



Food and Agriculture
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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.



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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: AGUAPAN (Asociación de Guardianes de Papa Native del Centro de Peru)
- Date of submission 31/07/2019
- Name(s) of country/countries in which the measure/practice is taking place: Peru
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person): a private Dutch potato breeding company (<https://getinzpired.com/archive/2014/the-power-of-native-potatoes>)
- Type of institution/organization (categories) Private sector – seed company
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s)) Grupo Yanapai, Instituto Nacional de Innovacion Agraria, International Potato Center (CIP) and Sociedad Peruana de Derecho Ambiental

Description of the examples

Mandatory information:¹

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

Asociación de Guardianes de Papa Nativa del Centro del Perú (AGUAPAN) is a small and practical 'Benefit-sharing' initiative sponsored by a Dutch potato breeding company and supported by several organizations in Peru, namely, Grupo Yanapai, Instituto Nacional de Innovacion Agraria, International Potato Center (CIP) and Sociedad Peruana de Derecho Ambiental. The initiative started in 2015, with the main goal to support farmers and their families in their efforts to conserve and maintain the genetic diversity of potato varieties in its centre of origin. Further objectives are to enable farmers to organize themselves and represent their interests in decision-making processes relevant for their work on potato genetic resources. The core component is a fund that has been made available by the Dutch potato breeding company HZPC; this fund can be used by the participating custodian farmers according to their priorities and needs. First outcomes include the foundation of AGUAPAN and decisions regarding design, management, name and legal aspects like the statutes and the use of the initial funds. Currently, 43 families from five different areas from Central Peru; together they grow about 1000 unique varieties.

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



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- Implementing entity and partners Consortium consisting of a Dutch potato breeding company, Grupo Yanapai, Instituto Nacional de Innovacion Agraria, International Potato Center (CIP) and Sociedad Peruana de Derecho Ambiental
 -
 - Start year 2015
 - Objective(s)

To support farmers in their efforts to conserve and maintain genetic diversity of potato varieties; and to enable farmers to organize themselves and represent their interests in decision-making processes relevant for their work on potato genetic resources.
 - Summary of core components
 - A fund is made available to a group of farmers (43 families) and they are enabled to organize themselves and take decisions regarding their conservation work.
 - Key outcomes
 - Foundation of AGUAPAN, an association of farmers. First funds used by farmers partly on improving their conservation facilities and partly to support their families in education and health matters.
 - Lessons learned (if applicable)
- Brief history (including starting year), as appropriate

Governments recognized that custodian farmers play an important role in preserving native species and biodiversity. They decided those farmers deserve more recognition for their work and established an international benefit sharing fund. However not all of the 800,000 small Andean farmers in Peru that can qualify for the fund, necessarily have much contact with the outside world and many are illiterate.

The Dutch potato company involved and CIP, together with national partners in Peru (Grupo Yanapai, INIA, SPDA) have started to work on a novel model to practically implement benefit sharing with custodian farmers. The consortium of institutions wants to empower the farmers to organize and represent themselves, so they benefit maximum from a start-up fund made available by the Dutch potato breeding company.

On July 10th 2015 AGUAPAN was founded for 'custodian' farmers from the Andes. It is a small and practical 'Benefit sharing' initiative sponsored by the Dutch potato breeding company and supported by the partner organizations mentioned above. The main goal of this initiative is to support the farmers and their families in order to maintain the genetic diversity of potato varieties in its center of biodiversity and to empower them in organizing and representing themselves.

The members of AGUAPAN are currently 43 families from five different areas from Central Peru. Together they grow about 1000 unique varieties. The families gathered for the first AGUAPAN members meeting on July 10th 2015 and made decisions on the design, management, name and legal aspects like the statutes and the use of the initial funds that the Dutch potato breeding company has made available. It was decided that the funds are going to be equally divided among the AGUAPAN members. Thereafter the families can decide for themselves how to invest the money, for example: in activities that are related to the conservation of native varieties, in education for children and/or in health care for their family.
- Core components of the measure/practice (max 200 words)
- 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
- 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		X
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.		
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	X	
9	Training, capacity development and public awareness creation		

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.



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)
- Target group(s) and numbers of involved and affected farmers⁵
- 43 families of custodian farmers in Peru
- Location(s) and geographical outreach Andes/Peru
- Resources used for implementation of the measure/practice Money from a private breeding company - HZPC
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture? Conservation facilities have been improved
- 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
This initiative represents a more general view of the seed industry worldwide which is the acknowledgement of the contribution that farmers and local communities, as well as plant breeders, have made to the conservation and development of plant genetic resources and in line with that, the encouragement of national governments and other institutions to include farmers alongside all other relevant stakeholders involved in the topic of conservation and sustainable use of PGRFA in decision-making.

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

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



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 : Exceptions to IP rights (the private and non-commercial use exception and the farm saved seed exception)
- Date of submission 31/07/2019
- Name(s) of country/countries in which the measure/practice is taking place Several but as an example the European Union
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person) European Commission
- 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:

Plant breeder's rights is a time-limited intellectual property right on plant varieties, which is limited through exceptions. The objective is to balance the interests of breeders and farmers against each other and to create a system where both parties benefit. Acts done privately and for non-commercial purposes are exempted from the scope of the plant breeder's right. Thus, subsistence farmers who carry out their normal practices can be covered by the private and non-commercial use exception.

Further on, there is also an optional exception, called the farm-saved seed exception or agricultural exception as foreseen by Article 15(2) of the UPOV 1991 Convention. This exception, under certain conditions, allows farmers to use for propagating purposes, on their own holdings, the product of the harvest which they have obtained by planting, on their own holdings, the protected variety. According to UPOV Explanatory Note (UPOV/EXN/EXC/1), "small farmers" with small holdings might be permitted to use farm-saved seed to a different extent and with a different level of remuneration to breeders than "large farmers". In EU law, for example, small commercial farmers are exempted from the payment of remuneration on the use of farm-saved seed.

As an outcome of these provisions, many UPOV members have implemented both the private and non-commercial use exception and the optional farm-saved seed exception in their national laws.

- Implementing entity and partners national governments
- Start year Various
- Objective(s)

The objective of the exceptions to the right is to really balance the interests of breeders and farmers against each other and to create a system where both parties benefit.

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



- Summary of core components

See above.

- Key outcomes

As an outcome of these provisions in the UPOV Convention many UPOV members have implemented both the private and non-commercial use exception and the optional Farm Saved seed exception in their national laws.

- Lessons learned (if applicable)

- Brief history (including starting year), as appropriate

Plant breeder’s rights is a time-limited intellectual property right on plant varieties, which is also limited through a few exceptions. For example, acts done privately and for non-commercial purposes are exempted from the scope of the plant breeder’s right. Thus, subsistence farmers who carry out their normal practices and can be covered by the private and non-commercial use exception.

Further on, there is also an optional exception, called the farm saved seed exception or agricultural exception as foreseen by Article 15(2) of the UPOV 1991 Convention. This exception “within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder, restrict the breeder's right in relation to any variety in order to permit farmers to use for propagating purposes, on their own holdings, the product of the harvest which they have obtained by planting, on their own holdings, the protected variety or a variety covered by Article 14(5)(a)(i) or Article 14(5)(a)(ii)”.

As stated in UPOV Explanatory Note (UPOV/EXN/EXC/1), “small farmers’ with small holdings (or small areas of crop) might be permitted to use farm-saved seed to a different extent and with a different level of remuneration to breeders than “large farmers”. This has been implemented in EU law in a way that small commercial farmers are exempted from the payment of remuneration on the use of farm saved seed. If however they exchange and/or commercialize farm saved seed, this act remains subject to the breeder’s authorization.

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

Private and non-commercial use exception: Under this exception even the occasional sale of seeds produced from protected varieties by subsistence farmers does not significantly jeopardize intellectual property rights, and thus does not substantially undermine incentives to innovate by breeders. However, a free and unlimited use of farm saved seed of protected varieties by commercial farmers is negatively impacting the continued release of new varieties and ultimately limits farmer’s choice.

- 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
- 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
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.		
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		

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.



- 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 For the private and non-commercial use exception the target group is subsistence/smallholder farmers; whereas for the farm saved seed exception it is more commercial farmers.
- 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?
- 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

As far as the EU legislation is concerned, the private and non-commercial use exception as well as the farm saved seed exception is not only included in the plant variety regulation but also in the EU Directive 98/44 which deals with patent protection for biotechnological inventions. Therefore, in the event if there is a patent covering plant varieties farmers have exactly the same exceptions to rely on as under the plant variety protection regime.

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>

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31998L0044&from=EN>

<https://www.upov.int/upovlex/en/conventions/1991/content.html>

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



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: Fair Planet
- Date of submission 31/07/2019
- Name(s) of country/countries in which the measure/practice is taking place Ethiopia
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person) Fair Planet; Dr. Shoshan Haran:
<https://www.fairplanetseeds.org/presentation>
- Type of institution/organization (categories) NGO
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s)) A number of private seed companies

Description of the examples

Mandatory information:¹

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

Fair Planet is a non-profit organization partnering with several private seed companies with a mission to develop a vital agriculture business economy in rural areas of Africa, increase food security and provide new economic opportunities to smallholder farmers in developing countries, through access to high-quality seed varieties and training for improved farming practices. Together with Haramaya University, Ethiopia, and the Ethiopian Ministry of Agriculture, and in cooperation with private seed companies, they have developed a unique extension model since 2012. Core components include technology transfer and capacity development of local experts and trainers; local teams continue training the farmers to implement improved production practices. As a result, more than 16,000 smallholder farmers in the project regions have increased food production and received better nutrition due to better seeds and improved farming practices. In some cases, yields have increased dramatically: 4 times greater in tomato, and 8 times greater in hot pepper.

The Fair Planet initiative helps develop a vital agriculture business economy in rural areas of Africa and provides interesting and profitable work for young people looking for better opportunities in their own country.

- **Implementing entity and partners** Private seed companies / Fair Planet organization
- **Start year** 2012
- **Objective(s)**

One of the main goals of the project is to improve farmers' livelihoods through offering them better choices and economic opportunities.

- **Summary of core components**

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



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Technology transfer and capacity building of local experts and trainers is a key part of the programme and the local teams continue training the farmers to implement better production practices.

- Key outcomes
 - Farmers' yields have increased dramatically: 4 times greater in tomato, and 8 times greater in hot pepper.
 - More than 16,000 smallholder farmers in the project regions have increased food production and received better nutrition due to better seeds and improved farming practices, and the goal is to reach 50,000 farmers.
- Lessons learned (if applicable)
- Brief history (including starting year), as appropriate

Together with Haramaya University and the Ethiopian Ministry of Agriculture, they have developed a unique extension model that has trained hundreds of Lead Farmers annually on how to improve their productivity, with minimal changes to their traditional production practices.

Many of the farmers have doubled their annual income from their small plots in only one production season. Technology transfer and capacity building of local experts and trainers is a key part of the programme and the local teams continue training the farmers to implement better production practices. The farmers have gradually shifted from subsistence farming to an agribusiness mode of operation. They benefit from sustainable economic growth and their families benefit from increased income, allowing better education for their kids and a better future for the next generations.

The Fair Planet initiative helps develop a vital agriculture business economy in rural areas of Africa and provides interesting and profitable work for young people looking for better opportunities in their own country. Fair Planet is seeking partners who are willing to join this successful and exciting initiative and who can support its efforts in helping millions of farmers in need, in as many countries as possible.

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

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	
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	X	
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.		
11	Other measures / practices		

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.



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- 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 Smallholder farmers in developing countries
- Location(s) and geographical outreach
Ethiopia

- 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?
- 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
Farmers should have the opportunity to make informed choices about which seeds they plant to best suit their personal circumstances, whether protected by intellectual property rights or not. Enhancing a farmer’s ability to make an informed choice requires the availability of suitable seed options and knowledge of any limitation that may restrict the use of varieties chosen.
It is critical that farmers of all sizes have the opportunity to choose the seed that best meets their needs.

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://www.fairplanetseeds.org/>

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



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>



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: SEVIA
- Date of submission 31/07/2019
- Name(s) of country/countries in which the measure/practice is taking place Tanzania
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person) SEVIA
- 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 and public partners including two private seed companies

Description of the examples

Mandatory information

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

Seeds of Expertise for the Vegetable Sector of Africa (SEVIA) is a private-sector driven project that started in 2013, based on cooperation of two vegetable seed companies (East-West Seed and Rijk Zwaan), a department of Wageningen University and the Dutch Ministry of Foreign Affairs. In Tanzania, SEVIA collaborates with public and private sector partners, including the Tanzanian Horticulture Association. SEVIA aims to contribute to the development of the vegetable industry in Africa by testing existing genetic resources for Africa and breeding improved African vegetable varieties, and to increasing food security by developing and disseminating adapted technical innovations that enhance productivity and increase farmers' income. Demonstrations in farmers' fields are at the 'heart' of this project: SEVIA shows farmers – in different regions of Tanzania – how they can improve the cultivation practice, to increase the yield and quality of their vegetable production. SEVIA research has, for example, identified tomato varieties that are resistant to bacterial wilt and discovered that plastic mulch increases yields in cooler conditions and decreases yields in hot conditions.

- Implementing entity and partners See above
- 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)
SEVIA essentially works through field days where it is shown to farmers how they can improve their cultivation practices leading to higher yields and better quality.



- 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
- 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 ¹	Also relevant ²
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		X
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 ³ , 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		

¹ Please select only one category that is most relevant, under which the measure will be listed.

² Please select one or several categories that may also be relevant (if applicable).

³ Including seed houses.



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)

SEVIA (Seeds of Expertise for the Vegetable Sector of Africa) aims to contribute to the development of the vegetable industry in Africa and to food security. SEVIA has an interest to develop the African vegetable sector by breeding improved African vegetable varieties for the farmers and by testing existing genetic vegetable resources for Africa. In addition, SEVIA develops and disseminates adapted technical innovations in order to enhance productivity and to increase farmers' income.

- Target group(s) and numbers of involved and affected farmers⁴ Vegetable farmers in Tanzania.
- Location(s) and geographical outreach Tanzania
- Resources used for implementation of the measure/practice Public and private
- 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)
 - Over 4000 farmers reached through Nanenane, Tanzania in 2018
 - At least 50 interns from colleges/universities in Tanzania over the past three years
- 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

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)

⁴ Any classification, e.g. of the types of farmer addressed, may be country-specific.



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- 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

<http://www.sevia.biz/>



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