



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 Varieties for Diversity
- Date of submission 31/07/2019
- Name(s) of country/countries in which the measure/practice is taking place Germany
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person) BDP; Kerstin Schlemmer: Kerstin.Schlemmer@bdp-online.de
- Type of institution/organization (categories) private
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s)) private seed companies

Description of the examples

Mandatory information:¹

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

In 2013, the German Plant Breeders' Association (BDP), in co-operation with the Federal Ministry of Food, Agriculture and Consumer Protection (BMEL) and the Federal Office for Agriculture and Food (BLE), established the initiative "Varieties for Diversity". The objective is to enhance the availability of improved varieties to anybody who would wish to use those for the purposes and under the conditions of the Multilateral System (MLS). Thereby, the Varieties for Diversity initiative aims at implementing the principles of the breeders' exemption also to those who might not be able to access the varieties concerned under normal market conditions. The core component is that protected premium plant varieties of German breeders are included in the MLS of the International Treaty. The varieties, including their climatic adaptations, are comprehensively described to facilitate the targeted selection of suitable plant material. They are easily accessible to anyone who signs the Standard Material Transfer Agreement (SMTA) through the German National Inventory of Plant Genetic Resources. For the genetic resources themselves, no payment is charged, but the recipient may have to pay for shipping costs and the necessary plant health certificates. So far, more than 300 varieties of German breeders have been included in the MLS.

- Implementing entity and partners
 - Start year
 - Objective(s)
 - Summary of core components
 - Key outcomes
 - Lessons learned (if applicable)
- Brief history (including starting year), as appropriate See above.
 - Core components of the measure/practice (max 200 words)

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



The measure consists in identifying by breeders of improved varieties that they decide to put into the MLS of the Treaty thereby making those even more widely available to anybody for the purposes and under the conditions of the MLS.

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

- Art. 9.1
- Art. 9.2a
- Art. 9.2b X
- Art. 9.2c
- Art. 9.3

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
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	

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).

⁴ Including seed houses.



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.		
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)

The objective is to improve the availability of improved varieties to anybody who would wish to use those for the purposes of the MLS.

- Target group(s) and numbers of involved and affected farmers⁵
- Location(s) and geographical outreach
- 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?

Greater society as well as farmers, breeders and other PGRFA conservers should enjoy a fair share of benefits arising from the utilisation of PGRFA. For sustainable use of PGRFA, open access for breeding purposes to all genetic resources, including landraces, gene bank accessions, wild relatives and protected varieties, is important.

In the plant breeder's right system, the breeder's exemption (as foreseen in Article 15(1)(iii) of the 1991 Act of the UPOV Convention) reinforces the benefit-sharing element of Farmers' Rights and addresses biodiversity and innovation needs too. The breeder's exemption provides that all varieties protected by plant breeder's rights can be used for further breeding, and resulting varieties can be commercialized without any obligation towards the right holder. Anyone who breeds, or discovers and develops, plants is considered to be a breeder; therefore everyone is allowed free access and free breeding under this exemption: farmers, breeders, hobbyists, public research institutes and gene banks alike. The information exchange and technology transfer enabled by the breeder's exemption delivers practical benefit-sharing for farmers.

The Varieties for Diversity project aims at implementing the principles of the breeders' exemption also to those who might not be able to access the varieties concerned under normal market conditions.

- 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?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

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



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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