



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 Norway on 21 June 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* **Balancing PVP and Farmers' Rights**
- *Date of submission* 20th June 2019
- *Name(s) of country/countries in which the measure/practice is taking place* Norway
- *Responsible institution/organization*  
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- *Type of institution/organization (categories)* Government

#### Description of the examples

##### Mandatory information:<sup>1</sup>

- *Short summary to be put in the inventory*  
Intellectual property rights protecting plant varieties are relevant regarding Farmers' Rights to save, use, exchange and sell farm-saved seeds. Norway became a member of UPOV in 1993, based on the 1978 Act of the UPOV Convention. Even though the 1991 Act was adopted by many other countries at that time, Norway chose to adhere to the 1978 Act. In 2004, the government proposed changes to the Plant Breeders' Rights Act and to join the 1991 Act of the UPOV Convention. However, this proposal spurred public debate. After the election in 2005, the new government withdrew the proposed changes in the PVP legislation on the grounds that they limited Farmers' Rights. At the same time, the breeding industry was promised to receive stronger government support for the development of varieties that are suitable to Norwegian conditions and adapted to climate change. Based on this agreement, farmers in Norway could continue to save and use farm-saved seed and propagating material of protected varieties without paying any remuneration to the holder of the plant variety protection right.
- *Brief history, Core components and Description* See summary 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

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



**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 <sup>2</sup>	Also relevant <sup>3</sup>
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 <sup>4</sup> , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
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		x

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? Farmers' Right to save, use, exchange and sell farm-saved seeds/ Impact of IPR on Farmers' Rights
- Objective(s) Balancing farmers' rights to save seeds and plant breeders' rights.
- Target group(s) and numbers of involved and affected farmers<sup>5</sup> Breeding companies, farmers and their organizations
- Location(s) and geographical outreach National

<sup>2</sup> Please select only one category that is most relevant, under which the measure will be listed.

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

<sup>4</sup> Including seed houses.

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



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- *Resources used for implementation of the measure/practice* legal measure combined with financial measures (annual support to breeding programmes).
- *How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?*
- *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*

The financial support to plant breeding aims at supporting breeding crops suitable to Norwegian conditions and adapted to climate change.

- *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*
- Norway has also presented its policy and legislation on plant breeders' rights and how these are balanced towards Farmers' Rights, at the symposium on possible interrelations between the International Treaty and the different Acts of the UPOV Convention.

#### 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)*
  - ✓ The possibility for PVP protection is a valuable tool to stimulate plant breeding, but is not sufficient to ensure crop development for small markets, e.g. fodder adapted to
  - ✓ Northern Norway (cold, short summers with a lot of day light). Financial measures to support plant breeding is a suitable measure.
  - ✓ Close collaboration between the national focal points for the International Treaty and the UPOV Convention facilitates mutually supportive implementation.

#### Further information

- *Link(s) to further information about the measure/practice*  
Regine Andersen (2012): *Plant genetic diversity in agriculture and farmers' rights in Norway*, page 33-36, <http://www.farmersrights.org/pdf/FNI-17%20RA.pdf>

Norway's presentation at symposium on interrelations between the Plant Treaty and UPOV (page 109-115)

[https://www.upov.int/edocs/mdocs/upov/en/upov\\_itpgrfa\\_sym\\_ge\\_16/upov\\_itpgrfa\\_sym\\_ge\\_16\\_2\\_proceedings.pdf](https://www.upov.int/edocs/mdocs/upov/en/upov_itpgrfa_sym_ge_16/upov_itpgrfa_sym_ge_16_2_proceedings.pdf)

Link to the Plant Breeders' Rights Act (in Norwegian):

<https://lovdata.no/dokument/NL/lov/1993-03-12-32>