 13 of the EU Regulation) and the exceptions to the right (articles 14 and 15 of the EU Regulation).

Key outcomes

One key outcome of the EU PVP system where one can see how it stimulates innovation in plant breeding and through that how it improves farmers’ choices is the number of varieties available for farmers on the EU market. This number, adding up varieties of agricultural and vegetable species is approximately 40 000 whereby around 3500 new varieties are released every year.

Lessons learned (if applicable)

Needless to say that certainly not all these new varieties that are on the market are protected by plant breeders rights. Approximately half of it, around 20 000 is protected.

All these varieties contribute to farmers’ choices and seeds of all these varieties can be saved by farmers to some extent. Where the variety is not or no longer protected, farmers are free to save, use, exchange and sell farm saved seed of those varieties subject to national law. Where plant variety protection applies farmers can save and use farm saved seed of protected varieties under subject to the exceptions provided in articles 14 and 15 of the Regulation.

Brief history (including starting year), as appropriate

- Core components of the measure/practice (max 200 words)

See above.

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)

See above

- To which provision(s) of Article 9 of the International Treaty does this measure relate

Art. 9.1

Art. 9.2a

Art. 9.2b

Art. 9.2c

Art. 9.3 X

Other information, if applicable

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant ²	Also relevant ³
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² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).



1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		X
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		
9	Training, capacity development and public awareness creation		
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.	X	
11	Other measures / practices		

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? _____
- Objective(s) _____
- Target group(s) and numbers of involved and affected farmers⁵
All farmers in the EU
- Location(s) and geographical outreach EU

- Resources used for implementation of the measure/practice
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?

⁴ Including seed houses.

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.



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- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
- Other national level instruments that are linked to the measure/practice
- Are you aware of any other international agreements or programs that are relevant for this measure/practice? UPOV Convention
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).
- What challenges encountered along the way (if applicable) (max 200 words)
- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

Further information

- Link(s) to further information about the measure/practice

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01994R2100-20080131&qid=1564053898711&from=EN>