



EUROPEAN COMMISSION

HEALTH AND CONSUMERS DIRECTORATE-GENERAL

## **Summary report of the meeting of the Expert group on legislation of seed and plant propagating material - Working Group on "PLANT GENETIC RESOURCES" held on 30 January 2014**

Chairperson: Ms I. Clement-Nissou

Experts from COM: Th. Weber (DG Sanco), H. Schally (DG Env)

Experts from the following Member States were present: AT, BE, BG, CZ, DE, DK, ES, FI, FR, GR, HR, IE, LT, LV, NL, PL, SL, SK, UK. Experts from CH and NO were also present.

### **1. Feedback from Oman (brief report and resolutions adopted)**

COM presented a short summary of the last Governing Body (GB) of the Treaty and the main resolutions.

UK indicated that there was a mistake in the report of the discussion of the compliance committee on the decision making process. There is also a mistake on the reporting format. Taking into account that the report of the meeting of the GB was adopted in plenary, there is a need to check the issue. It was concluded that (i) DE as ERG representative will take up this point with the bureau, (ii) UK will check with the experts from the compliance sub-group.

Some experts considered that the third party beneficiary (FAO) should explore the CG centres practices with regard to material under development.

### **2. Third call of proposal of the ITPGRFA / state of play**

Th. Meier (DE) as member of the bureau stated that the third call of proposals shall be launched by the end of February 2014.

### **3. Short feedback on the Commission proposal on the Nagoya protocol**

DG ENV presented the state of play on the EU regulation. The EP should vote in plenary in March 2014 in favour of the ratification of the Nagoya protocol as well as on the draft Regulation, and the Council in April. He stated that this proposal was the result of comprehensive discussions with the different user's communities (research, collection, research based industries, economic sectors). He clarified that PGRFA included under Annex 1 of the ITPGRFA are outside of the scope of the EU regulation and mentioned the possibility of using the sMTA for non-Annex 1 species (it will fulfil the due diligence obligation).

Several experts highlighted the issue of breeder's right and the breeders' exemption. The new regulation should not weaken the EU plant variety rights Regulation.

DG ENV indicated that if a GR is transferred without being modified, it will fall under the scope of Nagoya, and that if a GR is further developed (utilised), it should be probably outside of the scope of the Regulation. There is a need of further discussion on this point.

Regarding a question on 'utilisation of GR', DG ENV said that the Regulation applies after the entry into force; holding a GR before the entry into force will not fall under the Regulation.

### **4. IT Resolution on the Funding strategy and the SMTA**

COM presented the content of the resolution and the different options on the table. The WHO pandemic influenza virus framework was briefly presented as another model of benefit sharing in the framework of a multilateral agreement.

The five ERG representatives in the ad-hoc open ended working group on the Funding strategy will be ES, FR, NL, NO, CH. DE expressed also its strong interest. Other MS, COM or ERG countries may participate as observers.

The group concluded that there was a need to agree on basic principles and to define a baseline scenario. The first meeting should mostly serve to develop trust between the regions. It was recalled that the expansion of the Annex I of the Treaty is also a priority for the ERG.

The question of observers from non-governmental organisations will need to be solved on spot.

#### **5. IT resolution of farmers' right: cooperation between the IT secretariat and UPOV and WIPO secretariats**

COM presented the content of the resolution. The ITPGRFA secretariat is supposed to contact the UPOV office and WIPO office. The experts' group agreed to explore the development of more cooperation between the ITPGRFA and UPOV.

#### **6. Miscellaneous**

CH, ES, NO recalled that the point on 'planning of international events for the ITPGRFA secretariat' in advance was raised during the last GB. It was highlighted the necessity to obtain a schedule of major events in advance in order to prepare the ITPGRFA participation as well as ERG representatives' participation and to prioritise.

NO presented their intention to organise by the end of March an informal meeting between ERG experts in order to further work.

The experts agreed on the ERG representatives for the following committees:

- \* sustainable use: CH and NL
- \* Global information System: DE