

МІНІСТЭРСТВА СЕЛЬСКОЙ  
ГАСПАДАРКІ І ХАРЧАВАННЯ  
РЭСПУБЛІКІ БЕЛАРУСЬ



МИНИСТЕРСТВО СЕЛЬСКОГО  
ХОЗЯЙСТВА И ПРОДОВОЛЬСТВИЯ  
РЕСПУБЛИКИ БЕЛАРУСЬ

ДЗЯРЖАЎНАЯ ЎСТАНОВА  
«ДЗЯРЖАЎНАЯ ІНСПЕКЦЫЯ  
ПА ВЫПРАБАВАННЮ І АХОВЕ  
САРТОЎ РАСЛІН»

ГОСУДАРСТВЕННОЕ УЧРЕЖДЕНИЕ  
«ГОСУДАРСТВЕННАЯ ИНСПЕКЦИЯ  
ПО ИСПЫТАНИЮ И ОХРАНЕ  
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25.03.2022 № 01-15/268

на № \_\_\_\_\_ от \_\_\_\_\_

Belarus, Minsk, 25<sup>th</sup> of March, 2022

**Mr. Peter Button**

**UPOV (International Union for the Protection of New Varieties of Plants )  
34 Chemin des Colombettes  
CH-1211 Geneva 20,**

**Dear Mr. Button!**

I have a great honor to greet you and deeply apologize that we were not able to participate in discussions of UPOV/EXN/EDV3 Draft 3. Unfortunately, we did not register for this meeting, since we are currently discussing very serious issues on national legislation and the legislation of the Eurasian Union. So we kindly ask you to express the opinion of Belarus while discussions of UPOV/EXN/EDV3 Draft 3.

We support the comments on document UPOV/EXN/EDV3 Draft 3 of Swiss Confederation.

The figure of Essential Derived Varieties (EDV) was introduced in UPOV 1991 law, with the purpose of preventing plagiarism, but not the innovation in the field of plant varieties.

In our opinion the UPOV/EXN/EDV3 Draft 3 is a serious violation of the 1991 UPOV Convention (UPOV 1991) for the following reasons:

- 1) UPOV/EXN/EDV3 Draft 3 refers to the fact that the main derivation concerns are the genetic source of the essentially derived variety. This paragraph violates UPOV 1991 law, as the plant variety protection system is based on phenotype and not on genotype. One of the main characteristics of the UPOV system is the possibility for the breeder to use any variety to obtain a new one; for this he must necessarily

start from the same genetic source, the so-called Breeders Exemption (BEX).

2) The UPOV/EXN/EDV3 Draft 3 refers to the degree of genetic conformity between the EDV and the main variety.

This implies that whenever NBT is used, EDV will be obtained, thereby excluding these technologies from the scope of Breeders Exemption (BEX). In other words, Breeders Exemption (BEX) will only take place with the classical breeding methods of selection and crossing, excluding the use of NBTs.

The immediate consequences of this EXN/EDV3 Draft3 is that the new plant varieties obtained through the use of New Breeding Technologies (NBT) will be considered essentially derived varieties (EDV); and their commercial exploitation will be blocked, as the authorization of the owner of the initial varieties from which they were obtained will be required. This will lead to the control of plant varieties as a source for obtaining new varieties, which would be under the control of a small number of multinationals, with the serious damage that would be caused to plant breeding programs and to the participation of small and medium-sized companies in them. In this way, NTBs would be banned from plant innovation to obtain new varieties, to the detriment of consumers and agricultural producers in UPOV member countries.

For the above reasons, the EXN/EDV drafts should not be approved within UPOV, and the calling of a Diplomatic Conference to regulate this matter should be promoted.

Best regards,

Uladzimir BEINIA

Director

SE «State Inspection of Testing and Protection of Plant Varieties»

Minsk, Belarus

