



Experiences of the Contracting Parties in Implementing the UPOV Convention and the ITPGRFA – European Union

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Presentation in two parts:

- Experiences on UPOV Convention (Community Plant Variety Rights) and ITPGRFA: EU perspective
- Experiences on UPOV Convention and ITPGRFA: United Kingdom perspective



European Union

UPOV Convention

Member of UPOV since 2005

1991 UPOV Convention since 1994: Community Plant Variety Rights legislation

ITPGRFA

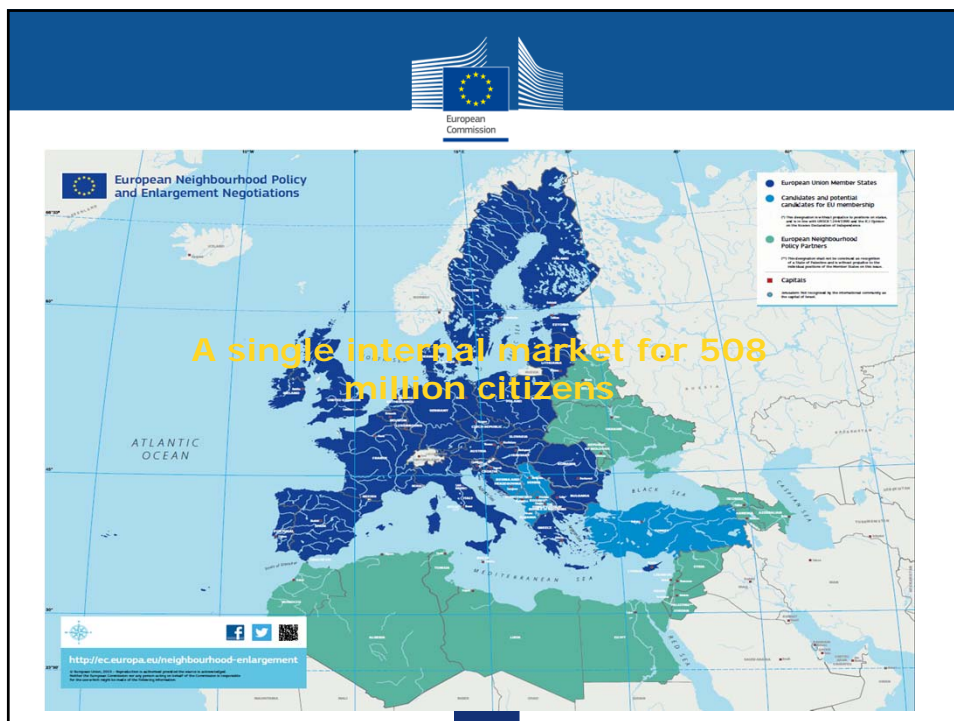
Contracting party since 2004

No specific EU legislation, some aspects implemented in various EU legislative frameworks.



CPVR guiding principles

- Common EU Market: implementation by a EU agency.
- To stimulate the breeding and development of new varieties at EU level.
- To comply with the TRIPS agreement.
- To align with UPOV 1991 Act: internationally recognised system.



European Commission

Legal basis

Basic Regulation:
Council Regulation (EC) No 2100/94 on Community plant variety rights

3 Implementing Regulations:

Proceedings before the CPVO (Commission Regulation (EC) No 874/2009
Fees payable to the CPVO (Commission Regulation (EC) No 1238 /95
Agricultural exemption (Commission Regulation (EC) No 1768/95



Community Plant Variety Office (CPVO)

The regime is implemented by CPVO:

- regulatory agency of the EU
- operational since 1995
- based in Angers (F)
- staff: 45 agents



- around 2500 applications/year, 25 000 varieties protected covering 1971 species
- 93% on-line applications



Farmers rights 'agricultural exemption'

Agricultural exemption (Farm Saved Seed) to **safeguard agricultural production:**

- Farmers authorised to use for propagating purposes in the field, on their own holding, the product of the harvest of a variety which is covered by a CPVR.
- Limited to a defined list of species.
- Subject to the payment of an equitable remuneration (royalties) to the holder of the right.



Farmers rights vs plant breeders rights

- Collection of royalties for agricultural exemption: different systems in the EU Member States.
- Effective systems missing in some.
- In practice: Important communication and agreement between farmers and breeders organisations.



Plant breeders rights

Breeders exemption: 'acts done for the purpose of breeding, or discovering and developing other varieties'.



External evaluation of CPVR regime (1)

Carried out in 2010-2011 with the aim to:

- evaluate if the CPVR regime has reached its 1995 target,
- evaluate its strengths and weaknesses and
- make proposals for the future of the CPVR regime in a changing agriculture world.



External evaluation of CPVR regime (2)

Results:

- functions well and has met its objectives,
- stakeholder generally content,
- incentives breeder to invest in research and develop new plant varieties and meets, sustanaibility objects,
- some recommendations.



Other EU legislation

- 12 basic Directives on marketing plant reproductive material: general requirements for **market access**.
- Specific legislation on conservation varieties with less stringent rules.



Common Agricultural Policy

- programs on the conservation, characterisation, collection and utilisation of genetic resources in agriculture;
- protection of geographical indications and designations of origin for agricultural products and foodstuffs;
- quality schemes for agricultural products and foodstuffs.



Thank you for your attention