

**UNECE INTERNATIONAL WORKSHOP
ON SEED POTATOES**

**“UNECE Standard within a broader
framework of international agreements
and standards”**

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“UNECE Standard within a broader framework of international agreements and standards”

- **WTO (World Trade Organisation)**
- **IPPC (International Plant Protection Convention), NAPPO (North Atlantic Plant Protection Organisation, EPPO (European and Mediterranean Plant Protection Organisation)**
- **UPOV (International Union for the Protection of new Varieties of Plants)**
- **OECD (Organisation for the Cooperation and Economical Development)**
- **Cartagena Protocol on biosafety**
- **The international treaty on plant genetic resources for food and agriculture**

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WTO (World Trade Organisation)

- THE WORLD TRADE ORGANIZATION (WTO) DEALS WITH THE RULES OF TRADE BETWEEN NATIONS AT A GLOBAL OR NEAR-GLOBAL LEVEL (153 MEMBER STATES AT 2008 AND 30 OBSERVER GOVERNMENTS)**
- HEADQUARTERS IN GENEVA**
- AGREEMENTS (GOODS, SERVICES AND INTELLECTUAL PROPERTY):**
 - TECHNICAL BARRIER TO TRADE (TBT)**
 - SANITARY AND PHYTOSANITARY MEASURES AGREEMENT (SPS)**

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WTO (World Trade Organisation)

TBT – IT SEEKS TO ENSURE THAT TECHNICAL NEGOTIATIONS AND STANDARDS, AS WELL AS TESTING AND CERTIFICATION PROCEDURES, DO NOT CREATE UNNECESSARY OBSTACLES TO TRADE

KEY ELEMENTS:

- ENCOURAGE THE USE OF INTERNATIONAL STANDARD**
- GOOD PRACTICES FOR STANDARDISATION**
- TBT COMMITTEE**
- DISPUTE SETTLEMENT PROCEDURES**

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WTO (World Trade Organisation)

SPS (1995) – APPLICATION OF FOOD SAFETY AND ANIMAL AND **PLANT HEALTH STANDARD**

KEY ELEMENTS:

- **NATIONAL STANDARD BASED ON SCIENCE**
- **USE OF INTERNATIONAL STANDARD (IPPC, CODEX ALIMENTARIUS, OIE)**
- **ASSESSMENT RISK**
- **AVOID UNJUSTIFIED DISCRIMINATION**
- **TRANSPARENCY**
- **SPS COMMITTEE**
- **DISPUTE SETTLEMENT PROCEDURES**

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IPPC (INTERNATIONAL PLANT PROTECTION CONVENTION)

- MULTILATERAL TREATY APPROVED BY FAO CONFERENCE IN 1952 (LAST AMENDED 1997)**
- SIGNED BY 169 CONTRACTING PARTIES (DATED AT 2008)**
- THE PURPOSE OF THE CONVENTION IS THE “INTERNATIONAL COOPERATION IN CONTROLLING PESTS OF PLANTS AND PLANT PRODUCTS AND IN PREVENTING THEIR INTERNATIONAL SPREAD, AND ESPECIALLY THEIR INTRODUCTION INTO ENDANGERED AREAS.”**
- COMMISSION ON PHYTOSANITARY MEASURES**
- SECRETARIAT PROVIDED BY FAO – ROME**
- RECOGNISED BY WTO-SPS AGREEMENT**

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IPPC

KEY CONCEPTS:

- **PROVISION OF TECHNICAL ASSISTANCE**
- **EXCHANGE OF TECHNICAL AND OFFICIAL INFORMATION**
- **PHYTOSANITARY STANDARD SETTING
(INTERNATIONAL STANDARD FOR PHYTOSANITARY MEASURES – ISPMs)**
- **DISPUTE SETTLEMENT**
- **NATIONAL PLANT PROTECTION ORGANISATION
(NPPOs)**
- **REGIONAL PLANT PROTECTION ORGANISATION
(RPPOs)**
- **PHYTOSANITARY CERTIFICATE**

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IPPC

THE CONVENTION IS A LEGALLY BINDING AGREEMENT, BUT STANDARDS DEVELOPED AND ADOPTED BY THE IPPC, ARE NOT LEGALLY BINDING. HOWEVER, NATIONAL MEASURES THAT ARE BASED ON INTERNATIONAL STANDARDS DO NOT REQUIRE SUPPORTING JUSTIFICATION.

MEASURES THAT DEVIATE FROM INTERNATIONAL STANDARDS OR MEASURES THAT EXIST IN THE ABSENCE OF INTERNATIONAL STANDARDS MUST BE BASED ON SCIENTIFIC PRINCIPLES AND EVIDENCE. EMERGENCY (OR PROVISIONAL) MEASURES MAY BE TAKEN WITHOUT SUCH ANALYSES, BUT MUST BE REVIEWED FOR THEIR SCIENTIFIC JUSTIFICATION AND MODIFIED ACCORDINGLY TO BE LEGITIMATELY MAINTAINED.

www.fao.org

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IPPC

Outstanding items:

**DRAFT ISPMs ON “PEST FREE POTATO MICROPROPAGATIVE
MATERIAL AND MINITUBERS FOR INTERNATIONAL TRADE”**

(The use of existing **seed certification labels would assist with lot identification, in particular when these labels specify the reference number of the lot, including where appropriate the producer’s identification number. It is recommended that such reference numbers also appear on any phytosanitary certificates issued)**

Released for comments by 30 september 2008

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RNPPs

- **EPPO (EUROPEAN and Mediterranean PLANT PROTECTION ORGANISATION)**

 - **CERTIFICATION SCHEME FOR SEED POTATOES (1999) – REFERENCE TO UNECE STANDARD FOR SEED POTATOES**

- **NAPPO (NORTH AMERICAN PLANT PROTECTION ORGANISATION)**

 - **REQUIREMENTS FOR THE IMPORTATION OF POTATOES INTO A NAPPO MEMBER COUNTRY (1995)**

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IPPC

INTERACTION WITH UNECE STANDARD (TBT/SPS)

PHYTOSANITARY MEASURES AS PART OF A COMPREHENSIVE SEED POTATO CERTIFICATION SCHEME INCLUDING ALSO STANDARD FOR:

- VARIETAL IDENTITY AND PURITY**
- GENEALOGY AND TRACEABILITY**
- EXTERNAL QUALITY AND PHYSIOLOGY**
- SIZING AND LABELLING**

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OECD SEED SCHEMES

- **INTERGOVERNAMENTAL ORGANISATION**
- **HEADQUARTERS ARE IN PARIS**
- **THE INTERNATIONAL TRADE OF SEED (POTATOES IS NOT INCLUDED) MAINLY REFERS TO THE “OECD SCHEMES FOR THE VARIETAL CERTIFICATION AND CONTROL OF SEED”.**
- **THE OBJECTIVES OF THE SCHEMES IS TO ENCOURAGE THE OF SEED OF CONSISTENTLY HIGH QUALITY IN PARTICIPATION COUNTRIES. THE SCHEMES AUTHORISE THE USE OF LABELS AND CERTIFICATES FOR SEED PRODUCED AND PROCESSED FOR INTERNATIONAL TRADE ACCORDING TO AGREED PRINCIPLES.**

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OECD SEED SCHEMES

- **THE SCHEMES ARE OPEN TO ALL MEMBERS OF THE ORGANISATION, AS WELL AS TO OTHER STATES BEING MEMBER COUNTRIES OF THE UNITED NATION ORGANISATION OR OF ITS SPECIALISED AGENCIES DESIRING TO PARTICIPATE IN ACCORDANCE WITH THE PROCEDURE SET OUT.**
- **57 OECD MEMBERS OR NON OECD MEMBERS ARE ADMITTED TO IMPLEMENT THE SEED SCHEMES (INDIA AND MOLDOVA ARE THE MOST RECENT ADMISSIONS IN 2008).**

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OECD SEED SCHEMES: PARTICIPATING COUNTRIES



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OECD SEED SCHEMES

- **THE ADMISSION IS BASED UPON APPLICATION OF THE COUNTRY ON AN EXAMINATION OF THE NATIONAL LAW ON SEED PRODUCTION AND MARKETING THAT HAVE TO BE CONFORM TO THE OECD PRINCIPLES AND THE OUTCOMES OF A TECHNICAL MISSION TO THE COUNTRY TO VERIFY THE IMPLEMENTATION OF THE RULES. THE MISSION IS AT THE REQUESTING COUNTRY'S EXPENSE. AN ANNUAL FEE SHOULD BE PAID FOR THE FUNCTIONING OF THE SEED SCHEMES**
- **EU (EUROPEAN UNION) EQUIVALENCE REGIME FOR IMPORT OF SEED.**

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OECD SEED SCHEMES

SEVEN SCHEMES ARE DEFINED ACCORDING TO GROUPS OF SPECIES OF CULTIVATED PLANTS:

- **GRASSES AND LEGUMES;**
- **CRUCIFERS AND OTHER OIL FIBRE SPECIES;**
- **CEREALS**
- **FODDER BEET AND SUGAR BEET;**
- **SUBTERRANEAN CLOVER AND SIMILAR SPECIES;**
- **MAIZE AND SORGHUM;**
- **VEGETABLES.**

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OECD SEED SCHEMES

194 SPECIES (Nicotiana tabacum, Trifolium spumosum and Trifolium dasyurum admitted in 2008)

42,600 VARIETIES ON THE LIST

515,500 TONNES CERTIFIED UNDER THE SCHEMES IN 2006/2007 (56 % MAIZE)

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OECD SEED SCHEMES

THE SCHEMES ARE BASED ON THE FOLLOWING PRINCIPLES:

- THEY INCLUDE ONLY THOSE VARIETIES WHICH ARE OFFICIALLY RECOGNISED AS DISTINCT, UNIFORM AND STABLE AND HAVE AN ACCEPTABLE VALUE IN AT LEAST ONE PARTICIPATING COUNTRY. THE NAMES OF THESE VARIETIES ARE PUBLISHED IN OFFICIAL LISTS;**
- ALL THE CERTIFIED SEED PRODUCED MUST BE RELATED DIRECTLY THROUGH ONE OR MORE GENERATION TO AUTHENTIC BASIC SEED OF THE VARIETY. THE NUMBER OF GENERATION PERMITTED FOR CROSS POLLINATING SPECIES MUST BE STRICTLY LIMITED. THE MAIN FACTOR DETERMINING THE STANDARD OF CERTIFIED SEED IS THE VARIETAL PURITY OF BASIC SEED, FOR WHICH SPECIAL TESTS ARE PRESCRIBED.**

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OECD SEED SCHEMES

- **SATISFACTORY CONDITION FOR THE PRODUCTION AND PROCESSING OF BASIC AND CERTIFIED SEED MUST BE ENSURED AND VERIFIED BY FIELD INSPECTION AND POST CONTROL TESTS.**
- **POST CONTROL TESTS ARE CONDUCTED TO ASCERTAIN THAT THE SCHEMES ARE OPERATING SATISFACTORILY. IN PARTICULAR, THESE TESTS ARE INTENDED TO DETERMINE THAT THE CHARACTERS OF VARIETIES HAVE REMAINED UNCHANGED IN THE PROCESS OF MULTIPLICATION AND ENABLE THE VARIETAL IDENTITY AND PURITY OF INDIVIDUAL SEED LOT TO BE VERIFIED.**

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OECD SEED SCHEMES

ANNUAL MEETING OF THE DA (DESIGNATED AUTHORITIES) – UNECE IS ADMITTED AS OBSERVER ORGANISATION

COMMITTEE FOR AGRICULTURE AND THE COUNCIL

RECENT AND FUTURE DEVELOPMENTS

•STRATEGIC PLAN

•UPDATE OF THE GUIDELINES ON CONTROL PLOTS AND FIELD INSPECTION

www.oecd.org

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UPOV

- **THE UPOV CONVENTION PROVIDES A “SUI GENERIS” FORM OF INTELLECTUAL PROPERTY PROTECTION WHICH HAS BEEN SPECIFICALLY ADAPTED FOR THE PROCESS OF PLANT BREEDING**
- **THE UPOV SYSTEM OF PLANT VARIETY PROTECTION HAS BEEN ESTABLISHED BY THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS SIGNED BY A DIPLOMATIC CONFERENCE IN PARIS ON DECEMBER 2, 1961. IT WAS REVISED IN GENEVA IN 1972, 1978 AND 1991.**

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UPOV

- **THE HEADQUARTERS ARE IN GENEVA**
- **67 COUNTRIES SIGNED THE CONVENTION** (Georgia is the most recent admission in 2008)
- **Technical Working Parties, Technical Committee, Administrative Juridical, Consultative Committee, COUNCIL**

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UPOV

THE PURPOSE OF THE UPOV CONVENTION IS TO ENSURE THAT COUNTRIES IMPLEMENTING IT ACKNOWLEDGE THE ACHIEVEMENTS OF BREEDERS OF NEW VARIETIES OF PLANTS, BY GRANTING TO THEM AN INTELLECTUAL PROPERTY RIGHT, ON THE BASIS OF A SET OF CLEARLY DEFINED PRINCIPLES.

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UPOV

TO THIS AIM THE FOLLOWING DEFINITION OF VARIETY IS GIVEN: VARIETY MEANS A PLANT GROUPING WITHIN A SINGLE BOTANICAL TAXON OF THE LOWEST KNOWN RANK, WHICH GROUPING, IRRESPECTIVE OF WHETHER THE CONDITIONS FOR THE GRANT OF A BREEDER’S RIGHT ARE FULLY MET, CAN BE

- DEFINED BY THE EXPRESSION OF THE CHARACTERISTICS RESULTING FROM A GIVEN GENOTYPE OR COMBINATION OF GENOTYPES,**

- DISTINGUISHED FROM ANY OTHER PLANT GROUPING BY THE EXPRESSION OF AT LEAST ONE OF THE SAID CHARACTERISTICS AND**

- CONSIDERED AS A UNIT WITH REGARD TO ITS SUITABILITY FOR BEING PROPAGATED UNCHANGED.**

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UPOV

TO BE ELIGIBLE FOR PROTECTION, VARIETIES HAVE TO BE

- DISTINCT FROM EXISTING, COMMONLY KNOWN VARIETIES,**
- SUFFICIENTLY UNIFORM,**
- STABLE AND**
- NEW.**

THE GRANT OF PROTECTION IS ALSO SUBJECT TO THE CONDITION THAT THE VARIETY IS DESIGNATED BY AN ACCEPTABLE DENOMINATION.

ALL GENERA AND SPECIES CAN BE PROTECTED UNDER THE UPOV SYSTEM (INCLUDING POTATO)

ANY DECISION TO GRANT A BREEDER'S RIGHT SHALL REQUIRE AN EXAMINATION FOR COMPLIANCE WITH THE ABOVE CONDITIONS.

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THE SCOPE OF THE BREEDER'S RIGHT MAY ALSO BE EXTENDED TO PRODUCTS MADE DIRECTLY FROM HARVESTED MATERIAL, WHERE THIS HAS BEEN OBTAINED THROUGH THE UNAUTHORISED USE OF HARVESTED MATERIAL OF THE PROTECTED VARIETY, UNLESS THE BREEDER HAS HAD REASONABLE OPPORTUNITY TO EXERCISE HIS RIGHT IN RELATION TO THE HARVESTED MATERIAL.

PLANT BREEDERS' RIGHT INCLUDE ALSO:

- VARIETIES WHICH ARE ESSENTIALLY DERIVED FROM THE PROTECTED VARIETY, WHERE THE PROTECTED VARIETY IS NOT ITSELF AN ESSENTIALLY DERIVED VARIETY;**
- VARIETIES WHICH ARE NOT CLEARLY DISTINGUISHABLE FROM THE PROTECTED VARIETY; AND**
- VARIETIES WHOSE PRODUCTION REQUIRES THE REPEATED USE OF THE PROTECTED.**

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ON THE OTHER SIDE PLANT BREEDERS' RIGHT DOES NOT INCLUDE:

- **ACTS DONE PRIVATELY AND FOR NON-COMMERCIAL PURPOSES, (THIS EXCEPTION MEANS THAT, FOR EXAMPLE, **SUBSISTENCE FARMING** IS EXCLUDED FROM THE SCOPE OF THE BREEDER'S RIGHT)**
- **ACTS DONE FOR **EXPERIMENTAL PURPOSES** AND**
- **ACTS DONE FOR THE **PURPOSE OF BREEDING OTHER VARIETIES** AND, FOR THE PURPOSE OF EXPLOITING THESE NEW VARIETIES PROVIDED THE NEW VARIETY IS NOT A VARIETY ESSENTIALLY DERIVED FROM ANOTHER PROTECTED VARIETY (THE INITIAL VARIETY).**

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UPOV

**PLANT BREEDERS' RIGHT IN THE EU
(CPVO AND NATIONAL SYSTEMS)**

www.upov.org

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**THE CARTAGENA PROTOCOL ON BIOSAFETY
(ADOPTED IN 2000 BY THE CONFERENCE OF THE PARTIES)**

•THE PROTOCOL SEEKS TO PROTECT BIOLOGICAL DIVERSITY FROM THE POTENTIAL RISKS POSED BY LIVING MODIFIED ORGANISMS RESULTING FROM MODERN BIOTECHNOLOGY.

•IT ESTABLISHES AN ADVANCE INFORMED AGREEMENT (AIA) PROCEDURE FOR ENSURING THAT COUNTRIES ARE PROVIDED WITH THE INFORMATION NECESSARY TO MAKE INFORMED DECISIONS BEFORE AGREEING TO THE IMPORT OF SUCH ORGANISMS INTO THEIR TERRITORY.

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THE CARTAGENA PROTOCOL ON BIOSAFETY

- **THE PROTOCOL CONTAINS REFERENCE TO A PRECAUTIONARY APPROACH AND REAFFIRMS THE PRECAUTION LANGUAGE IN PRINCIPLE 15 OF THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT. THE PROTOCOL ALSO ESTABLISHES**

- **A BIOSAFETY CLEARING-HOUSE TO FACILITATE THE EXCHANGE OF INFORMATION ON LIVING MODIFIED ORGANISMS AND TO ASSIST COUNTRIES IN THE IMPLEMENTATION OF THE PROTOCOL.**

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THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE (ADOPTED BY FAO CONFERENCE IN 2001 AND ENTERED INTO FORCE IN 2004 RATIFIED BY 100 COUNTRIES TO DATE)

The objectives of the Treaty are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of benefits deriving from their use

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THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Through the Treaty, countries agree to establish an efficient, effective and transparent Multilateral System to facilitate access to plant genetic resources for food and agriculture, and to share the benefits in a fair and equitable way. The Multilateral System applies to over 64 major crops and forages. The Governing Body of the Treaty, which is composed of the countries that have ratified it, has set out the conditions for access and benefit-sharing in a "Standard Material Transfer Agreement".

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THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Resources may be obtained from the Multilateral System for utilization and conservation in research, breeding and training. When a commercial product is developed using these resources, the Treaty provides for payment of an equitable share of the resulting monetary benefits, if this product may not be used without restriction by others for further research and breeding. If others may use it, payment is voluntary.

<http://www.planttreaty.org>

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THANKS FOR YOUR ATTENTION!