

REPORT OF THE ISF WORLD SEED CONGRESS
BELFAST (UNITED KINGDOM), 30 MAY – 1 JUNE 2011

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OPENING CEREMONY

Waterfront Hall Auditorium

Monday, 30 May 2011

- ❖ The Opening Ceremony started with the entrance of a dignitary procession led by Ulster Piper, followed by a performance by singer Nuala Murray, accompanied by Loreta McAuley.
- ❖ The Master of Ceremonies, **Ms. Lynda Bryans**, welcomed the participants and greeted the audience in these words:

“Belfast, this fine city of ours, has been welcoming visitors for more than 400 years. The topography has changed little, with dramatic hills rising on three sides of the city, the shores of the Belfast Lough on the other and the River Lagan winding its way through the centre. From a cluster of dwellings at the mouth of the River Lagan, Belfast story is one of ceaseless invention: the linen industry, ship building, engineering, aircraft manufacture have all been shaping forces in this city’s growth and the same spirit of enterprise and innovation which gave Belfast its proud industrial profile has transformed it into the modern, compact and dynamic city that it is today. Belfast is the gateway to Northern Ireland and we hope you will have time during your visit to experience some of the many attractions of this province, for nothing is more than about two hours away.”

- ❖ The Master of Ceremonies gave the floor to **Mr. John Gilbert**, Chairman of the National Organizing Committee:

“Ladies and Gentlemen,
 Welcome to Belfast!

The good news is you made it despite the ash cloud. The bad news is you are exactly 12 weeks late; my sixtieth birthday was in March.

Seriously, we hope you will have a really good time in Belfast.

I have been attending the now ISF – before that FIS - meetings since 1981. I became involved in the actual organization because I believe that international trade is important, particularly as it fosters international understanding. Therefore I also consider that the success of this annual meeting is very important. So after this meeting will you please complete the survey that you will receive. If we don’t know the problems, we cannot be expected to fix them, we need feedback.

Now a few housekeeping details and so on:

The Trading Floor is in St George’s Market, which is the oldest covered market in Ireland. It opened

in the 1890’s, was refurbished in the 1990’s and it is in regular use today. If you had been there on Saturday, you could have done some of your shopping. It is about four minutes away. Be careful when crossing the road, it is one way and whilst you are in the United Kingdom or in Ireland, please remember that we drive on the correct side of the road, the left.

[...]

The Welcome Party this evening is in Customs House Square. Customs House dates to Victorian times, when Belfast was one of the busiest ports in the United Kingdom. At that time only London and Liverpool collected more import duty taxes than Belfast.

[...]

The Gala Dinner will be at the Kings Hall, the youngest of our venues. It is a fine example of Art Deco, owned by the Royal Ulster Agricultural Society, and it dates to 1934.

[...]

If you have not already taken some time to look around the country, I hope you will do so before you leave. It is extraordinarily beautiful and we natives are really quite friendly.

Finally, thank you delegates, guests and exhibitors for coming. We also thank our sponsors, big and small, their contribution makes a huge difference and is greatly appreciated.”

- ❖ The Master of Ceremonies gave the floor to **Ms. Penny Maplestone**, Chief Executive Officer, British Society of Plant Breeders:

“Good morning Ladies and Gentlemen,

I am delighted to welcome you here to Belfast on behalf of the British Society of Plant Breeders.

With John and our colleagues on the National Organising Committee for this Congress, I have spent the last 12 months urging you to be part of it. Now as I look around this magnificent auditorium I am absolutely thrilled to see that so many of you have chosen to do so.

Now you ARE part of it.

You are part of this remarkable gathering of the world’s seed companies,

but you are also part of something very much bigger.

In 2009, the UK Government’s Chief Scientific Adviser Professor Sir John Beddington gave a seminal speech in which he coined the phrase the ‘perfect storm’ to describe the global turmoil that he predicts will come from a future confluence of

- food and water shortages
- population growth
- and insufficient energy.

This year he presented his much publicised Foresight report on the future of food and farming and spoke about 'sustainable intensification' as his vision for global agriculture.

His report and many other recent reports on this subject all deliver broadly the same message:

The world has to face up to 5 grand challenges:

- Food security
- Climate change
- Making more efficient use of resources
- Improving health and nutrition
- And stimulating economic growth

The reports all point to the role that plant science has to play but I think they are rather shy about acknowledging that the plant science developments that they talk about must be channelled into plant breeding solutions to be delivered by commercial seeds companies.

It may be that the authors do not understand this point or perhaps they are nervous about recognising it in public, knowing that the inter-dependence of food supply and big business is unpalatable to a section of their readership.

It is now up to all of us to make sure that the role of commercial plant breeding is understood and accepted and that the solutions will only be delivered if this industry can be allowed to flourish in an enabling regulatory framework in which there is appropriate reward for innovation.

At BSPB we are passionate about communicating this message. In the last 2 years we have commissioned two very important pieces of work to help us with this.

Here are the headlines:

First since 1982 more than 90% of the yield gain in UK cereals has been due to plant breeding.

Secondly, moving beyond the farm gate, plant breeding in the UK for wheat, barley and forage maize alone, generates more than £1 billion in additional value within the UK food supply chain – that's a staggering 40-fold return on the £25m annual royalty income for those three crops.

The clear message from this work is that plant breeding is the single most important factor to deliver the required gains in sustainable agricultural productivity.

And that you, the global seeds industry as the route to market for R & D are the people who can make this a reality.

Governments are looking to plant breeding it for answers – all of us in this room have a responsibility to tell them that this industry is indispensable to that.

There are huge challenges ahead but exciting opportunities.

You are all part of it.

Enjoy your time In Belfast and on behalf of BSPB I wish you all a successful and productive Congress."

❖ The Master of Ceremonies introduced **Mr. Truels Damsgaard**, President of ISF.

"Good morning Ladies and Gentlemen,

I would also like to welcome you all to the 2011 ISF Congress. I would especially like to welcome all new members attending for the first time. Eight national seed associations have decided to join ISF in 2011; these being from Bangladesh, Pakistan, Paraguay, the Philippines, Russia, Turkey, Ukraine and Venezuela. The new memberships firmly underline the global nature of the seed industry and emphasize ISF's position as the mouthpiece of the seed industry.

I'm saddened to report that Mr. Carlos Basso, member of the ISF Board of Directors and Chairman of the Phytosanitary Committee from Argentina, passed away on the 13th of May 2011. Carlos was highly appreciated as a seeds man. Through his work at ISF I got to know him as a capable and talented person, who served the interests of the seed trade well. Please raise and join me in a moment of silence in memory of Carlos Basso.

Since the 2010 ISF Congress in Calgary, Canada, the general outlook for the world economy has improved. The global recovery has been under way for some time; although uneven. Growth has been strongest in emerging economies, especially driven by the so-called BRIC countries, and growth prospects appear to be good. The US and especially Europe are struggling to restore the confidence of consumers and businesses, despite support from low interests and economic stimulus from expansive fiscal policies in many countries.

The challenge will be to transform into a stage of self-sustained economic growth in the private sector, as policy-driven growth by creating further public sector debt is no longer viable. In this light international collaboration and trade are important to drive economies to grow. ISF is a strong believer in the benefits of global specialization and trade of seeds on free market terms as a tool to, among other things, ensure food production in the world.

It appears that the price volatility for grains, energy and currencies has increased considerably since the price spike in 2007 / 2008. Uncertainties concerning climate, population growth, political interventions, macroeconomic factors and energy prices suggest that commodity prices will remain volatile.

However, the agricultural sector responds traditionally to raising prices by increasing production and thereby bringing the markets back

into some sort of “normality”. Nevertheless, for companies in our sector we need to relate to price changes in the tactical planning, let alone in the strategic planning, as part of risk management.

Global price increases on basic agricultural products are extended into domestic food markets. The speed and magnitude depend on the level of local market integration into the global market. Many governments are concerned about price volatility. At ISF we caution governments and policy makers to respond to this challenge by imposing trade barriers or by introducing taxes, levies or price support. Such tools will distort the free trade and create inefficiencies. In Agricultural Outlook 2010-2019, OECD and FAO state that:

“There is a need for greater assurance of unimpeded access to global supplies and improve confidence in the market functioning.”

ISF supports this view; in fact, it's part of the ISF mission statements.

Food, feed and fuel are very much setting the global scene in the seeds' world. Food and feed have been part of our agenda since the formation of our industry. Fuel is a new item very much “fueled”, if I may use this expression, by political and strategic concerns over security for energy supplies short and long term, crude oil prices, as well as CO2 emissions and climate change. With about 36% of the US corn production going into the biofuel production it is a factor to be taken into consideration.

In terms of food and feed this implies that productivity of the land needs to increase. In the aforementioned Agricultural Outlook OECD & FAO predicts that the global food production needs to increase by 70% from today to 2050, but they also conclude that we are on the right track, given no unexpected shocks. In the seeds' industry we are dealing with this challenge seriously. Not only do we develop, produce and sell better yielding products, among other things by breeding stress and pest tolerant varieties, we are also developing products that require less input. This is in response to the need to produce more from less.

An estimated 1/6 of the world's cropping acreages, producing maybe up to 1/3 of the crops, are produced on irrigated land. At the same time quite huge acreages of farm land are annually degraded – one reason for this is, in fact, irrigation that over time causes salt to accumulate in the soil. In the forage and grass seed industry, which happens to be my home turf, we breed grass varieties that can yield more under low input management, hereunder varieties that can tolerate high salt concentrations. At the same time we are developing grass varieties that can be sown in areas that have been given up by

farmers and now just lay unfertile; more or less like a desert as storms erode the top soil.

As a seed industry we can only set out on such endeavours - to create better and more suited products for the conditions of tomorrow - if we can harvest a return of our development work. Therefore, as ISF we take a strong view on the protection of breeders' rights, related know-how and technologies. ISF has always stressed the importance of Intellectual Property and we will continue to speak-out for a strong legal framework to protect it.

At this point, please allow me to remind everyone of the ISF mission statements; namely that ISF shall

- Facilitate the international movement of seed, related know-how and technology;

This is very much linked to free trade and IP rights, as I have already touched upon.

Further, ISF shall

- Mobilize and represent the seed industry at a global level;
- Inform its members of developments within the seed industry and in the international regulatory environment;
- Promote, on behalf of its members, the interests and image of the seed industry.

We are today 217 ISF members covering 75 countries across the world. As mentioned, eight new ordinary members have signed up for membership this year. Our members account for about 96% of the international seed trade, which has increased quite steadily for the past 20 years. Given the need to increase global food production significantly there is good reason to believe that international seed trade will continue to increase.

We are the main global organization to represent the seed industry. ISF is official observer in all major intergovernmental organizations, to mention but a few: UPOV, OECD, ISTA, WTO and FAO. No other trade association for seeds has such a broad observer status in intergovernmental organizations.

We have built this position because we have been able to, effectively, mobilize the seed industry and to, collaterally, express the concerns and positions of the whole industry. ISF is speaking with one voice. We are organized in a number of sections, committees and working groups. In these we are able to discuss issues related to seed trade, plant breeding and IP.

This rounds up my address at the ISF Congress Opening 2011. As always I would like to thank the members of Executive Committee and the Board of Directors for very good cooperation throughout the year, as well as the ISF

secretariat and Marcel for making my life as President as smooth as possible.

Finally, I would like to thank the organizing committee for a job well done. In particular, I would like to thank John & Sarah Gilbert for their huge efforts and commitment.

Thank you for your attention.”

- ❖ The Master of Ceremonies gave the floor to **Mr. Peter Button**, Vice Secretary-General of the International Union for the Protection of New Varieties of Plants, who provided “An introduction to UPOV” (presentation available upon request).

After an overview of the UPOV organization, Mr. Button touched upon the importance of Plant Breeding, Plant Variety Protection and UPOV, and also underlined the role of the seed sector. The UPOV Impact study had shown that the introduction of a UPOV-like system and the Accession to UPOV usually leads to more investment in breeding, to more and better varieties for farmers and growers, to increased income for farmers, to rural development and to the development of international markets. With regards to the role of the seed sector, he highlighted some of the conclusions of a recent UPOV seminar on PVP and Technology Transfer: the benefits of Public-Private Partnership. The session on technology transfer and the private sector had concluded that the private seed sector is an effective means of delivering varieties to farmers, it provides an assessment of the market potential of varieties, it is a link between public research and the needs of the farmers, it provides a channel for income for public sector research and it facilitates strategic associations and coordinated technology transfer. He was urging all to come to the meeting of the Breeders Committee that afternoon to learn more about UPOV.

- ❖ The Master of Ceremonies introduced **Mr. Marcel Bruins**, Secretary General of ISF, who provided the Progress report of the ISF Secretariat (presentation available upon request).

Mr. Bruins started by saying that a detailed progress report had been sent to all members six weeks before the congress, and he would be presenting only the highlights in his speech. He drew attention to the fact that last year in 2010 25 new members had joined the Federation, and this year again 26 candidate members had applied for ISF membership. Major developments within ISF currently were a revision of the ‘ISF View on Intellectual Property’, a complete re-write of the ISF Trade Rules, and Seed Treatment. Communication efforts had been stepped up: internal communication through tools such a

Facebook, LinkedIn and Shutterfly, but especially external communication through a twitter account, videos on YouTube and participation in the last UNFCCC and G8 meetings. The video ‘Variety is Life’, which had been released last year at the congress in Calgary, had been viewed on YouTube close to 3000 times in over 90 countries, and this had been great exposure to a general audience. Besides the original version in English, this movie had been translated into 3 other languages. He was happy to announce that ISF had again produced another movie, titled ‘Agriculture under Pressure’ and encouraged all to place or ‘embed’ this new ISF-video into their own association- and company-websites as this would spread the message further. In case members were interested in a translation of the video into their own language, they should contact the ISF secretariat. He then wished all a very good congress, urged all to fill out the post congress satisfaction survey and announced the new ISF video ‘Agriculture under Pressure’.

The movie ‘Agriculture is under Pressure’ was shown on screen. The audience appreciated the movie very much with a large round of applause.

- ❖ Performance by *Kintra*, a musical group performing Irish and Scottish Song and Dance.
- ❖ The Master of Ceremonies gave the floor to **Professor Chris J. Leaver**, who made the keynote address titled “The Perfect Storm – The Perfect Seed?” (presentation available at the Secretariat on request).

Prof. Leaver provided an overview of the parameters that had led to the high food prices and of the current situation. At the end of his talk he concluded by saying that to ensure food security for the increasing world population in a sustainable and environmentally friendly manner it would be necessary to double productivity on the same area of land. At the same time it would be necessary to address the concerns associated with modern high input agriculture, declining water availability and the threat of climate change. In his view the only realistic option was to invest in the science and technology necessary to increase the efficiency of agriculture and attempt to reverse the impact of man-made climate change and called it sustainable intensification. A full evaluation of the potential contribution of all appropriate technologies would be necessary and this could be achieved by combining the best of conventional plant breeding with marker assisted breeding and GM, and this would contribute to the security of future generations and deploy them where appropriate.

He further stated that we could not become technology and risk averse about food and farming, far beyond the rest of our daily life.

Single rights issues such as Biotechnology were used as part of a larger battle – fighting for social order, a world vision, moral leadership, etc. Public acceptance must be gained and the politics must follow and he underlined that doing nothing was not an option.

- ❖ The Master of Ceremonies introduced **Mr. Ywao Miyamoto**, Chairman of the National Organizing Committee of Brazil.

Ladies and gentlemen, good morning!

I am Ywao Miyamoto - president of the National Organizing Committee of the 2012 ISF World Seed Congress to be held in Rio de Janeiro, Brazil. I am very content to be with you all in the biggest international event of the seed industry and I would like to thank you for giving me a few minutes of your time.

Now I would like to introduce the members of the organization committee in Brazil: Messrs. Narciso Barison, Jose Américo Pierre Rodrigues, Silmar Peske and Goran Kuhar. Brazil and ABRASEM – The Brazilian Seed Association- are proud of hosting the ISF World Seed Congress next year.

Agribusiness is of eminent economic relevance to Brazil. This sector represents 30 percent of the country's GDP, where seeds are very important, as agricultural land occupies an area of about one million and seven hundred thousand hectares.

Besides its natural beauties, Rio de Janeiro's greatest richness is its cultural diversity. The city has a priceless architectural heritage and it is the origin of musical styles like Samba and Bossa Nova. The city of Rio is famous for its sumptuous parades during carnival, its samba schools and for its beautiful beaches such as Copacabana and Ipanema. The fantastic local cuisine also awaits visitors of the 2012 ISF World Seed Congress. Some delights of Rio de Janeiro that can be enjoyed all year round are caipirinha, feijoada and barbecue.

The 2012 ISF World Seed Congress will be held at Windsor Barra Hotel, a modern hotel complex at Barra da Tijuca Beach, in an elegant and safe part of the city.

It is with a great honor that we present you the city of Rio de Janeiro and its beauties!

Brazil, Rio de Janeiro and Christ the Redeemer wait for you with arms wide open!

Now it is with great pleasure that we present you some images of Brazil.

Thank you very much!

- ❖ After entertainment by *Kintra*, the Opening Ceremony was closed and refreshments were served in the reception area.

* * *

Report of the Open Meeting of the Breeders Committee

Held on Monday, 30 May 2011

Chairman: **Mr. Jean-Christophe Gouache** (FR)

1. Call to order, antitrust guidelines (11.070) and adoption of the agenda

The Chairman called the meeting to order at 13.00 hrs and welcomed according to the attendance list 139 participants from the following 32 countries: Argentina, Austria, Bangladesh, Belgium, Brazil, Canada, Chile, China, Czech Republic, Denmark, Finland, France, Germany, Hungary, India, Israel, Italy, Japan, Kenya, Republic of Korea, Netherlands, New Zealand, Pakistan, Poland, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States, Uruguay. He issued a special welcome for the ISF guests from AFSTA, ESA, SAA and ISTA, OECD, FAO, UPOV and the IT-PGRFA.

There were no additions to the agenda. The antitrust guidelines had been distributed with the congress documents, and all were reminded of the importance of this document.

2. Minutes of the Calgary Meeting (Calgary Congress Report, pp 7 – 13)

The minutes had been adopted by written procedure. There were no further comments.

A. Intellectual Property

3. Update on UPOV

Mr. Peter Button, Vice Secretary-General of UPOV, provided a presentation (available at the Secretariat on request) on the recent developments within UPOV. He highlighted that UPOV was celebrating the 50th anniversary of the UPOV Convention this year and currently had 69 members. He also mentioned the recent admission of two new observers which had been granted to the Association for Plant Breeding for the Benefit of Society (APBREBES) and to European Coordination Via Campesina (ECVC) for the Council, the Administrative and Legal Committee (CAJ), the Technical Committee (TC) and the Technical Working Parties (TWPs). The observer status for CropLife International was extended to the CAJ, TC and TWPs.

He explained the GENIE database, the UPOV Collection and the Plant Variety Database in detail. The Plant Variety Database would become freely available to all users later this year. With regards to the electronic application form, a proposal that had been launched by ISF several years ago, he mentioned that UPOV was making further steps with an electronic model application form, which was coming closer to the original ISF proposal. The proposed document would contain

a translation tool, but could not be considered as an application form.

The 2nd World Seed Conference in 2009 had resulted in a follow up between the 5 co-organizers (FAO, ISF, ISTA, OECD and UPOV) which had committed themselves to the World Seed Project, in which they would work together in a small number of selected countries to provide an example of how to put in place a framework to encourage the development of new varieties and deliver high quality seed for farmers..

In response to a question, he stated that all national laws and regulations relating to plant variety protection in UPOV member states could be found on the UPOV website. A further question was raised whether the recent admission of some observers to UPOV should be seen as a threat to the UPOV system. He replied that UPOV was very transparent in its work and considered that participation of new observers would help to raise awareness of that.

The Chairman thanked Mr. Button who was warmly applauded for his presentation.

4. Update on IPC matters

4.1 Revision of ISF View on IP

Mr. Stephen Smith, Chairman of the ISF Intellectual Property Committee started with presenting his best wishes to IPC member: Mrs. J. Blokland and the new addition to the Blokland family. He then presented a chapter by chapter overview of the revision process of the 'ISF View on IP' (presentation available at the Secretariat on request). The chairman of BC encouraged all to provide their comments to the presentation as it would provide the IPC with valuable feedback how to move forward with the revision. A Question and Answer session was held at the end of each chapter.

Chapter 2 - Protection of plant varieties through Breeder's Right

With regards to the ownership of the DUS testing report (chapter 2), it was mentioned that ISF had made this comment already many times in UPOV meetings. Nevertheless it could be re-introduced in UPOV.

On the topic of the reference sample of parental lines, it was stated that these should remain property of the breeder until expiration of the PVP certificate. Until then there should be no free exchange of parent lines material without a Material Transfer Agreement (MTA). This particular matter would need further clarification in the future IP position paper. The MTA that should accompany the material could be a company MTA, as some companies had already done so, but a harmonized document had the preference. ISF had also proposed a standard MTA to UPOV. In the ISF position paper, it should be considered

to be more explicit and state that when the period of protection is over, the ownership of the material returns fully to the breeder. However, all aspects of such a position should be well considered, e.g. in the case where a parent line is still being used for the production of another hybrid. The ASTA has a position on this topic, which would be shared with the IPC.

With regards to Enforcement a question was raised whether the IPC had discussed the need for specialized courts that have experience with PVP infringements, as such experience was often missing in local courts. The IPC would look into the matter.

The use of the word 'crime' in the draft position paper would need further study, and the wording of this specific § on enforcement should reflect more that it is an ISF position.

Farm Saved Seed

On Farm Saved Seed the text should be revised to state that FSS without the payment of royalties is a problem, and not FSS per se.

Plagiarism and Predominant Derivation

On Plagiarism and Predominant Derivation, comments were made that this remains a very sensitive issue, and the seed associations had a responsibility to ensure a very careful study and discussion by all of their members well ahead of time before the next congress, to make sure that eventually all members can agree with the final text.

Patents for Plant Related Inventions

The Chapter on Patents for Plant Related Inventions had been greatly expanded. There are regulatory and stewardship aspects that lie outside of IP and breeders and seed producers need to be aware of those. People handling seeds that have regulatory issues attached to them will need to know what those regulatory requirements are and meet them.

On native traits there had been lots of discussions and the matter would be further discussed at the next IPC meeting. It would also be important to get information out, one way or another, on how to select for native traits. Possibly the recent decision of the Enlarged Board of Appeal of the European Patent Office could assist in the discussions.

A comment was made that the rules and laws differ from country to country and as ISF we should specify what the seed industry would like, and not focus on the (im-) possibilities or positions in one or a few countries.

There is a discussion ongoing on possibly reopening the EU Biotech Directive and one participant wanted to know what the ISF position was on this matter. The chairman of the BC

replied that the ISF Executive Committee had discussed the matter and had concluded that ISF would need to be careful on that as it is not necessarily an ISF question. After a long discussion the EC had concluded that it is not for ISF to say if we're in favor or against reopening. However, if the Directive were to be reopened, then ISF should express itself in which direction the revision should go and what is beneficial for the global seed industry. The ISF Board of Directors had discussed the matter the previous day and had agreed with this approach.

A representative from the European Seed Association (ESA) mentioned that a similar discussion was ongoing in ESA and was high on its agenda. It had decided that whether or not to reopen the Directive should be the result of the position, not the start of the discussion. ESA was still discussing it and hoped to finalize it in October of this year. Within ESA a working group was looking at the regulatory and stewardship issues. The chairperson of the ESA CIPR mentioned that one of the items under discussion within the CIPR was limitation of patentability and was wondering whether the IPC was working on a definition of native traits. This was not yet the case, but the IPC would consider the request.

In response to a question about the scope of the research exemption under a patent, it was stated that the boundary between research use and commercialization had been fixed. The creation of a new variety and seeking PVP for that variety would not be considered as commercial acts, but the acts requiring the breeder's authorization under Article 14 of the UPOV 1991 Convention would be considered commercial. For example once a breeder would start bulking up material of the new variety, this would be considered as commercial acts.

In a similar matter if a variety is still in the VCU testing phase, another breeder could not use that variety for further breeding. But as soon as it had entered the commercial phase it would be able to use it in making crosses.

One participant felt that the discussion in the IPC had restricted itself to the situation where a variety carries a patented trait, and was used by another breeder under the Breeders Exemption, without commercialization. In his opinion the question was if the resulting new variety still contained the patented trait, could the second breeder obtain a PVP (or perform other acts) without having to ask for a license from the original breeder. The IPC had decided that filing for and obtaining a PVP would not be considered as commercialization, so it would fall within the scope of the Breeders Exemption. On the other hand, if the second breeder were to engage in acts which are considered as commercial acts under the PVP, such as reproduction for the

purpose of marketing, stocking etc these acts would not fall within the scope of the Breeders Exemption.

A question was raised with regards to the statement 'Non-patented background remains available for further breeding under PVP' and the possible discrepancy with the remark on access to patented traits. The Chairman of the IPC explained that the two statements were referring to the genetic background in the 1st statement, and the patented trait in the 2nd statement. Also the first statement was referring to a vision and the 2nd statement was about implementation.

With regards to the statement on 'Rigorous application of the standards for patentability' it was noted that these standards differ from country to country. The standards were not applied as rigorously as we thought they should be. An additional question could be whether ISF should discuss defining what those standards should be. This would be added to the 'to-do' list of the IPC. It was added that it might be better to talk about patent requirements, rather than standards.

There were no further comments with regards to the chapter on 'Other forms of IP'.

The Sustainable Agriculture Committee (SAC) had offered to help with the drafting of the chapter on 'Plant Genetic Resources and International Treaties'. The chairman of the IPC then presented the Next Steps that were envisaged towards finalization.

Conclusion of the IPC part

In wrapping up this part of the meeting, the chairman of the BC added that the world had changed and it might be more difficult than in the past to find a 'one size fits all' solution. ISF would need to express the principles that it stands for. There are more things that unite us, than things that divide us. He also mentioned that after finalization of the new position paper it could be necessary to think beyond 2012, and highlighted the changed environment mentioning as an example the new observers in UPOV that might not always be favorable to our seed industry. Therefore it might be necessary to launch some forward and 'out of the box' thinking. Being reactive or doing nothing is not an option and we should not be afraid to open some of the debates. So at some point a discussion would be needed on what IP tools are needed for 2020 and beyond for the seed industry. There was still a lot of work ahead.

4.2 Other business - Short update on Tomato project

Mr. Marcel Bruins of the ISF Secretariat provided a brief historical background of the different phases, and presented the latest results of

Phase-4 which had just come in a few days before the congress (presentation available at the Secretariat on request). This last phase had used many thousands of publicly available SNP markers, which could easily be used for parent identification purposes. The SNP markers had a much better resolution due to the higher number of markers. It could also be concluded that SNP markers are less sensitive to inhomogeneous samples.

These results would now be discussed in the Working Group, followed by a discussion in the V&O Section Board.

B. Sustainable Agriculture

5. Update on SAC matters

The chairman then gave the floor to Mrs. Anke van den Hurk, Chairperson of the Sustainable Agriculture Committee (SAC). She presented an update on the matters that had been discussed in the SAC (presentation available at the Secretariat on request).

5.1 Access to genetic resources: what the future may hold

The most recent developments in the IT-PGRFA were shown, underlining that ISF was continuing to provide lots of input during and in between the meetings. In the past year ISF had participated in the expert group on the implementation of the sMTA and in the Governing Body 4 meetings. For the coming year ISF would continue its discussions on voluntary benefit sharing, it would continue its participation in the Ad Hoc Technical Advisory Committee on the Multilateral System. The SAC would also carry on with its discussions on farmer's rights where it would push for national implementation, recognition of breeders as stakeholders and for a provision on the right information on UPOV.

In response to a question, Mrs. v. d. Hurk replied that only 64 plant species were included in the Annex 1 of the IT, half of them being food crops, and the rest feed crops. There were several important omissions in the Annex 1 crops, one of them being soybean. Also non-food crops, used for oil and fiber were not on the Annex 1, and would therefore by default fall under the CBD. The ISF position was that all crops should fall under the IT.

Another participant asked if there was a definition of sustainable use of genetic resources. There was an article in the Treaty, but this was rather ambiguous and open for interpretation.

There is a discrepancy in the number of countries that have ratified the IT (126), and the no. of countries that had implemented a Multilateral System (MLS), which was much lower.

Convention on Biological Diversity (CBD)

With regards to the Convention on Biological Diversity (CBD), ISF had participated in many of the meetings of the ABS Working Groups and in the COP 10 meeting in Nagoya, which had led to the adoption of the Nagoya protocol (after 10 years of negotiations). The protocol encompassed all genetic resources (including pathogens), except those which were already covered under the IT-PGRFA, commercial and branded varieties and probably privately owned material as well. ISF had especially lobbied hard to get the Annex 1 crops carved out from the Nagoya protocol, and had succeeded in that. However, there were still ambiguities in the scope such as the country of origin. Benefit sharing (BS) under the CBD should be arranged on the basis of Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT). ISF is in favor of one agreement for PIC and MAT, and urges users to arrange the ABS conditions upfront and to include the final product.

The 'stacking' of germplasm and the period of the contract would pose further problems for the future. Countries have to designate one or more checkpoints to check for a certificate of compliance but these checkpoints might cause delays or termination of the product development.

To deal with all these complexities and ambiguities the SAC had already started to develop an explanatory document on the Nagoya protocol and possibly in the future one or more position papers would be drafted. Furthermore it would be necessary for ISF to actively participate in the relevant meetings to follow the developments and provide input where needed.

Questions and Answers from the audience

A question was raised whether it would be possible in the context of the explanatory document to develop a model agreement which is similar to the IT sMTA and whether the Breeders Exemption was recognized under the Nagoya Protocol as benefit sharing. It was replied that the document was in the first place only explanatory in nature, and it was not envisaged to develop a model agreement. With regards to the Breeders Exemption, this was still under discussion and would be discussed at the next SAC meeting.

It was clarified that the BS Fund of the MLS was related to in-situ collections and sustainable use, whereas the Global Diversity Trust Fund was more for maintenance of ex-situ or gene-bank collections. ISF has provided financial support to this latter Fund and as board member was participating in most of the meetings. The Trust Fund was not part of the IT.

The focus of all the discussions was not only on agriculture crops, but also on other genetic resources, such as animals, forest species, pathogens, fish and other marine resources etc.

A remark was made that recently CropLife had issued a press release stating that the seed industry was extremely pleased with the Nagoya protocol, and this participant heeded for caution with such a statement and urged the companies who were also part of CropLife to discuss the matter internally, with the presented information in mind.

5.2 Benefit Sharing - non-monetary and monetary, voluntary or mandatory

Mrs. Anke van den Hurk continued with a presentation on Benefit Sharing under the IT PGRFA (available at the Secretariat on request). She underlined that the Breeders Exemption should be considered as a large sharing of the benefits by the seed industry and added that many companies were providing support to genebanks through multiplication, evaluation and collection. An explanation was provided about the obligatory BS when the resulting material was no longer freely available for further breeding and the provocative question was raised whether voluntary BS meant zero. She asked the participants whether in addition to the current voluntary BS by the industry there was a need for other / additional forms of voluntary benefit sharing. During the subsequent discussion the statement was made that in case voluntary was to be considered as zero there was a risk that voluntary would be changed into mandatory. On top of that we needed to keep the CBD in mind, because in case the IT was not working it could be decided to no longer exclude the Annex 1 crops from the Nagoya protocol.

Question and Answers from the audience

A proposal was made to UPOV to facilitate the dissemination of information on which new varieties had IT material in them. The UPOV representative replied that this was not within the scope of UPOV.

The 116 million USD that the IT would need to collect in the coming 5 years was a political figure that was estimated back in 1996. The IT representative added that the BS in the form of the Breeders Exemption by many (especially in the developing countries) was seen as a benefit mainly for the developed countries.

One participant mentioned that in his opinion the IT is broken as it was built broken, in the sense that BS was guaranteed but that access was questionable and referred specifically to Art 12.3.e: which states that access to material under development is only available at the discretion of the developer. In his opinion the International Centers had been using this excuse to shield highly valuable material.

A participant was missing representation of the national seed associations from the southern

hemisphere in the negotiations on the IT and the CBD, and urged them to become more active.

Another participant supported the earlier statement about the disagreement with the press release of CropLife. Having participated in several workshops on the Nagoya protocol he described it as a nightmare. He also felt that the IT was the way forward and the seed industry should proactively contribute to the IT to prevent the switch from voluntary to mandatory BS. The so-called 'African proposal' as described on art 6.11 of the sMTA could indeed provide a solution, and he proposed that the seed industry contribute financially to the BS Fund of the IT.

Possible mechanisms for voluntary benefit sharing

The chairperson of the SAC then continued with a possible option of a sort of membership fee in the form of a very small percentage of the turnover per year per crop, combined with free access to all materials of that crop. This in turn would then need to lead to a decrease of the administrative burden, and no further BS obligations. This proposal had been discussed with the Secretariat of the IT, which thought it was interesting and was considering this option. The administration of this membership would not necessarily be a role of ISF, but something the seed company would undertake. The SAC had decided that this should not be the only item to work on. The seed industry already does a lot on BS, and this should be spread much better.

A quick calculation showed that for the larger companies such a membership fee could be around 1 million USD or more, and it would be difficult to persuade them to participate. It was proposed that project based funding instead could be a solution which was easier to accept. But in that case the companies should have an influence in the projects that are financed.

The membership fee could indeed lead to a large contribution, but it was also argued that sooner or later the companies would be ending up with the 1.1% under the mandatory benefit sharing.

The chairman of the BC thanked Mrs. van den Hurk for the presentation of these very complex issues and she was warmly applauded by the audience.

5.3 Are new breeding techniques regulated and if so, how?

Kees Noome - 'Regulation of New Breeding Techniques – Developments in the EU'

Mr. Kees Noome made a presentation on the 'Regulation of New Breeding Techniques – Developments in the EU' which is available at the Secretariat on request. He mentioned that developments in 3 regulations should be of concern for the seed industry: GMO definition;

Novel Food; and New Seed Marketing. Several studies had been carried out to assess whether certain new breeding techniques would lead to a GMO product or not. The GMO Regulation 2001/18 was being evaluated by the end of 2011 and this could lead to renewal. The seed industry was not in favor of a renewal as the outcome would probably be worse than the current situation. The draft text for the renewal of the Novel Foods regulation included a proposal that any food from plant origin when a non-traditional breeding technique not used before 15 May 1997 was used, it would need to undergo the Novel Food analysis. This whole draft text for the Regulation was rejected but the topic will be back on the agenda of the European Commission by the end of 2011. The EU Seed and Plant Propagating Material Legislation consists of 12 basic Directives and approx. 90 other legal acts. It is the intention to replace this with one single Regulation and the drafting process had started. Some of the proposals were worrying e.g. to create a parallel market without DUS or to replace the agricultural value with an environmental safety assessment. It was expected that the EU parliament was going to propose a system of consumer information that demands a specification for each variety on all (non-traditional) breeding techniques applied on it.

Conclusions Kees Noome

He concluded by saying that several debates were ongoing on New Breeding Techniques, and in the political debate a strong polarization could be seen between the biological/traditional agriculture vs. the intensive/innovative agriculture. If the legal situation does not improve, many New Breeding Techniques could be subject to safety procedures. He also felt that the whole debate should not be elevated to OECD level.

The Chairman of the BC mentioned that this had probably been the last presentation by Cees as he would retire soon. Cees had been active for many years in ISF and had made many contributions. He underlined the many meetings of the intergovernmental organizations which Cees had attended on behalf of ISF and its predecessors and thanked him for all those years. Cees was warmly applauded. Cees mentioned that he had started in the 70ies in Assinsele and it had always been a pleasure to participate in the ISF meetings. He was particularly pleased that he had been able to introduce a new problem today to the seed industry.

Bernice Slutsky - 'New Breeding Technologies'

The Chairman gave the floor to Bernice Slutsky who made the presentation 'New Breeding Technologies' which is available at the Secretariat on request. She started by saying that unlike for

the EU, for the US there was not a whole lot to say on this specific topic. The US had decided already decades ago that genetically engineered organisms do not necessarily differ fundamentally from non-engineered organisms. She then provided an overview of the regulatory framework including the EPA, the FDA and the US Department of Agriculture and their field of work.

One participant quoted from a memorandum from the White House which indicated that while protecting safety, health and the environment, federal regulation and oversight should avoid unjustifiably inhibiting innovation, stigmatizing new technologies or creating trade barriers.

A question was raised whether varieties had been released in the US, which had been developed using one or more of the before mentioned new Breeding Techniques. In reply it was stated that there might be some of such varieties on the markets, but there was not enough information available.

The Joint Research Center in Europe had convinced their counterparts in the US and Canada to join them in a meeting in Sept. 2011 to discuss this issue of the New Breeding Techniques. The representative of ESA made a strong call on these US and Canadian authorities to stand firm and stick to the policies in their own countries. The worst that could happen was a discussion on the individual techniques. One big difference between the US and the EU was that the US did not have a GMO law. A Canadian delegate added that in his country the trigger is the product and not the process.

C. General Items

6. Adventitious and low-level presence in seed

Ms. Bernice Slutsky presented an update on the work of the ISF WG on AP in Seed (presentation available at the Secretariat on request). The work of the group focused on regulatory non-compliance in situations where there was approval for cultivation in at least one country but not yet in the country of import. Several years ago the ISF WG had initiated a project on seed LLP in the OECD WG on Harmonization of Regulatory Oversight in Biotechnology with the goal to provide general guidance to regulatory authorities on the appropriate elements of a safety assessment. The US was playing an important role in this OECD WG and was also currently chairing the WG. After a questionnaire among OECD members, to which also ISF had provided its input, the draft OECD document had become available for the May 2011 meeting of the OECD WG. As seed industry we were quite pleased with the current version of the document as it stressed the importance of using the concept of familiarity when addressing LLP situations and that risk mitigation should be proportional to the risk. M.

Bruins of the Secretariat added that he had attended the latest OECD WG meeting and had noticed that especially the country delegations of France, Austria and Germany were not overly supportive of the document and asked for more time. He proposed that national seed associations in those and other countries would lobby with their country delegates for support to the current document, and a speedy approval.

B. Slutsky concluded that other efforts complementary to that of the OECD were the ILSI consensus documents on specific traits and the transportability of environmental data and the SAA/CLI/IICA government/industry forum on seed LLP. In response to a question she replied that IICA stands for the Inter-American Institute for Cooperation in Agriculture.

7. Other business

The Chairman announced that Bill Leask had decided to retire from the CSTA. Bill had been a member of the ISF Breeders Committee and had participated for 28 years in different committees of the ISF and its predecessors. This was considered as a major contribution to ISF and the entire seed industry. The participants thanked him with a big round of applause.

Mr. Leask added that it had been a real pleasure to participate in the meetings and provide the contributions on behalf of the Canadian seed industry.

The Chairman also expressed his best wishes to Aad van Elsen who had suffered a stroke and was currently recovering. He extended his best wishes to Aad's wife Marian and his colleagues at Plantum.

8. Closing the meeting

The Chairman thanked all speakers, the Secretariat, the vice-chairpersons and all participants for their active contributions and closed the meeting at 17.45 hrs.

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Report of the Open Meeting of the Trade and Arbitration Rules Committee

Held on Tuesday, 31 May 2011

Chairman: **Mr. Huib Ghijzen** (BE)

1. Call to order, antitrust guidelines (11.070) and adoption of the agenda

The Chairman called the meeting to order at 08.00 hrs and welcomed the 53 delegates, honorary life members and guests from 26 countries (Argentina, Austria, Bangladesh, Belgium, Brazil, Canada, Chile, China, Czech Republic, Denmark, France, Germany, Hungary, India, Italy, Kenya, Republic of Korea, Netherlands, New Zealand, Slovenia, South

Africa, Sweden, Switzerland, Turkey, United States, Uruguay) and partner organizations ESA, SAA, FAO, ISTA and OECD.

He made reference to the antitrust guidelines which had been distributed with the congress documents. There were no further comments. The agenda was adopted as circulated.

2. Minutes of the Calgary Meeting (Calgary Congress Report, pp 29 - 31)

The minutes of the meeting held in Calgary in 2010 had been approved by written procedure, and had been attached to the report of the Calgary Congress. There were no further remarks.

3. The revision of the ISF Rules for International Trade

The Chairman provided a presentation 'The revised text of ISF Rules and Usages for the Trade in Seeds' (presentation available at the Secretariat upon request). After showing the composition of the TARC he indicated that the main aims of the revision were to provide more consistency in the rules, to extend the provisions concerning the formation and conclusion of a contract, to fill some gaps by implementing specific provisions of the UN Convention on International Sale of Goods, and to focus on the rules, and leave out explanations. In the new rules there would be among others, a special attention for vegetables, a consistent use of the terms and a change in the upper limit of compensation by arbitration.

He then went over the general basis and the main chapters in the rules, and provided several examples of revised texts.

With regards to lower use of the rules in the vegetable sector in The Netherlands he remarked that a paper with 54 articles had been discussed during recent TARC meetings. The TARC had concluded that a number of the proposed rules were already covered by the present General Rules (GR) and in some cases could be solved by a modification of those GR. Many of the proposed rules were not fit for trade rules, but were in fact intended for terms of sales.

Some of the open items which still needed some more discussion were contracts established by a broker, retention of title, amount of compensation, and a valid arbitration contract.

The TARC would work on a guidance document for recommendations, and an annex with terms and definitions. It was planned to adopt the new Trade Rules at the 2012 congress, and therefore he strongly urged all ISF members to take a close look at the proposed changes in the Trade Rules, and send their remarks to the Secretariat.

One participant wanted to know why diseases resistance terminology had not been mentioned in

the presentation. ISF does not have resistance terminology in its trade rules, but it's important for the vegetable section. The Chairman replied that the topic was discussed several times and it was not clear yet whether this should fall under the quality requirements. One proposal in this regard was to link this article to the work of the ISF Phytosanitary Committee. But it was clear that in one way or another it had to be included in the rules.

To some the revised article 14.1 allowing oral contracts was not clear. In reply it was stated that a lot of discussion had gone into the revision of this article. A fact was that there was a strong wish to allow oral contracts. But of course this was a risky approach as there was nothing on paper. In case of a dispute it came down to two parties with opposing views. In the end it would be the responsibility of the people that concluded oral contracts that they have some form of proof. Parties could always agree that oral contracts are not allowed. The Chairman would propose at the next TARC meeting that parties agree beforehand that in case of a dispute, they would go for arbitration. A valid contract was up to the parties to decide and it would certainly contain a risk to do without.

Another participant asked to make a report of these interim findings available to ISF members so they could discuss it with their members. The draft text of the rules was certainly available, but a full report would be difficult as it could only be seen in context with the draft revised trade rules.

A concern was raised that there was a trend from a practical approach to a legal approach and besides legal people, also seed traders should take a close look at the draft rules.

Mr. Muschick from ISTA referred to art. 73 where the ISTA Orange International Seed Lot Certificate is mentioned and not the ISTA Blue certificate. This had merit as the Orange Certificate had a statistical backup and he wanted to know whether the AOSA seed lot testing report had a similar statistical embedding. The answer was not known and would need further investigation. The TARC would look into the matter.

4. Arbitration - statistics and arbitration cases, awards

The Chairman then gave the floor to Mr. Piero Sismondo of the ISF Secretariat who started by saying that the ISF Rules for Trade and Usages in his view were a set of good practices, or guidelines developed by the seed industry, and not by lawyers. The intent of the Rules was not to make a legal framework to freeze the relationship between two parties, but to help them when writing a contract. He added that *in the revision process* some of the references to INCOTERMS

had been removed. When the rules were drafted these INCOTERMS were not well known. But nowadays these are very well known and there was no longer a need to specify them in a detailed manner in the trade rules.

He then continued to present the latest numbers of statistics on ISF Arbitration.

In 2010 20 countries had responded, and in total 3 cases of international arbitration, 1 of domestic arbitration and 1 case of mediation had commenced in the past year. Mediation was particularly attractive as it simplified the whole procedure. Of the cases that were closed in the last 12 months, 2 involved 'Germination', 2 others involved an 'Order that was not completed', again 2 others involved 'Purity', and the last one involved 'Trueness to variety'. 3 of these cases involved Field crops, 2 involved Forage and Turf crops, and 2 involved Vegetable & Ornamental crops.

The average period which it took to conclude that arbitration was between 6 months and a little more than one year. Two cases that had taken more time were special cases in which additional documents were necessary after the start of the arbitration or an appeal was necessary. Of the 3 new applications that had started in 2010/2011, one was on Varietal purity, another on Germination of the seed lot, and the third one on Fulfillment of the contract. Mr. Sismondo then went over some of the common mistakes in contracts. It should be avoided to mention in a contract that 'arbitration shall take place in Nyon, CH', or that the 'ICC Arbitration Chamber of Geneva (CH)' rules the case. In the latter case, ISF would be out of the arbitration as ICC had their own arbitration rules. It was important to refer correctly in the contracts to the ISF rules. He also presented several suggestions that had been made for improvement of the Arbitration rules. In order to receive more guidance if and what kind of event should be organized to inform the ISF members, he then placed several questions on screen, asking how frequently the ISF Rules were used, if there was interest in a seminar, if this should be a post congress event in 2012, should the focus be on the trade or the arbitration rules, and should there be an event on the arbitrators role.

Awareness of ISF Rules

A participant stated that the knowledge about the ISF Trade and Arbitration Rules was very poor in Asia & Africa, and at some point APSA had discussed creating their own trade & arbitration rules. At that time it had been proposed to APSA to use the ISF rules, but the lack of understanding of the ISF rules was a big part of the problem. Conflicts between buyers and sellers in Asia had revealed the fact that good rules were missing in

that continent. A preference was stated for ISF to organize a specific event to take place in conjunction with the APSA or AFSTA congresses.

P. Sismondo replied that for a long time now the TARC had asked APSA to nominate a representative from the region who would ensure the revision takes into account specific wishes from their region as well. The ISF would be more than happy to propose to both APSA & AFSTA or to the South American associations to organize an event on the ISF Trade and/or Arbitration Rules before or after their congresses.

M. Bruins added that as the proposing participant was a member of both the APSA and AFSTA boards this participant could propose and support this idea in those two boards. It could take the format of one or two presentations, but also something bigger such as a half day or full day seminar. In that seminar it would be good to show among others a similar presentation as today on the results of the arbitration cases survey, outlining the benefits, as in most cases arbitration had proven to be faster and cheaper than a regular court case.

Costs of arbitration

A participant expressed his concern over the high costs of an arbitration case that had involved one of his members and proposed to raise the threshold for an expedited procedure from 100k \$ to 200k or 250k \$. The Chairman of the TARC replied that unlike the International Chamber of Commerce within ISF there is no general rule yet on the amount of arbitrators that needs to be used. In the ICC the threshold lays at 70k US\$, above which 3 arbitrators are to be used. The topic could certainly be discussed in the TARC which could provide an extra rule in the arbitration rules on this topic and which would give the parties the choice over 1 or 3 arbitrators. The possibility of an expedited procedure was not well known and more awareness was needed.

A few years ago arbitration in general was practically free of costs, the only costs were the transportation costs of the arbitrators, and it was given as a service by the national seed association to its members and to the country of the seller. However, the situation is evolving and this has led to increasing costs. Not only the arbitrators were charging a fee, also the arbitration chambers in some cases. In addition, parties were more and more using lawyers to argue their arbitration cases and of course this also led to an increase in the costs.

Some associations were using the services of an external Arbitration Chamber. In the ISF Rules it is written that arbitrators must be nominated by the national seed associations, and this is not the case today in some of the external arbitration chambers. Nowadays arbitration is no longer run

by persons from within the seed industry, but by professionals, and they expect to be paid for their services. ISF might well be the only industry association with its own set of arbitration rules dating back to 1924 and we should consider taking actions to maintain this system.

A participant wanted to know if there was the possibility to refuse an arbitrator that was from outside the seed industry. At the moment according to the arbitration rules the arbitrators are nominated by the national seed associations and normally they should be people from the seed industry. This point may need careful consideration when revising the arbitration rules. It could be considered to investigate if currently there are any arbitrators from outside the seed industry. The value of the current arbitration system is that decisions are taken by seeds-people.

The increasing costs were cause for concern to some in the audience, and in case a party had concerns about the amount of money that might be involved in arbitration, then mediation could be a solution.

ISF would remain very active to get arbitration chambers in all of the ISF members countries and the Chairman called upon all those national seed associations where there was none, to establish an Arbitration Chamber.

The representative of ISTA added that ISTA offered free arbitration in case it concerned a dispute on germination between two ISTA accredited laboratories and was shipped with an Orange Certificate.

New York Convention

The Chairman then gave the floor to Mrs. Maria Gohn who made the presentation 'New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards ("New York Convention")'. This presentation is available at the Secretariat on request. She stated that the New York Convention from 1958 formed the legal basis for arbitration awards and since then had been ratified by most countries in the world. As such it was one of the most successful of the international treaties. An essential requirement of the Convention was that there is an agreement in writing, based on the concept of signature and exchange, laid down in Art. II-2. But this Convention originated more than 50 years ago, and this was also one of the main shortcomings of the Convention as modern ways of communication are not well taken into account. Therefore this Convention was often in contradiction with modern trade practices. As a revision of Art. II-2 was unlikely; mitigation came through a wide interpretation of the Article by the national courts. The UN Commission on International Trade Law had declared the Art. II-2

was not exhaustive, and countries had the possibility to include wider definitions. For example Germany had deviated by stating that if the arbitration agreement is contained in a document that was delivered from one party to the other party (or by a third party to both parties), and no objection had been raised in good time, then the contents of such a document were considered to be part of the contract.

She then continued by outlining the pitfalls in relation to the ISF awards. She drew attention to Section 1-2 of the ISF trade rules, on the validity of the contract, where the implications of mentioning "ISF" in the contract were specified, and to Section 4 on the Conclusion and acceptance of a contract. This all meant that if "ISF" appears in a contract, then the ISF rules apply automatically. The application of the ISF rules also implied the jurisdiction of an ISF arbitration court. And that a contract could be concluded verbally or by a broker confirmation.

So there could be an award which is based on a verbal contract or on a broker confirmation where an arbitration clause is missing. And in such cases the enforcement of the award would meet with complications in some countries.

Her advice before starting arbitration at an ISF court was to make sure that there is a written clause on the arbitration competence. It was always easier to find agreement in advance since both parties usually believed that their standpoint is correct. This would avoid enforcement complications in countries with not so liberal jurisdictions.

A participant added that in three cases an ISF arbitration award had to be enforced in court (USA, Italy and Turkey). In each case the court had confirmed the ISF arbitration award. But most likely on these three cases there was an arbitration clause in a written document. This meant that ISF arbitration awards were certainly accepted internationally, but nevertheless it would remain necessary to locate an arbitration clause before starting arbitration.

The speaker concluded that the main difficulty were broker confirmations without a signature of the two parties as these would be the main obstacle for an arbitration based on such a contract. Most likely it would not be a big problem in most European countries, but certainly might meet with difficulties in some countries.

The Chairman thanked her for the presentation and the audience awarded her with a big round of applause.

6. Other business

The Chairman stated that the next action in the TARC would be a revision of the Procedure Rules. The ISF Arbitration Chambers had been

asked for comments and 5 chambers had reacted. There were no further comments from the audience.

7. Closing the meeting

There being no further business, the Chairman thanked all participants for their attention and closed the meeting at 09.30 hrs.

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Report of the Open Meeting on Phytosanitary Matters

Held on Tuesday, 31 May 2011

Chairman: **Mr. Roeland Kapsenberg** (US), Vice-Chairman of the Committee

1. Call to order, antitrust guidelines and adoption of the agenda

The Chairman Roeland Kapsenberg called the meeting to order at 10.30 hrs and welcomed 75 delegates from 23 countries (Argentina, Bangladesh, Brazil, Canada, Chile, Czech Republic, Denmark, France, Germany, India, Israel, Italy, Japan, Kenya, Netherlands, New Zealand, South Africa, Sweden, Switzerland, Turkey, UK, US and Uruguay) in the audience and guests.

He informed the participants of the sad demise of the Chairman of the Phytosanitary Committee Carlos Basso who had passed away on 12 May 2011. He spoke of the family company that Carlos had managed till his death and how active he had been in association activities at the national, regional and international levels. Carlos became Chairman of the Phytosanitary Committee in 2006 and felt strongly that phytosanitary barriers were preventing farmers in poor regions of the world from benefiting from the advances made in plant breeding. To this end he had strived to bring the industry, the national and regional plant protection authorities closer together in an effort to eliminate unnecessary barriers. He had been involved almost to his last days in the preparation of this meeting.

The agenda was adopted as presented. The ISF anti-trust guidelines were noted.

2. Minutes of the Calgary Meeting (Calgary Congress Report, pp 13 - 15)

It was noted that the minutes of the last meeting in Calgary had been approved through the written procedure.

3. The revised ISPMs 7 and 12: Do they meet the needs of the seed industry?

Sandra Poot a new member of the Phytosanitary Committee presented an analysis of the revised versions of the international standards by beginning with an explanation of their scope and

how they impacted the international movement of seed. While the standard no. 7 described components of a phytosanitary certification system, the standard no. 12 provided the requirements and guidelines for the preparation and issuance of phytosanitary certificates for export and re-export. She echoed the words of the Chairman in saying that the involvement of the industry during the revision of these standards had gone a long way in making sure a large part of its concerns were addressed.

A highlight of the revised ISPM 12 was the special consideration given to situations of re-export so that an exporter was now permitted to request the plant protection authorities in the country of origin (i.e. in the country where the seed was grown) for

- phytosanitary information *additional* to that required by the country of re-export and
- a phytosanitary certificate when it is *not* required by the country of re-export to which additional phytosanitary information may be added

S Poot went through some of the other changes and concluded by informing the participants that a document in the form of questions and answers detailing how these changes would facilitate the movement of seed consignments was in preparation by ISF. Of course, much depended on national implementation in the coming 12 months, and therefore it was important for national seed associations and companies to begin a dialogue between with their national plant protection authorities, and share information on national implementation with regional associations and ISF.

Emphasising the last point made by the speaker, the Chairman said the critical phase was national implementation and the official in the port needed to have understood the changes. Therefore communication with the NPPO was important just as communication within the companies was. Employees responsible for obtaining phytosanitary certificates also needed to be informed of the impending change in the way export and re-export certificates were issued.

4. An ISPM on Seed

Radha Ranganathan took the floor to give an update on the development of the international standard on the international movement of seed. While the revised standards described by S Poot went a significant way in addressing the problems the industry had long faced with re-exports, the difference between them and still-to-be developed "seed standard" was that they were concept standards that applied to all plant material that moved across international standards. In contrast the seed standard was to be a commodity standard or one that dealt with specific aspects of a particular traded commodity.

She said through several industry-wide consultations, ISF had outlined key aspects that the industry wished to see included in the seed standard: guidelines on documentation and additional phytosanitary information (as specified in the revised ISPM 12), clear mention that seed was a pathway for only some pests, emphasis on establishing equivalency of phytosanitary measures (field inspection, lab tests, chemical, physical and biological treatments, and pest free area of production) and finally the value of harmonising national phytosanitary requirements and additional declarations.

Work at the IPPC level on developing the standard had not yet begun but the North American Plant Protection Organisation (NAPPO) had developed a seed standard, which she felt would be a valuable reference. She concluded her presentation by listing some of the ways in which ISF could contribute to developing the seed standard such as offering its expertise on content and technical annexes, hosting the Expert Working Group Meeting(s) and developing some of the technical annexes.

R Ranganathan was asked if ISF had considered consulting other organisations such as ISTA on developing some of the technical annexes and she replied that this specific aspect would be touched upon in the next presentation.

5. Proposal for an industry road map to navigate seed regulations

Introducing the title to her presentation Gretchen Rector explained that she likened the process of moving seed from one point to another as a road map and all the regulatory requirements that had to be met as road blocks. Some of the road blocks that one encountered included national seed laws, trade and customs laws, variety registration and certification, biosafety requirements and phytosanitary requirements. She briefly described the components of the different laws and regulations that applied to seed and the challenges they posed, which could be grouped into three broad categories: lack of harmonization, lack of transparency and lack of coordinated tools.

G Rector recommended pooling resources, creating tools for common use and utilizing existing and accepted platforms within governments, the public and private sector to overcome the obstacles posed by lack of harmonization, transparency and coordinated tools. She stressed that the industry needed to actively seek partners such as ISTA, scientists from universities and research institutes and other industry groups that benefited from the facilitation of seed movement. Focusing specifically on phytosanitary regulations she identified a few tools that could help: an internationally validated

and accepted list of relevant seed transmitted pests of crops whose seed was most traded, information required for PRAs and a glossary of terms.

She concluded by demonstrating how each company could support trade facilitation – by identifying key employees to work on industry level committees and working groups, being committed to collaboration as such activities were non-competitive and prioritising industry requirements for effective and safe movement of quality seed.

6. Building bridges between NPPOs and national seed associations

Following on from the previous presentation Carlos Kishimoto presented ways in which bridges could be built between the seed industry and national plant protection authorities. In view of the important role that national plant protection office (NPPO) played in translating the guidelines in international standards into national regulations, it was vital for the national seed association to build a relationship with the NPPO that was based on trust and credibility.

The key prerequisites for developing such a relationship were: a strong association that represented a majority of the industry in the country, an association that had the necessary technical expertise and market knowledge, a long term commitment and proactive approach to resolve technical and bureaucratic problems through creative solutions and last but not least, the support and co-operation of national associations of other countries, regional associations and ISF.

He described ABRASEM the umbrella Brazilian association and ABSCEM which grouped 98% of the vegetable seed industry in Brazil. He went on to give examples of the activities that these industry groupings had undertaken where necessary with the support of and collaboration of the industry worldwide.

At the end of the presentation C Kishimoto was asked if such bridge building had resulted in resolving any problems that the Brazilian and the global seed industry faced with phytosanitary regulations. C Kishimoto said he felt the good relations the association had with the officials was starting to pay off as the industry was often consulted on technical issues.

7. Other business

The Chairman thanked the members of the Phytosanitary Committee for their participation in various activities and asked the Secretariat to explain the rules of membership. R Ranganathan said there were still a few vacancies in the Committee. She hoped to receive nominations

from regions of the world that were still not adequately represented – Asia and Africa.

She also added that anyone who was interested in actively participating in any of the activities of the Committee, such as representing the industry at international meetings, was welcome even if (s)he wasn't a member of the Phytosanitary Committee.

8. Closing the meeting

In briefly summarising the proceedings, the Chairman said it was clear that through ISF's activities the industry had been recognised as a valuable partner in phytosanitary matters. However, the interests of the industry were closely tied to that of other stakeholders such as the national plant protection authorities and other international bodies. The goals to be reached were collective ones even if the work necessary to achieve them was the task of individuals from companies.

He thanked R Ranganathan for coordinating the various and numerous activities that ISF had undertaken on behalf of its members. He called upon the participants to disseminate the information presented today, specially the revisions of ISPM 7 and 12, to those who deal with such matters on a day-to-day basis in the companies.

The meeting closed at 12.30 hrs.

* * *

Report of the Meeting of the Vegetable and Ornamental Crops Section

Held on Tuesday, 31 May 2011

Chairman: **Mr. Anton van Doornmalen (NL)**

1. Call to order, adoption of the agenda and antitrust guidelines

The Chairman called the meeting to order at 13.30 hrs and welcomed 146 delegates from 32 countries (Argentina, Belgium, Brazil, Canada, Chile, China, Czech Republic, Denmark, France, Germany, Hungary, India, Israel, Italy, Japan, Kenya, Republic of Korea, Netherlands, New Zealand, Pakistan, Romania, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Taiwan, Turkey, UK, US and Uruguay) and guests from FAO, ISTA, OECD and the International Treaty on Plant Genetic Resources for Food and Agriculture.

Before moving to the order of the day he spoke of the demise of Carlos Basso, a member of the Vegetable and Ornamental Crop Section Board since 1992. Carlos, he said, was a kind and gentle person, a reliable business friend and a man who was proud of his company and his children's decision to continue in the family

business whose presence would be missed. He asked the participants to join him in observing a minute of silence in which to remember Carlos Basso.

In formally opening the meeting Anton van Doornmalen recalled the time that Carlos Basso gave generously to the industry; to ISF, the Argentinean association and the Seed Association of the Americas. He said a study done worldwide some years ago investigated the reasons why some companies were more successful than others. The conclusions were that while products and management decisions or company strategy contributed 25% each to better performance, 50% was due to being active in the branch or sector to which the company belonged. Therefore, he called on all the participants to contribute personally and through company employees to seed association activities, especially ISF. In ISF the seed industry had a strong voice representing its interests worldwide.

Introducing the agenda he said ISF was active in a wide range of activities and only a few key topics were being presented. In a new practice reports on other activities that were not on the agenda were being presented to the Section in a hand-out. He asked all the participants to make sure they had a copy. The agenda was adopted as presented and he reminded participants that all the presentations made today would be available at the Secretariat.

The ISF anti-trust guidelines were noted.

2. Minutes of the Calgary Meeting (Calgary Congress Report, pp 24 – 28)

The minutes of the Section Meeting in Calgary that were already approved through the written procedure were also noted.

3. Managing the risk of adventitious presence of GM events in vegetable seed

In his talk Bruno Carette set the scene for the activities of the Working Group on GM Vegetables, whose focus was to help the vegetable industry minimize the risk of adventitious presence (AP) of genetically modified (GM) vegetable seed. Although GM field crops had been grown commercially for many years, the production of GM vegetable crops was still rare. Quality assurance systems for AP had been developed mostly for soybean and corn and as the workshop on AP in seed in Calgary had shown, science and practice were constantly evolving. Unlike field crops, vegetable transgenic events were unlikely to be deregulated or authorised for cultivation globally significantly altering liability for AP for the parties involved. Lastly, there some characteristics of vegetables and vegetable seeds that required special attention.

The working group was of the view that knowledge of GM events for vegetable crops was a prerequisite for minimising the risk of AP. However, as there was no single database that could be easily accessed by companies Bayer, Monsanto, Syngenta and the KeyGene-affiliated companies had agreed to jointly develop an ISF database. The core set of data per event as well as the stage at which an event should feature in the database had been agreed upon, and the database would be developed from information already in the public domain. An initial consolidation of the data for a priority list of species had just been completed but the information still had to be checked for its accuracy and validity. The information for cucumber was presented as an example of the fields that would be covered in the database along with some of the questions that still needed to be resolved.

In concluding his report, B Carette informed the Section that a web based database was in the process of being developed for all ISF member companies to access. When the database was ready the WG would begin work on detection protocols, liability and best practices to manage the risk of adventitious or low level presence of transgenes in vegetable seeds.

There was a question from the floor on why the database didn't include events that were being tested in a contained environment as they also posed a risk. While acknowledging that the risk of AP was never zero, the working group considered the risk of AP to be much higher when the event was being tested outside of a contained facility. In addition, information on events being researched in contained facilities was not available in the public domain and if it were, it would add significantly to the number of events, close to 7,000, already in the database. To another question on whether the names of commercialised GM varieties would be included in the database B Carette replied in the negative.

4. The broccoli and tomato patents: the recent decisions and their potential impact on the vegetable industry

In December 2010 the Enlarged Board of Appeal (EBA) of the European Patent Office handed its decisions on whether a new breeding method was essentially biological or a patentable technological process.

In his presentation Bernard Le Buanec presented the claims of the two patents that were related to methods of plant breeding based not on genetic transformation but on crossing and selection supported by technical means, the challenge to them and the resulting questions referred to the Enlarged Board of Appeal for the interpretation of Article 53(b) EPC on the exclusion of plant varieties and essentially biological processes from

patentability. From the decision of the EBA it could be assumed that article 53(b) was to be interpreted broadly to exclude patenting plants achieved through crossing and selection procedures, except if through a step of a technical nature a trait - that was not the result of crossing - was introduced in the progeny plant.

However, this decision was only an interpretation of Article 53(b) and not the end of the story for the broccoli and tomato patents, which were still to be played out in the Technical Board of Appeals. If the tomato products claims were confirmed and the broccoli products claims granted, which according to B Le Buanec was possible, it would become possible to patent native traits resulting from mixing genes of plants chosen in a crossing. By patenting a variety he argued, one could block access to plant genetic resources, which was contrary to the spirit of the laws of intellectual property protection for plant varieties in Europe. Such a decision would have a significant impact not just on the vegetable sector but the industry as a whole.

In response to a question on whether the discussion on patenting and native traits had an impact wider than Europe B Le Buanec replied that exclusion of essentially biological processes from patenting was a European matter. The definition of a native trait (naturally occurring in the crop and not genetically modified through biotechnology) was a much broader issue and ISF could take a position on it if its members so wished. To another question of whether ISF's stance on the subject had been taken into consideration by EBA, he replied that in his view EBA's decision was close to the interpretation provided by ISF and the European Seed Association.

5. Access to vegetable genetic resources

Anke van den Hurk spoke on how to access genetic resources that were important for the vegetable breeding sector to develop varieties that meet the needs of consumers, the processing industry and growers. For landraces or wild relatives there were two international agreements – the so-called Nagoya Protocol (under the Convention on Biological Diversity) and the International Treaty on Plant Genetic Resources for Food and Agriculture (IT) – that set out the framework for access and benefit sharing. The Nagoya Protocol was adopted late in 2010 and was still in the process of ratification before coming into force. The IT covered sixty four species and groups used in food and agriculture with only a few vegetable crops. Genetic resources of other crops and for industrial or ornamental purposes fell under the purview of the Nagoya Protocol.

The terms and conditions of access and benefit sharing for the IT were laid out in a standard Material Transfer Agreement. Voluntary benefit sharing was also an option and the seed sector was contributing in a non-monetary way through the breeder's exemption, support to national gene banks in evaluation and multiplication of ex-situ collections, and breeding programmes in the public sector in developing countries. In summing up A van den Hurk said the Sustainable Agriculture Committee hoped to prepare a "road map" to help companies get an overview of the route to be taken to access genetic resources.

She was asked if the Nagoya Protocol was planning to prepare a standard contract for access and benefit sharing in a manner similar to the IT. She thought it unlikely in the near and medium term as the Nagoya Protocol was not specific to genetic resources for food and agriculture; it included material used in the pharmaceutical, cosmetic and other sectors and a single standard contract that met the requirements of all sectors would be difficult if not impossible to develop. She was also asked if it was possible to know which governments had implemented the Nagoya Protocol. A van den Hurk reminded the participants that the protocol had to be ratified by 50 countries before it could come into force. Thereafter, implementation begins and a clearing house mechanism would be in place where information about national implementation would be made available.

A van den Hurk was also asked why there was so much pressure on the industry to make financial contributions to the IT when it was governments who were Parties to the convention. She replied that although governments were contributing their part to the treaty, many countries were not seeing money coming in through benefit sharing and so were looking for alternative ways to finance conservation projects.

6. Doing business in Asia

Is doing business in Asia different than in other regions? Joost Pekelharing shared his company's experience and presented the challenges and opportunities for seed companies there. Providing the context, he said while Asia was known to be fast growing, the frequent showing in the media of modern cities and impressive growth figures concealed the fact that according to the Asian Development Bank, two thirds of all the poor in the world lived here.

In the eighties the vegetable seed industry was more akin to a seed trading one with a heavy dependency on imports and the use of open pollinated varieties. Difficult weather conditions, lack of basic support services and highly diverse consumer preferences meant breeding had to be done very locally and in several areas

representing different agro-climatic conditions. Today good quality seed coupled with the introduction of improved farming technologies ensured high returns to farmers. J Pekelharing presented some figures showing the income generated by farmers using improved varieties, the impressive size of Asian markets for different vegetable crops and the growing investment in research by the private sector.

On the other hand, companies working in Asia faced a difficult regulatory environment with respect to intellectual property protection and phytosanitary matters. Where plant breeder's right were granted, according to *sui generis* or UPOV systems, enforcement was weak. His recommendation was, nonetheless, to support the existing system by protecting varieties and to keep one step ahead of the competition. Creative logistics was his answer to understaffed and underfunded plant protection offices. A presentation on the campaign his company had participated in with the government of Philippines to address the problem of malnourishment and increase the consumption of vegetables summed up the many facets of doing business in Asia.

J Pekelharing was asked if companies in Asia had difficulties accessing genetic resources as the countries in the region took a strong position in the negotiations of the Nagoya Protocol on benefit sharing. He replied that but for Thailand where there was a national law on how local material could be used he knew of no difficulties in accessing genetic resources. His company was in negotiation with Thai authorities on how to reconcile the differences in laws that applied.

7. ISF Trade Rules: do they cover the case of vegetables?

In his presentation Robert Huijten presented the relevance of the ISF rules for trading seed internationally, the first edition of which entered into force in 1929, for the seed industry today. The rules were crafted by seedsmen to enable transactions in business and consisted of a chapter general to all crops and a second specific to each crop. Thus, they reflected the "way of working" of the seed business rather than legal contract-obligations between parties. This tailor-made approach had obvious advantages for the seed industry but there were cases where contracts were deemed invalid either because the rules hadn't been correctly implemented or were unclear.

This in R Huijten's view was regrettable as the ISF trade rules together with the dispute settlement provisions were better in general for the seed industry than going to a civil court. But they needed to be written in a manner that was clear and possible to enforce. The Trade and Arbitration Rules Committee had recently

undertaken a review of the rules and in this connection the Dutch vegetable industry had closely studied them to assess if they still served their business needs. Several Dutch companies had reported they were not using the ISF rules and a major reason was because they did not distinguish between the different types of contracts that a vegetable seed company entered into with its partners in the supply chain, such as plant raisers.

The recently revised version of the rules contained provisions that the vegetable seed industry wished to have: complaints to be verified by accredited inspection authorities, cancellation in case of "subject to crop", better arrangements for defective products, clear definitions and better applicability of terms. As a lawyer he was also satisfied with the clarity that the new version offered and was of the view that enforcement of the ISF rules had been strengthened. Some other aspects were still not covered: adequate damage compensation as it was not commensurate with the claims made by parties in the value chain, infringement of intellectual property (IP) rights and the means by which parent material could be better protected, suspension/retention of title when contract conditions were not fulfilled, resistance terminology and payment terms. He remained hopeful that these aspects would be included in the ISF rules.

An observation from the floor was that protection of IP rights was an important aspect and in the on-going revision a provision should be included that the contracting party was responsible to transfer this obligation to third parties. R Huijten agreed that the proposal was a good one but required some consideration as national laws on transferring such obligations to third parties differed significantly.

In response to a proposal to add a third chapter on contracts between companies and plant raisers, R Huijten said he was disposed towards including such contracts in the general section as one day it could apply to all sectors of the industry instead of just the vegetable sector. The Chairman of the Trade and Arbitration Rules Committee remarked that the ISF rules were guidelines and parties were free to add or delete provisions. He also called upon companies to provide comments on the revised version of the rules.

8. The ornamental horticulture industry and the benefits of being part of ISF

Matt Kramer provided an overview of the ornamental horticulture industry today. Using examples from the US he spoke of why price pressure at the retail level, and market trends were driving consolidation in the ornamental sector. The value at the industry was estimated at

USD 2 billion at the breeder level and 10 billion USD at retail. The top 5 breeder-producers represented over 35% of the market and the market worldwide was growing at between 2-4% per year.

Consolidation and the changing dynamics of the industry was driving it to take more professional approach taken to breeding and distribution and while a difference remained between the vegetable and ornamental sectors in terms of overall scale, many of the challenges facing them were the same. Reliance on technology had made breeding more sophisticated, and trait based research and product development was growing in importance. GM ornamentals faced certain trade barriers that needed addressing. Intellectual property protection or the lack of it had a significant impact on the sector. The natural areas of common interest to the two sectors were intellectual property rights, labelling and product specifications, phytosanitary issues, best practices and trade barriers, to name a few.

In conclusion M Kramer said the ornamental sector had begun as a cottage industry but it had grown and evolved in recent years to become professional highlighting its need to be part of the international plant breeding industry and ISF. By participating actively in the Vegetable and Ornamental Crops Section, he hoped the sector would have access to the quality information it needed to be in step with future developments.

Speaking on behalf of the ornamental industry a member of the audience thanked ISF for opening its door to the ornamental business by providing a seat on the Vegetable and Ornamental Crop Section Board. The Chairman asked the audience to welcome the ornamental sector with a round of applause.

9. Election of Section Board Members

The names of the members serving on the Board for the year 2010-11 and those who were standing for re-election for the term beginning 2011 were screened. Radha Ranganathan added that there were some vacancies to be filled and a call for nominations would be made after the Congress. In response to the question why M Kramer's name was not included she replied that there had been some uncertainty on who would represent the ornamental sector. But as it had become clear today that M Kramer was willing to join the Board, his name would be added to the list of Board Members. The section approved all proposals with a round of applause.

10. Other business

The Chairman asked R Ranganathan to give a brief update on the guidelines for handling disputes on EDV in lettuce.

After briefly tracing the background to initiating a study to validate the technical protocol using SNP markers, R Ranganathan asked the Section for approval to establish a working group that would develop a proposal for the study whose steps included retesting the varieties used in the 2004 study using publicly available SNP markers (R Michelmore from the University of California, Davis had a collection of 10,000) and a statistical analysis to establish the thresholds.

After hearing no objection to the proposal the Chairman said the Secretariat would send a more detailed proposal to all lettuce breeding companies for approval before beginning the study itself. He assured the audience that the same varieties used in the previous study would be included in this one and the Secretariat would verify as soon as possible if samples of their DNA were still available.

11. Closing the meeting

The Chairman thanked the audience for active participating in the proceedings, the speakers for their excellent presentations and R Ranganathan for her work in organising the meeting. He called the meeting to a close at 17.30 hrs.

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Report of the Meeting of the Field Crops Section

Held on Wednesday, 1 June 2011

Chairman: **Mr. Christoph Amberger (DE)**

1. Call to order; antitrust guidelines (11.070) and adoption of the agenda

The Chairman Mr. Christoph Amberger called the meeting to order at 08.00 hrs. He welcomed the 113 delegates, honorary life members and guests from 31 countries (Argentina, Austria, Bangladesh, Belgium, Brazil, Canada, Chile, China, Czech Republic, Denmark, Finland, France, Germany, Hungary, India, Israel, Italy, Kenya, Republic of Korea, Netherlands, Poland, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom, United States and Uruguay) and partner organisations ESA, SAA, FAO, ISTA, OECD; and thanked them for their attendance.

The agenda was shown on screen and adopted without modifications. The ISF antitrust statement was reminded to participants and tacitly accepted by all.

The Chairman presented the priorities of the Field Crops Section that were discussed and adopted by the Section Board 2 years before; he mentioned that they were still valid and represented the guiding document for the activities of the group. The agenda of the meeting was prepared from some of these priorities:

intellectual property, which is a very important subject for this Section and was the topic of the first speaker; enforceability of breeder's rights, with the conclusive report of the Working Group on royalty collection; remuneration on farm saved seed, that was going to be discussed in a presentation on the system adopted in UK; free movement of seed, represented in this session by the activities of the TARC for improving the ISF Trade Rules that were to be reported by Mr. Huib Ghijsen. Other priorities which did not appear as items on the agenda of this meeting were statistics and seed treatment; the Chairman announced that due to the importance of the latter as well as the evolution of the regulatory situation in many regions of the world, it will be duly included for discussion at a future occasion.

2. Minutes of the Calgary Meeting (Calgary Congress Report, pp 20 - 24)

The minutes of previous meeting were approved by written procedure and no additional comments were made in the room.

3. Field Crops and market in the UK

Mr. Chris Green (GBR) was invited to take the floor for the first presentation of the meeting. He provided general information on the agriculture and socio-economic structure of the United Kingdom, its geography and some indications on the debate occurring in the Country for protecting breeder's remuneration.

Northern Ireland hosts only 1.7 million of the 61 which are UK inhabitants; from an agricultural point of view it represents 5% of the total area of UK; 5% of its population is engaged in agriculture vs. a 1.5% average of UK; also, it (Northern Ireland) hosts 20% of dairy herds. Approximately 4.5 million hectares are used for arable crops on a total area of 14 million

As far as crops, cereals cover the largest portion of Northern Ireland farming surface: 58% of acreage is devoted to wheat with a stable trend, 37% is barley; this species, in spite of being the main ingredient for beer, has been losing ground year after year. Potatoes surface went from more than 15 thousand hectares to less than 10 thousand; oilseed rape is the only crop showing an increase of hectares sown and holdings growing it. Northern Ireland had the largest textile industry in the world before the last industrial and technological revolutions: "lint" that was a brand name for the Irish fiber and textiles was grown on several thousand hectares but has practically disappeared nowadays;

From 1986 to 2006 almost half million hectares of arable land went out of production; certainly part of this reduction was set-aside or stewardship programs but basically this has been a trend; it clearly indicated the need to increase overall

production with less land available in order to satisfy the request of food for population. Intensification has reduced the number of farmers also: less holdings of larger size.

Reduction of use of certified seed was another end result of evolved farming: approx -15% in cereals (wheat -17%); it was also indicated that in consequence of improved cropping techniques there had been a decrease of seed sown per hectare: if in 1998 one ton of certified seed was used to plant 8,9 hectares, in 2009 the same quantity of seed could cover as much as 10,9 hectares.

The speaker moved to discuss the analysis of cost composition of seed of cereals: certified seed shows that near half the price is the value of the grain, including premiums, whilst 28% is roughly the cost of operations like cleaning, processing, treating, bagging and testing. This leaves a 22% which represents the value of royalty or the margin of the seed company. Aiming to a reduction of price paid by farmers, since it is not realistic to imagine a decrease of the cost of operations, a proposal which the speaker mentioned as being explored was to move the value of royalty from purchasing price of the bag of seed to the grain produced in the field from the seed sown. It was said that this would reduce the price of seed paid by farmers, give them the possibility to perceive the real value of the improved genetics of seed purchased as a direct input cost and convince them to pay the remuneration of the breeder on the harvested grain. The result could be the immediate decrease of the cost of a unit of seed.

From the audience there was one question asking more details on the proposal that collection of royalties could be done on a per hectare basis instead of on the sales price: will it collect on the whole surface cultivated with a given species or will it make a distinction between protected and non protected varieties? The answer was that it will be on the surface sown but this shall be stipulated in the conditions of sales since in the case it is not established it will be impossible to get paid.

The Chairman thanked Mr. Green for the brilliant informative report and the audience applauded warmly.

4. How Intellectual Property is managed in the UK

The floor was then given to Mrs. Penny Maplestone (GBR) for the presentation "Royalty collection in the UK" on how intellectual property (IP) is managed in the United Kingdom. A short introduction of what BSPB is opened the speech. An Association of 57 members, who should be active breeders or official agents of a breeding company operating in the UK, BSPB has a

managing Board elected by the members and a staff of 13 (7 of which in charge of royalty collection); it is officially licensed to carry on VCU trials for the UK since this is the way this activity has been organized in that Country. BSPB is organized in a similar form as ISF with crop groups, working groups and standing committees (R&D or Communication are two of them) and is active member of ESA and ISF.

The role of BSPB in royalty collection covers both certified and farm saved seed; it performs audits and investigations on the use of varieties as well as enforcement of the law. A very important aspect of this activity is communication, information of farmers and direct contact with them. The association has licenses with the breeders to collect royalties and sublicenses for producers of seed; audits twice a year make this system very efficient and cost effective: 2% retention pays for all the operations throughout the year.

For farm saved seed (FSS) the Association has an agreement with farmer unions following one of the options indicated by the EU. Signed in 2007, the agreement has proved to be a very successful cooperation: every year, breeders and unions agree on a rate for each crop. The rate is re-calculated annually based on the percent use of certified seed during the previous season and ranges between 46 and 60%. Within each crop/species all varieties are charged the same rate.

This system is very successful also because up to 80% of the collection is done through the mobile processors association (NAAC) so that there is one party only to work with and to work out terms. This reduces the number of counterparts from more than 20 thousand farmers to only 150 contractors. If farmers prefer to pay directly BSPB they will be asked a fixed amount per hectare instead of per ton of seed processed. For farm saved seed the cost of collection is around 7%.

It has been calculated that on 28 million Pounds of royalties paid in total, almost 8 million come from FSS. Compliance ranges from 60% for beans and barley to 90% for wheat. This value is calculated every year from the surface sown.

The key points to make the whole system work and that BSPB pursues constantly are 3:

Engagement with farmers and mobile seed processors to ensure that there is a really good dialogue, meetings twice a year are held to make sure they can trust the system and have the possibility to share concerns;

Enforcement of the rules with a reasonable light touch: BSPB approach is to explain why royalties have to be paid instead of having a "legalistic" behaviour announcing jail in the case royalties are not paid. A database of 19 thousand farmers with

records of 5 years of their farming activities has been created making possible to ask questions in the case discrepancies or deviations were observed.

Education is considered as one of the most important tools aimed to create a positive approach with farmers. An initiative named "Fair Play" on farm saved seed whose principles can be found in internet on the BSPB website (<http://www.fairplay.org.uk/>) provides all the details and explanations to support payment of royalties for safeguarding future innovation.

The conclusion of the presentation was: the system developed by BSPB is good and is working smoothly but there are some challenges still to address:

- the return of information from farmers is a long and time consuming process which could be made quicker and easier if there was a very clear legal obligation to do so;
- for few crops some problems still exist: work is being done jointly with farmers' unions to develop a new approach based on a simple contract, having the FSS declaration form changed to a contract;
- the exchange of FSS between holdings in spite of the rules still remains customary;
- payment rates are still an issue since the law is not perfect but accepts a default of 50%.

Communication needs to message that plant breeding is valuable and farmers need it for progress in their activity; since breeding requires investment they have to be ready to pay for it through royalty.

A couple of questions were made after the presentation. After commenting how much he was impressed by the effectiveness of the system a participant asked to know how BSPB deals with commercialisation of FSS done by cooperatives; he added that this practice is not allowed by the EU or by the UK legislation. The speaker answered that the issue is dealt through meetings and discussions with people making regulations; on the specific case of large farming companies which may be tempted to do their own seed production it was commented that it is not an easy argument to present to regulators compared to farmers saving seed which looks much simpler. False accounting, fraud offense, heavy fines and also prison sentences were obtained for seed processors who did sell farm saved seed or did not charge the correct royalty rate.

Another participant asked to know what the rationale behind different royalty rate for FSS and certified seed is. The speaker replied that it has been established based on the indication of the EU regulations which state that level of royalty on saved seed should be at a sensibly lower rate

than that set for certified seed; it is not easy to identify a correct level and it was conventionally agreed at 50%.

Last question was on how small farmers are managed. BSPB asks them how much surface they did grow and they get the answer whether they are or are not small farmers. Small farmers are exempt also in the BSPB system; it would not be worth the effort to collect from them.

The Chairman thanked Mrs. Maplestone for the presentation and she was warmly applauded by the audience.

5. Conclusive report of the Working Group on Royalty Collection

The Chairperson called on stage Mr. Frank Curtis and invited him to present the conclusive report of the activity of the ISF Working Group on royalty collection that he was currently chairing.

Mr. Curtis announced a written document that will be made available soon for use by ISF members throughout the world as a reference document and a mean to share best practices. He reminded the initial objectives of this project which were: 1) - to audit the royalty collection systems around the world; 2) - to have a comparison between mechanisms in place for collection of royalty and enforcement of payment; 3) - to assess the efficiency of different mechanisms in different territories of the world.

All the information which has been gathered was summarized in a table that gave the possibility to evaluate the parameters and look at the weight of the elements that drive that mechanism.

The principal intellectual property (IP) protection systems were evaluated with this survey. They are:

- Plant Variety Protection (PVP) is common to all UPOV member countries. It was found that since the version which is in place does vary from country to country there are not always provisions or rules in place for the collection of royalties for FSS.
- Patent is a very strong tool for protection: the survey has found differences in implementation between world regions. There are few countries that allow for a patent on a variety the most important being the USA.
- Contracts -which are written agreements for licensing the use of a variety where the parties agree on limitation clauses- are another tool frequently used by seed parties.
- Trade secrets are an additional important mean of protecting IP but they tend to be on the selection or breeding process for obtaining a variety rather than on the variety itself
- Finally trademarks could be one more method for protection. The report table did not analyze

them but found that there are some countries where it was used in that aim.

Tools for enforcement of the IP protection mechanisms were surveyed. The principal involves national legislation, more specifically the seed laws that every country has developed in place, how they work and how they are enforced, does a farmer have obligations to give information on saved seed saved for his own use. In the survey there was the opportunity to describe all laws that can help collecting for breeder's remuneration.

Another tool for enforcement is certification. In a country where certification is compulsory, sales of not certified seed are illegal. Conversely where certification is voluntary seed can be sold with or without certification and with or without quality assurance. There are also numerous penalties for evasion; typically the cost would be up to 3 times the amount of money unpaid by fraud.

Among other factors influencing the effectiveness, critically important is the political will for the support of IP protection; if the government is involved and prosecutes offenders, the royalty collection systems tends to be much more efficient. Agreements with farmer unions are also contributory to the success of royalty collection: the example given by the previous speaker did show how important this may be. The small farmers' exemption is an important issue preventing remuneration of breeders. An example from the survey had been Poland where out of a total of 1.4 million farmers over 1 million are classified as small with no royalty obligation on farm saved seed. Further information collected by this survey had been on who enforces and who supports plant variety protection. It has been found that when the government takes this responsibility the best results are achieved; while seed companies have difficulties collecting FFS royalties. Finally economic factors such as financial incentives or tax benefits were seen as an important factor facilitating payment of royalties: the speaker mentioned the example of Uruguay, a country which had established a tax rebate for farmers using certified seed and where the ratio of royalty collection has been found to be very high.

The third part of the survey dealt with the efficiency of the collection systems and the amount of money returned to the breeder. The speaker commented that if quantity and quality of data provided is good the accuracy of calculation is excellent and the results obtained are useful, if data received are only a best estimate, the conclusions of the exercise are less useful. From data received a so called remuneration indicator was calculated which showed a very wide variation ranging from above 90% (highly effective) to some 15%.

National legislation, compulsory use of certified seed, utility patents and financial incentives had been identified as being the best tools to assure a good efficient management of breeder's remuneration.

At the end of the presentation Mr. Curtis announced his intention to leave the position of chairman of the Working Group due to his new and very demanding position in the industry. Meanwhile he promised to bring the activity of the Group to a natural conclusion with the publication of the report.

There was a question from the floor as to which crops had been investigated with the survey. Reply was that only wheat was analyzed. Others may follow.

After having expressed his congratulations for the work done another participant commented that he understood that in the remuneration indicator both certified and farm saved seed are included and added that the survey might also have gathered figures on collection of royalty on FSS: it could be useful to know for each country what is the level of success in collecting these royalties.

A French delegate said that it would be useful to break down the results analyzing the details to include in the indicator the royalty rate which was in his opinion the major point of efficiency. The speaker agreed that the study could be extended to include the rate but it remains debatable if this is useful for the aim of the survey and whether it would have an effect on the efficiency of collection.

The Chairman thanked Mr. Curtis for the valuable contribution to the Association and the seed industry and for having offered to remain in charge until the final report is written. In turn Mr. Curtis thanked all members of the Working Group and the ISF Secretariat who helped him in producing the survey.

The Chairman invited Mr. Nigel Moore (GBR) to speak about the UK Government' Foresight Report.

6. The future of farming and food

The Foresight Report titled "The Future of Food and Farming: Challenges and choices for global sustainability" was produced in 2011 at the request of the United Kingdom Government. It followed another report called "Reaping the Benefits" that dealt with sustainable intensification of agriculture.

The study is about sustainability of the environment but also of the society. Sustainability means the use of resources at rates that do not exceed the capacity of the earth to replace them. This is a very helpful definition for the seed industry, since sustainability is not only about less use of fertilizers or of ag-chem but is a much

broader concept: it is not only about environment but also about financial and human capital like: a viable and healthy workforce; transmission of skills and knowledge to future generations; economic resilience to transitory shocks and stresses.

A lot of information is provided by the report about the global drivers which will affect agriculture and seeds: population increase, change in per capita demand, climate change and competition for resources.

Population increase: projections are that by 2050 world population will be 9 billion people; according to UN studies 60% of this will be by 2030 urban population; moreover a growth of cities greater than 10 million inhabitants is foreseen from present 19 to 26, of which 5 are in Asia; in that scenario, matching relationship between regions of production and regions where demand is will be a challenge.

A graph showed how dramatically the demand for food will increase as a consequence of the progress of per capita income and the growth of meat and dairy products consumption.

Climate change was analyzed in a slide highlighting the regions that will most probably suffer in the coming future. Two different sources came to different conclusions, showing that climate modeling is still very imprecise but both concluded that there will be regions that will increase and others that will suffer a reduction in their production potential. Crop regional adaption will likely change: in future different species could be grown in given areas due to changing weather situation or to breeders' successful efforts.

All what was said easily lead to competition for key resources: land for food production; energy demand increase; water availability since agriculture is a big user of fresh water. The report summarizes all this with a list of challenges that are key aspects for the seed industry: sustainability, volatility, ending hunger, low emissions and maintaining biodiversity.

The speaker concluded that all these factors are addressed by the seed industry; this shall be an important message for politicians and regulators. Improved varieties thanks to better yield potential and increased efficiency contribute to reduction of GHG emissions; to a more efficient use of land, soil nutrients, fertilizers and water; to preserving biodiversity; to build biotic and abiotic resistances. The creation of innovative and more productive varieties by plant breeding leads to a better balanced food production, to the reduction of hunger and to the enhancement of social stability.

A message that the seed industry may promote is that sustainable intensification is an imperative, seed companies are the only realistic source for genetic gain and failure may provoke global

imbalances. Collateral damage due to failure may affect citizens and environment. The seed industry is the source of innovation.

Intellectual property rights and better enforcement, more effective seed regulations are necessary to promote investments in research and creating innovation.

From the audience a participant asked about the position of the Report on new breeding technologies and specifically on GM. The Report is in favour of all kind of new technologies and of diverse agriculture systems to meet consumers' choices.

Another question was on the attitude of several governments which are concerned about food security but are resisting introduction of advanced technologies fearing that these new technologies could create dependency, how the message to them could be sent not to worry. The speaker replied that emotion plays an important role in current policy making, politicians respond to most popular fears when developing their policies, food security is just another fear.

7. The revision of ISF Trade Rules

Mr. Huib Ghijsen Chairman of the ISF Trade and Arbitration Rules Committee (TARC) was invited on stage to inform the participants on the work which was done by the TARC on the revision of the text and its re-organization.

Opening his speech Mr. Ghijsen reminded that the ISF Trade Rules have to be understood not only as a code of conduct but also as part of a contract between parties. About the specific activity being carried out, Mr. Ghijsen mentioned some of the objectives of the exercise. Among others: to rationalize further the text of the Rules which had been already revised few years before; to bring more consistency to the part "conclusion and negotiation of a contract" filling gaps which were found with introduction of specific provisions coming from UNCISG (United Nations Contract for the International Sales of Goods) for instance; to improve the consistence in usage of terms and to revise the upper limits of compensation.

The revised version of the Rules was sent to all ISF Members for information and to provide the opportunity for making comments during the open sessions or to send written remarks to the TARC. After the Congress the document will be open for inputs and contributions from all ISF Members to be provided as soon as possible. The Committee needs feedback to continue this project. The next meeting will be held in October. He mentioned that the goal was to have a document ready for adoption during the next Congress in Rio.

Basic function of the ISF Trade Rules: to provide a model contract between parties, of course addition and deletion of clauses is always

possible; there are no mandatory clauses and no terms of sale conditions.

Some examples of the modifications were shown and open for discussion.

Mention of "ISF Rules" in a contract should imply the implicit agreement of them by both parties even in absence of expressed consent; the application for ISF Arbitration should imply application of these Rules even when no special reference to them has been made.

Some sectors of the seed industry like forage make sales agreements through brokers and often there is no written contract but a confirmation which may be not signed. In case of Arbitration this might become a reason for invalidity; there was an attempt to foresee a mail confirmation which had been withdrawn due to the reasons given by brokers who explained how quick their activity goes. It remains a sensitive and risky issue in case of dispute.

It had been proposed to take away from the Rules the long list of documents that may be required by the parties for a transaction and to have them in an Annex where it had been planned to have also explanatory text to provide guidance on how to operate in practice.

Retention of title had been another complex item discussed in the TARC at length. Present Rules state that the buyer is not allowed to sell the seed until it has been paid: it had been proposed to add that sale is possible by assigning to the seller the payments made by subsequent buyers. This is a difficult topic and improvement in the text is always possible: for this reason input is needed from Members.

A ceiling to the amount of compensation after a dispute resolution to double the value of the seed sold was proposed as a modification. The Arbitration Tribunal will anyhow maintain the freedom to set a higher compensation in special cases.

The proposal from the vegetable and ornamental seed sector to extend the Specific Section was finally illustrated; the reasons for this request and the peculiarities of that type of trade were explained. The speaker said that the TARC had carefully evaluated all this into detail and returned to the proponents a series of comments based on present Rules.

At the end of the presentation support of all members to provide detailed comments and suggestions in due time was called, aiming to assist further work of the Committee.

Mr. Ghijsen expressed his grateful thanks to the members of the Committee for the hard work done especially to the Argentinean representatives who did all the editorial work and to the ISF Secretariat.

From the floor there was a question on the change to limit compensation to twice the value of seed. The Chairman of TARC answered that the text was still under evaluation and what had been shown was a proposal for discussion which will be rephrased again. The reason for setting a limit was suggested by the increasing claims and aiming to avoid extremely high compensations. The final decision is anyway left to the Arbitration Tribunal.

8. Election of Section Board members (11.073)

Every year in the life cycle and in the composition of the ISF Sections there are new members, confirmation of current members who completed a term of 2 years and dismissals.

Alvaro Eyzaguirre (CHL), Gerardo Bartolomé (ARG), Eugenio Gonzales (ESP), Karol Marciniak (POL), Jean Paul Krattiger (SWI), Claude Tabel (FRA) were proposed by their National Associations for re-election in the Board of the Section; the audience approved by applause.

Two new members were also nominated: Pablo Bergadà (ARG) who was in the room was invited to shortly introduce himself: Director of R&D of Nidera Seeds, active in production and research in almost all field crops in Argentina; and Yusuf Yormazoglu (TUR) who is Manager of May Agro Tohumculuk, a Turkish private seed company doing R&D, production and sales of field, forage, industrial crops like cotton and vegetables. A warm applause from delegates to the Section approved their election.

9. Other business

There was no other business for discussion.

10. Closing the meeting

The Chairman announced that next meeting of the Section was going to take place during the Congress 2012 in Rio de Janeiro (BRA) and that the Section Board meeting had been scheduled tentatively for 3 November 2011 in Zurich.

He thanked the audience for their active participation in the proceedings, the speakers for their excellent presentations, the Secretariat for the organization and called the meeting to a close at 10.20 hrs.

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Report of the Meeting of the Forage and Turf Crops Section

Held on Wednesday, 1 June 2011

Chairman: **Mr. John Gilbert** (UK)

1. Call to order, antitrust guidelines (11.070) and adoption of the agenda

The Chairman called the meeting to order at 11.00 hrs and welcomed, according to the attendance list, 85 participants from the following 25 countries: Argentina, Belgium, Brazil, Canada, Chile, China, Czech Republic, Denmark, Finland, France, Germany, Italy, Republic of Korea, Netherlands, New Zealand, Poland, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States, Uruguay; as well as ISF guests from ESA, SAA, ISTA and OECD.

There were no further comments to the anti-trust guidelines. The agenda was adopted as circulated.

2. Minutes of the Calgary Meeting (Calgary Congress Report, pp 15 – 17)

The minutes had been adopted by written procedure. There were no further comments.

3. The Forage and Turf Seed Industry in the UK

The chairman gave the floor to Mr. Ian Misselbrook, who provided an overview of the Production and Consumption of Herbage Seed in the UK (presentation available at the Secretariat on request). He mentioned that a lot of the production had moved to Denmark and The Netherlands. This had led to a decline in the herbage seed growers in the UK. In addition there were harvest difficulties due to the volatile maritime climate, and a decline in grass seed consumption. The only species that did not show a downward trend were hybrid ryegrass and red clover. He further provided information on the UK Market structure, herbage grass trialing and DUS testing. The Chairman thanked the speaker for his contribution and he was warmly applauded.

4. DUS testing and related issues

Mr. Trevor Gilliland then gave the presentation 'Achievements and Challenges of Herbage Variety Regulations' which is available upon request at the Secretariat. He mentioned that in his presentation he intended to be somewhat provocative but encouraged all participants to challenge these statements through questions at the end. In his presentation he touched upon the reason for official control systems, on regulation strategies, on the achievements of regulations, on grass improvement challenges and on a sustainable industry future. One of the problems with a breeders testing system were with the

quantitative characteristics where the GxE interaction was causing discrepancies between the variety descriptions made in different environments. There were good achievements to report in the turf species but yield progress in the forage species had been much lower.

In response to the question whether the commercial life of a variety was getting shorter, Mr. Gilliland replied that this was certainly the case, but in his view was still too long. The older varieties were increasing the costs of the variety trials. With regards to the International Treaty (IT) and Convention on Biological Diversity (CBD) regulations, another question was raised how access to grass germplasm was arranged, and if there had been any problems with getting access. Apparently until now there had been no problems.

A comment was made that the translation of the progress in grass varieties into meat/milk production was still one of the major problems.

Pasture renewal was another problem in many countries. In some countries this was around 2-3 % per year, and if this percentage could be doubled, this would provide good perspectives for the seed industry. The participants thanked Dr. Gilliland for his presentation with a round of applause.

5. DNA testing & other methods for determining annuality in perennial ryegrass

The Chairman gave the floor to Mr. Stefan van der Heijden who made the presentation 'Fluorescence testing in ryegrass: annual types of *Lolium* in *Lolium perenne*' (available at the secretariat on request). He started by saying that he had drafted the presentation together with Harry Nijenstein, who unfortunately could not be at the meeting today to make the presentation. The presentation aimed at providing more clarity on fluorescence testing as there was a lot of misunderstanding about the technology. Annual ryegrass type contamination was a significant problem in *L. perenne*, especially in the turf types. Many years ago a fluorescence test had been developed based on seedling root fluorescence. Under ideal circumstances *L. perenne* should show 0% fluorescent roots, and *L. multiflorum* or *L. westerwoldicum* should show 100% fluorescent roots. However, this test was not always 100% waterproof as it was affected by seed production and seed storage conditions, light and duration of the test. In addition *L. multiflorum* genes had been introduced into *L. perenne*. So in conclusion the fluorescence test was no longer adequate. As a solution to these problems, a PCR based test had been developed, which was very precise. AOSA was currently assessing whether they would be adding this new test in their Handbook. Also ISTA had developed a draft test plan for a validation study which had been submitted to the ISTA

Variety Committee. At the earliest, if all goes well, the rules change could become effective by 2013.

B. Scholte of ESA remarked that the issue had also been discussed in OECD at the last meeting in Istanbul. Two questionnaires would be sent out, one to National Designated Authorities, and one to the seed industry. The outcome of these surveys would be discussed at the next OECD meeting in 2012.

6. Herbage seed lot size experiment

M. Bruins of the ISF Secretariat updated the participants on the latest developments with regards to the experiment. He mentioned that a few years ago ISTA and ISF had started the most recent phase of this experiment on larger seed lot sizes in grasses, which aimed at setting the conditions under which companies can produce larger seed lots of sufficiently homogeneous quality in selected grass species. The experiment had been running now for a few years, and the planned finalization date was 2013. More and more seed producing plants in the EU and the US were joining the experiment and a very large majority of the tested seed lots were sufficiently homogeneous and had passed the test. The Forage and Turf Section Board had invited Mr. Michael Muschick of ISTA for their last meeting, and after having heard his presentation, the Section Board had unanimously decided that the experiment could be finalized, that there should be a permanent regime after finalization of the experiment and a discussion should be started on the conditions after finalization. For this, a discussion group would be formed, consisting of the main stakeholders in the experiment: ISTA, ISF, OECD, ESA and the EU. Each organization would deliver one discussion leader and from the side of ISF, this would be Mr. Piero Sismondo. After finalization of the experiment, seed plants would still need to go through accreditation. One of such conditions that needed to be discussed was which percentage of the seed lots needed to be tested. A next meeting on this topic was planned to take place during the upcoming ISTA annual meeting.

Mr. B. Scholte of ESA mentioned that there was also an EU experiment ongoing and this experiment had originally a planned finalization date in 2012. In line with the ISTA/ISF experiment this finalization date of the EU experiment had recently been extended to 2013. Based on the good results from the experiment, ESA had discussed the possibility of pushing for an earlier finalization but thought this was inappropriate. He added that the costs based on a monitoring rate of 5% would be rather high and ESA proposed to lower the monitoring rate to 1% to make it less onerous for companies to participate.

7. The revision of ISF Trade Rules

The chairman gave the floor to Mr. Huib Ghijsen, Chairman of the ISF Trade and Arbitration Rules Committee (TARC). He provided an update on 'The revised text of the ISF Rules and Usages for the Trade in Seeds' (available at the Secretariat on request). Main aims of the revision were to provide more consistency in the rules, to extend the provisions concerning the formation and conclusion of a contract, to fill some gaps by implementing specific provisions of the UN Convention on International Sale of Goods, and to focus on the rules, and leave out explanations. In the new rules there would be among others, a special attention for vegetables, a consistent use of the terms and a change in the upper limit of compensation by arbitration. He then went over the general basis and the main topics in the rules, and provided examples of revised texts. With regards to lower use of the rules in the vegetable sector in The Netherlands he remarked that a paper with 54 articles had been discussed during recent TARC meetings. The TARC had concluded that a number of the proposed rules were already covered by the present General Rules (GR) and in some cases could be solved by a modification of those GR. Many of the proposed rules were not fit for trade rules, but were in fact intended for terms of sales.

Some of the open items which still needed some more discussion were contracts established by a broker, retention of title, amount of compensation, and a valid arbitration contract. The TARC would work on a guidance document for recommendations, and an annex with terms and definitions. It was planned to adopt the new Trade Rules at the 2012 congress, and therefore he strongly urged all ISF members to take a close look at the proposed changes in the Trade Rules, and send in their remarks to the Secretariat.

8. Election of Section Board Members

M. Bruins announced the (re-)election of Section Board members. According to the list in circular 11.074-a, which had been sent out with the congress documents, the following persons were up for (re-)election: Mr. Jiri Barta (CZ), Mr. Adger Banken (NL) and Mr. Paul Frey (US). The Section approved these nominations unanimously through a round of applause.

9. Other business

Mr. Nils Elmegaard of the Danish Seed Council asked the floor to provide a brief update on an ESA working group that was monitoring of possible illegal activities in the forage and amenity grasses in the European Union. The objective was to increase the seed quality and to create a level playing field. The WG had identified a few varieties which might not be true to type, a grow-out trial had been initiated and the WG was

waiting for the results. In addition to that he mentioned that around 70 companies had now signed the Code of Conduct, which was a straight forward document, merely stating that the company respects IP rights and agrees with the EU Directive on marketing of seeds. The Code of Conduct and the companies which had signed it could be found on the ESA website: www.euroseeds.org

Mr. Bert Scholte of ESA mentioned that 4 years ago his organization has published a brochure that promoted natural turf over artificial turf ('plastic grass'). It was now being updated and as soon as it was ready, it would be shared with ISF.

ESA was asked to inform the participants on the status of the change of the purity rules for Sudan grass. As time was limited and a thorough explanation was needed to answer this question it was agreed to answer this question bilaterally after the meeting.

The Chairman then announced that Mr. Cor Gunnink was retiring from the Section Board after 17 years of service. Through the many years he had come to know Cor as a knowledgeable and experienced seeds man who was also a lot of fun. He was the model of a seeds-man who would be missed at future meetings. He thanked him for all the contributions he had brought to the Section Board. Mr. Gunnink was warmly applauded.

10. Closing the meeting

There being no further business to discuss, the Chairman thanked all the speakers and participants for their contributions and closed the meeting at 12.30 hrs.

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Report of the Meeting of the Seed Treatment and Environment Committee

Held on Wednesday, 1 June 2011

Chairman: **Mr. Greg Lamka** (US)

1. Call to order, antitrust guidelines (11.070) and adoption of the agenda

The Chairman called the meeting to order at 13.30 hrs and welcomed the 91 delegates, honorary life members and guests from 26 countries (Argentina, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, Denmark, France, Germany, Hungary, India, Israel, Italy, Kenya, Republic of Korea, Netherlands, Pakistan, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States, Uruguay, and Venezuela) and partner organizations AFSTA, ESA, SAA, FAO, ISTA and OECD.

He made reference to the antitrust guidelines which had been distributed with the congress documents; being no further comments they were

adopted. The agenda was adopted as circulated also.

2. Minutes of the Calgary Meeting (Calgary Congress Report, pp 17 - 19)

The minutes of the meeting held in Calgary in 2010 had been approved by written procedure, and had been attached to the report of the Calgary Congress. There were no further remarks.

3. Priorities of the Committee - The role and the mission of the STEC

Reviewing the priorities for the Committee the Chairman detailed to the audience what had been the activities of the STEC in the recent years. For "external communication" he listed the publications developed, commented that for some of these a revision had been proposed to make them available again updated with the most recent regulations and requirements. The brochure "*Seed Treatment: A Tool for Sustainable Agriculture*", which is written in several languages has had a broad distribution with all interested members. The outreach activity was achieved by the organization of 4 seminars and conferences held on 4 continents aimed to inform different audiences and interact with the main stakeholders. As far as reaching external customers, a delegation of the STEC met with the Gates Foundation to discuss initiatives to promote seed treatment as a modern way to protect crops and to train users in countries where seed treatment is still developing; some ideas for cooperation have been proposed.

Also, the Chairman announced that the Committee has started an internal analysis to discuss its mission and place within the ISF. It was agreed that one of the objectives should be promotion and education on the benefits of the seed treatment for internal customers (the seed industry) and external customers (the users). Another primary goal of the STEC was to enhance the image of seed treatment as a modern tool aimed at reducing the impact on the environment. It will be critical that the industry ensure application of treatment onto seed is done properly in order to prevent some of issues as experienced in EU and will continue to be viewed in a positive light by the public and the regulators.

As far as the functioning of the STEC, some important considerations were made and a proposal to move from a working group to a standing committee had been developed for the Board of Directors. He explained that the general perception was that a standing committee will have the power to look for a broader representation of more seed companies from various crops involved in ISF; will achieve better communication with the Board of Directors and other Sections and Committees of the Federation;

and be involved more regularly in the activities and decisions with those groups with higher visibility. The Chairman discussed having presented the proposal to the BoD during the meeting held two days before and to having obtained approval for the project including a period of time to prepare the changes. The Board also indicated that it was its strong wish to have the STEC membership composed of more seed companies, represent all crops and all world regions.

4. Update on the use of seed treatment

A birds-eye overview of the situation of seed treatment in the world was provided by the Secretariat.

Volumes of seed treated with insecticide products in the neonicotinoids family continue to increase thanks to the advantages of these compounds, to the improved application techniques and to the reduced impact on the environment. Professional applicators adopt newer recipes and adjuvants to improve further the final quality of the treated seed lot and make them more operator and environmental friendly to use.

Renewed interest in dedicated research and new approaches for use of biological actives in seed treatment has been reported. Besides the well known and broadly used nitrogen fixing bacteria other strains of microorganisms are being investigated as a tool to disinfect seeds or to protect them against pests and diseases or as enhancers of the potential of seed.

Technical progress in the development of modern application methods is aimed to reduce the quantity of active ingredients applied to seeds and to minimize the risk of portions of the treatment being lost due to abrasion during transport and planting. Improved quality assurance tests and standards have been developed to mitigate dust off issues.

Worth to mention was the expiration of registration of several products that were very common and widely used for spraying crops and treating seeds. An issue is that there are no suitable replacements. The industry could possibly obtain the authorization for application on seed as minor uses; however mutual recognition of the exception is not automatic and subsequent trade disruption issues have been reported. There are economic factors generating more and more products that are not registered for use on seed or that have different label approval for use in different countries.

5. The quality assurance system for seed treatment in Europe

Mr. JanWillem Breukink, Chair of the European Seed Treatment And Technology working group (STAT) was invited to the floor and gave a

presentation on the activities being developed in Europe.

An incident occurred in 2008 affecting a number of bee hives, has raised publicity and brought considerable scrutiny to seed treatment and generated a number of initiatives aimed to investigate the causes, study the problem and propose solutions. This became a high priority for the European seed industry. A concern was that regulators would ask for testing of each seed lot before it could enter the market. The approach of ESA in cooperation with the chemical industry has been proactive: the constitution of a dedicated working group with a dedicated project leader responsible for developing a quality assurance system, to reduce dust in seed lots, define proper treating processes and outline the Heubach testing method used to validate the level of dust present in a seed lot. The creation of a European Seed Treatment Assurance (ESTA) standard protocol and logo had been the first step toward the implementation of a European wide system. It is based on a very well described and written process and it requires the users to do measurements and risk analysis. The objective is to have the European authorities accept a universal protocol as the tool to drive and regulate application of plant protection products to seed. Also, it was planned to have the logo placed on the packing of treated seed that respect the parameters set by the protocol and this should be recognized by users as seed produced under the high quality standards.

In the first phase the initiative was focused on maize and oil seed rape seed treated with insecticides. Next steps will be to include more crops and more plant protection products.

The system is based on a strict auditing program of all phases involving manufacturing of treated seed, from the arrival of raw material to the sowing of a treated seed at the farm; treating facilities and their operating procedures will be audited and certified by ESA/ESTA approved agencies. ESA will be the owner of the scheme and responsible of maintaining it. To complement the protocol and to comply with new labelling requirements ESA has also produced a series of icons (pictograms) to visually tell the users how to handle the seed, besides the seed bag labels that are required in the EU partly provided as multi-lingual booklets.

Many questions were raised by participants. It was asked whether it would be necessary to develop other quality assurance processes due to what was said about them being crop and country specific and that differences were expected for other crops. The answer was that the aim is to have one process to fit all situations. There may be some differences in the product and in the

standards but the process should remain the same.

Another question was to know whether there is a plan to roll out ESTA to other parts of the world. Obviously if it will prove to be a quality assurance system working well and fitting the business it would be good to promote it also in other regions. It was added that other Seed Associations have already been exposed to this system and now it is up to them to judge how to proceed. The Chairman commented that besides adopting the protocol or developing from it something for a local situation, stewardship on application of plant protection products is extremely important and always needed.

What will happen to seeds to be imported into Europe? The authorities might ask to set some rules for controlling imported seed but this is out of the scope of the ESTA project. It may be obvious that seed producers willing to export to Europe will need to comply with European measures.

Another question was whether mobile cleaning operations will be eligible for ESTA certification. If they fulfil the ESTA provisions (professional ways of application to seed) they will be eligible for certification; the system does not aim to create an elite.

Another participant warned on the proposal to spread the system across to other countries and suggested to be judicious moving this program outside Europe since other countries or regions may have developed different approaches, even if aiming to the same end result.

It was also asked whether non EU based companies could decide to join the system and obtain certification of their plants. In the case such a request comes and has a serious reason the ESTA board will look at it and decide accordingly. Another question was aimed to know whether there is a plan to expand the system to vegetable seed; the answer was that there is already a large amount of information gathered with the use of Heubach tests to assess the applicability of the scheme; the high quality of treated vegetable seed and the peculiar usage conditions of it suggested to invest in field crops first..

From the audience it was commented that as far as exporting seed to Europe the company has to fulfil European standards; there is no need get the ESTA certification for the treating facility but it is up to the producer to make sure that its seed lot meets all regulatory requirements.

6. Modern technologies and innovative solutions for treating the seed

Mr. Rick Turner was invited to take the floor. His presentation indicated the components of seed technology: high quality seed, genetic traits,

chemical and biological active ingredients, coatings products and equipment for application. Also, the speaker gave an overview of what is coming on the marketplace and what people dealing with seed have to consider. He commented that with the evolution of seed treatment the activity is not a simple solution anymore; there are multiple products used to treat the seed: for each species proper products and proper application technologies are necessary. He underlined how critical it is for a successful treating operation to start with high quality seed since this will have an enormous effect in the final result.

Opening to the future, the speaker mentioned that several products were arriving on the market place containing insecticides, fungicides and nematicides plus some biological products. In addition several producers are working on mixtures of new and established products ready for application that will be launched soon. This will provide many more tools for fighting pests and diseases and give farmers the possibility of obtaining always better results.

The offer of products in the vegetable area has been broadening; for small potential markets or minor crops it is still difficult for manufacturers to make an economical viable option for registration. The STEC has had the merit of raising awareness on this and has put this important issue in front of the regulatory agencies.

Special research has been done on the interaction of plant protection products with plants self-defence reactions, with useful micro-organisms activity that can inhibit some toxins. In another domain - yield enhancement – studies are ongoing in organisms that can improve plant health, increase seed germination, and get better absorption and fixation of nutrients.

In the area of application, advancements have been seen in the level of accuracy of application of products with a variation range of 2% or less of the target, in the professionalism and training of technicians, in the development and implementation of stewardship programs.

At the end of the presentation a chart summarizing the 1980-2010 evolution of yields in maize and wheat was proposed for discussion. It showed that for wheat, where only basic seed treatment has been done the progress in yield has been very limited even if constant; at the opposite, for maize, the introduction of new systemic insecticides combined with new breeding technologies have increased the potential of plants thanks to a better protection of plants and improved self-defence mechanisms (with bt). Another achievement of these applied technologies to maize had been the mitigation of the fluctuations of average US yield recorded historically, providing the farmers with higher and

more consistent production, better predictability of the performance of their fields and a more stable income.

A participant asked to know whether the improvement of maize yield highlighted with the chart was the result of treatments only or that included also the effect of new traits. The speaker said that data were the annual USDA recorded yields and that there was no detailed analysis on factors influencing the result.

7. Other business

There was no other business.

8. Closing the meeting

There being no further business, the Chairman thanked all participants for their attention and closed the meeting at 14.50 hrs.

* * *

ISF General Assembly

Held on Wednesday, 1 June 2011

Chairman: **Mr. Truels Damsgaard** (DK), President ISF.

1. Call to order, antitrust guidelines (11.070) and roll call

The Chairman called the meeting to order at 15.30 hrs.

He reminded the audience of the ISF Antitrust Guidelines, circulated with the Congress documents.

The Chairman made the roll call. 115 participants attended the meeting.

The following members were present or represented by proxy:

Ordinary members: Argentina, Belgium, Brazil, Canada, Chile, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, India, Italy, Japan, Kenya, Republic of Korea, Netherlands, New Zealand, Poland, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States, Uruguay.

Associate members: France: Groupe Limagrain, Sicasov; Germany: KWS Saat; Iran: Behta International, Paliz Agricultural Services; Netherlands: Monsanto Holland; Russia: Agrofirma Gavrish; Spain: Geslive; Switzerland: Monsanto International, Syngenta Seeds; Thailand: East-West Seed; Tunisia: Agriprotec; USA: Monsanto, Pioneer Hi-Bred International.

The number of votes present or represented was 207 for Ordinary members and 37 for Associate members, making a total of 244 or 67.4%. As the total of votes for the Federation was 362, with a required quorum of one third, the General Assembly was validly constituted.

2. Adoption of the agenda

There were no comments to the agenda circulated with the Congress documents. It was unanimously adopted.

3. Comments from the Sections/Committees further to their meetings

There were no comments to the meetings of the Sections and Committees.

4. Information on the possible revision of the ISF Seed Treatment and Environment Committee

The Chairman explained that seed treatment products were becoming increasingly important for seed trade. The Seed Treatment and Environment Committee and Board of Directors had discussed the situation and considered that the status of STEC should be turned into a Standing Committee, meaning that the Committee would have a representative on the Board of Directors. This would highlight the importance of breeders' involvement in seed treatments and increase commitment from the seed industry people.

STEC was not quite ready yet how this should be organized but the Chairman expressed his hope that a proposal would be presented by next year's congress. He gave the floor to Greg Lamka, Chairman of STEC. Greg Lamka informed that there had been very good discussions in the Committee and the Board. STEC would start working on a document involving the three different groups represented in the Committee, e.g. product and equipment manufacturers and seed companies.

There were no further comments or questions from the floor.

5. ISF membership

5.1 Election of new ISF members

The Chairman referred to the list of applications 11.075 and 11.075-a circulated with the Congress documents and shown on screen.

There were no additional comments. No opposition was voiced.

The General Assembly unanimously elected the following members with warm applause:

Ordinary members: Philippine Seed Industry Association, the Philippines; Seed Industrialists and Producers Sub Union of Turkey - TSÜAB, Turkey;

Associate members: Aram Agricultural and Seeds Co. Ltd, Afghanistan; Golden Field-Algeria, Algeria; Greenomica Ltd, Cyprus; Interoc SA, Ecuador; Ajeet Seeds Ltd, India; Abtin Gostar Sabz Co., Iran; Gyah Bazr Iranian, Iran; Golsam Gorgan Chemicals Co., Iran; Tehran Sae Gol

Co. Ltd, Iran; Green Gold for Agriculture, Lebanon; Attanmiah Agricultural, Syria; Florasia-AFM Group-Ameriseed, Thailand;

Affiliate members: Semento, France; Dyn Diagnostics Ltd, Israel; Fleuroselect, Netherlands; Rabobank International, Netherlands; Buhler Sortex Ltd, United Kingdom;

Tree & Shrub Seed Group: Seedworld Australia Pty Ltd, Australia;

Observers Ordinary members for 2 years: Bangladesh Seed Association, Bangladesh; Seed Association of Pakistan, Pakistan; Asociacion de Productores de Semillas del Paraguay – APROSEMP, Paraguay; Russian Seeds Alliance, Russian Federation; Ukrainian Seed Partnership Association, Ukraine; Asociacion Venezolana de Empresas Semilleras – AVESEM, Venezuela.

5.2 Discontinuation of membership

The Chairman explained that some memberships would be discontinued, as per lists 11.076 and 11.076-a circulated prior to the Congress, for reasons of resignation or non-payment for two years as follows:

Associate members: Iran Bazr, Iran; Feleskjoepet Ostlandet, Norway; Fleuroselect, Netherlands; Corn States LLC; Eurl Agrivil, Algeria; Laleh Sahand, Iran; Agricover, Romania; Agrosemi, Serbia; Agricultural Materials Company, Oman.

Affiliate members: CIBA, Switzerland; J.L. Duval Conseil, France.

The General Assembly took note and did not add any comments.

[Note from the Secretariat: J.L. Duval Conseil's Affiliate membership will end on 31 December 2011]

6. Amendments to the Articles of Association

The Chairman showed on screen the amendments proposed by the Board of Directors in blue and the amendments received from members in red as per documents 11.081 and 11.081-a circulated prior to the Congress. He first explained the reasons for each amendment and then opened the floor for discussion.

Art VII.8

Bernard Le Buanec, fearing some confusion in the meaning of the word proxy, either a mandate or a person, proposed to change "may designate a proxy to another member" into "may give a proxy to another member".

The General Assembly unanimously approved this proposed change. The General Assembly

also unanimously approved the proposed amendment by B. Le Buanec in 11.081-a.

Art. VII.9.2

One member requested some clarification on the meaning of "at the discretion of the chairman". The Chairman specified that it was important to be informed of the participation beforehand for practical and logistical reasons.

One member asked to make a distinction between 'discretion' and 'timely notification'.

One member understood that special guests could be accepted at the discretion of the chairman, while observers would be accepted in all meetings.

The Secretary-General proposed to keep for now the wording 'at the discretion of', as there could be circumstances where a chairman might have to use this power e.g. in cases where a company was not honoring an ISF arbitration decision.

The General Assembly approved to keep 'at the discretion of', so no changes to the proposed article.

Art. X.14.vi and Art. X.15.iv

One member voiced his concern that some new proposed amendments might make the clauses too prescriptive. If a national association sends a replacement, that delegate should be allowed to vote on behalf of the represented country. It was clarified that this would still be possible under the term 'guests' as specified under X-14-vi.

Art. X.14.vi

Two members requested to add the underlined words as follows: "unless otherwise agreed by the Section". As this was considered an administrative clarification, the chairman allowed this amendment. The General Assembly approved this proposed change.

Finally each Article was voted upon one by one. There was no opposition, no abstention.

The General Assembly unanimously approved each proposed Article, with the two additional modifications mentioned above under Art VII.8 and Art. X.14.vi.

7. Financial matters

7.1 Adoption of the 2010 accounts

The Chairman gave the floor to the Treasurer, Mr. Walter Tschirren, who presented the 2010 closed accounts as circulated in documents 11.077/11.077-a and shown on screen.

The results showed a profit after Congress benefit sharing thanks to the very successful 2010 Congress in Calgary. The Treasurer highlighted the reserves percentage remaining within the

range of 115%-185% fixed by the Board of Directors. He thanked M. Bruins and his staff for their good financial house-keeping.

There were no questions or comments on the 2010 accounts.

7.2 Auditor's Report

The Treasurer referred to document 11.078 which was the review report made by Sofidest Fiduciaire SA. The Auditor had reviewed the financial statements of ISF and had found that the results of operations were in accordance with the law and the company's articles of incorporation.

7.3 Discharge to the Board of Directors and the Secretary General

The Chairman asked the members if they agreed to give quitus to the Board of Directors and the Secretary General. There was no opposition, no abstention.

The General Assembly unanimously approved the 2010 accounts and discharge was given to the Board of Directors and the Secretary General accordingly.

7.4 Approval 2011 budget and 2012 provisional budget

The Treasurer commented on documents 11.079/11.079-a circulated with the Congress documents. He explained that a projection of 1150 persons in the Belfast Congress had been calculated, but the current participation of 1400 persons in Belfast should bring the 2011 accounts to a good balance. He also hoped that all members would pay their membership fees in a timely manner.

The General Assembly unanimously adopted the 2011 budget.

The Treasurer explained that the Executive Committee and Board of Directors had discussed the Congress Benefit Sharing and had revised the 2012 provisional budget to higher figures (11.079-a). He also pointed that new income sources might have to be found to equilibrate the results. The Chairman asked W Tschirren to comment on the reserves relating to this year. The Treasurer confirmed that as long as the percentage would remain within the fixed range of 115%-185%, the membership fees would not have to be raised.

The General Assembly unanimously approved the 2012 provisional budget.

7.5 Appointment of the Auditor

The Treasurer explained that the current auditor was planning to retire and therefore he and the Secretariat had started the search for a new auditing firm. Out of many firms in the vicinity of the ISF office, 3 had been selected for a quotation. Out of the three, two were selected for

an interview. The Treasurer and M. Bruins of the Secretariat had conducted these interviews just before the Congress and unanimously the firm CTR Audit and Conseil SA in Geneva had been selected.

The Board of Directors had been informed of this choice the previous Sunday and had no further comments. As it was too late to make the proposal six weeks before the General Assembly, this would soon be sent out for written approval to all ISF members.

[Note from the secretariat: The written consultation has gone out directly after the congress and there were no objections. Therefore the proposal to appoint CTR as the new auditor was approved]

7.6 Fees: The Board of Directors proposes to keep the base fee unchanged for 2012 at CHF 3150

The Chairman explained that ISF financially remains depending on successful congresses and achievement of the budgeted congress benefit. For the time being we still foresee this to continue and the base fee is hence suggested to stay unchanged for 2012. He asked if the members had any objections to this proposal. They had none. One member made a comment on the considerable appreciation of the Swiss Franc with respect to other currencies. The Chairman acknowledged that the situation had been discussed but could not be changed.

The General Assembly unanimously agreed to keep the base fee unchanged at CHF 3150 for the upcoming year 2012.

8. Future Congresses

2017 - The Board of Directors proposes Hungary

The General Assembly unanimously adopted the proposal with warm applause.

The Chairman congratulated the representative of the Hungarian Seed Association present in the room.

9. Elections

9.1 Election of members of the Board of Directors: In addition to the nominations in document 11.080, the BoD proposes waiving the 6-year maximum term for Mr. Anton van Doornmalen

The Chairman referred to document 11.080 shown on screen with one new member of the Board of Directors nominated this year for election: Mr. Winston Davies (Uruguay); as well as three members nominated for re-election: Messrs. Silmar Peske (Brazil), Mr. Zhang Zhiyin (China), Mr. Anton van Doornmalen (Netherlands). The Chairman explained that Anton van Doornmalen, Chairman of the

Vegetable & Ornamental Crops Section, was well supported by the Section and the 6-year maximum term would be waived for another term of two years.

The General Assembly unanimously elected the proposed members with warm applause

The President announced that a nomination from Argentina, to replace Mr. Carlos Basso would soon be sent to the ISF secretariat.

9.2 Election of the Second Vice-President: The BoD proposes Mr. Alvaro Eyzaguirre for the position

The General Assembly elected Mr. Alvaro Eyzaguirre as Second Vice-President with warm applause. The President highlighted the fact that Mr. Eyzaguirre would in due time become the first ISF President from South America.

10. Closing the General Assembly

The Chairman thanked the participants and declared the General Assembly closed at 16.40 hrs.

* * *

TRIBUTE TO THE DEPARTED

Since our last Congress, it is with deep sorrow that we have learned of the death of

Carlos Basso, Argentina, Chairman of ISF Phytosanitary Committee

Roelof Troost, the Netherlands, Honorary Life member of ISF since 1985

ISF pays tribute to these personalities for their devotion to the cause of our industry and for the services rendered. ISF expresses, at the same time, its deep sympathy to their families and friends.

27th ISF GOLF CHAMPIONSHIP

The 27th ISF Golf Championship took place at The Hilton Templepatrick Golf Course. 42 players participated in the competition.

The winners were: **Mrs. Eleanor Hancock** for the ladies' score and **Mr. Eduardo Negre** for the gentlemen's score.

HOST COUNTRIES OF FUTURE CONGRESSES					
2012	BRAZIL	2014	CHINA	2016	URUGUAY
2013	GREECE	2015	POLAND	2017	HUNGARY

COUNTRIES REPRESENTED, NUMBER OF DELEGATES AND (ACCOMPANYING PERSONS)								
Afghanistan	1	(1)	Greece	17	(2)	Portugal	1	(0)
Argentina	21	(3)	Hungary	8	(0)	Romania	3	(1)
Australia	22	(1)	India	24	(3)	Russian Federation	9	(2)
Austria	16	(0)	Iran	11	(0)	Serbia	12	(0)
Bangladesh	3	(0)	Ireland	9	(1)	Singapore	1	(0)
Belarus	1	(0)	Israel	29	(1)	Slovakia	2	(0)
Belgium	12	(1)	Italy	75	(2)	Slovenia	3	(0)
Brazil	17	(6)	Japan	24	(0)	South Africa	21	(6)
Canada	23	(10)	Jordan	7	(1)	Spain	26	(2)
Chile	22	(3)	Kenya	12	(2)	Sweden	9	(1)
China	42	(0)	Korea, Republic of	9	(0)	Switzerland	25	(5)
China Hong Kong	2	(0)	Lebanon	12	(0)	Syria	4	(0)
China Taiwan	1	(0)	Lithuania	2	(0)	Thailand	3	(0)
Colombia	2	(1)	Luxemburg	1	(0)	Tunisia	6	(2)
Czech Republic	21	(0)	Mexico	1	(0)	Turkey	11	(0)
Denmark	21	(3)	Morocco	3	(0)	United Kingdom	48	(11)
Ecuador	5	(0)	Netherlands	106	(16)	United States	148	(33)
Egypt	1	(0)	New Zealand	25	(6)	Uruguay	12	(0)
Finland	7	(0)	Pakistan	7	(1)	Venezuela	2	(0)
France	112	(8)	Peru	1	(1)	Zimbabwe	2	(1)
Germany	85	(9)	Poland	5	(0)	TOTAL	1173	(146)

(Additional participants in the exhibit booths: 51)

ISF BODIES AND PERSONALITIES 2011-2012

For up-to-date lists, please contact the Secretariat

ISF BOARD OF DIRECTORS

(*) *The figures indicate the years of election and re-election*

(*m.a.l.* means member-at-large)

President

1 Truels Damsgaard 2010
DLF-Trifolium 2002 (m.a.l)
Ny Oestergade 9
4000 ROSKILDE Denmark

First Vice-President

2 Tim Johnson 2010
Illinois Foundation Seeds, Inc. 2007 (m.a.l)
25 Executive Drive, Suite F
LAFAYETTE, Indiana 47905 USA

Second Vice-President

3 Alvaro Eyzaguirre 2011
Semillas Pioneer Chile Ltda. 2008-2010 (m.a.l)
Av. El Bosque Norte 500, Of. 1102
6650185 SANTIAGO Chile

Immediate Past-President

4 Orlando de Ponti 2010
Nunhems 2002 (m.a.l)
P.O. Box 4005
6080 AA HAELEN Netherlands

Treasurer

5 Walter Tschirren 2006-08-2010
Eric Schweizer Ltd
P.O. Box 150
3602 THUN Switzerland

Vegetable and Ornamental Section Chairman

6 Anton van Doornmalen 2005-07-09-2011
Rijk Zwaan
P.O. Box 40
2678 ZG DE LIER Netherlands

Forage and Turf Section Chairman

7 John Gilbert 2008-2010
Germinal Holdings Ltd. 2002-04-06 (m.a.l)
Commercial Road
BANBRIDGE BT32 3ES United Kingdom

Field Crops Section Chairman

8 Christoph Amberger 2008-2010
KWS SAAT AG 2006 (m.a.l)
Postfach 1463
37555 EINBECK Germany

Breeders Committee

9 Jean-Christophe Gouache 2010
Groupe Limagrain 2009 (m.a.l)
B.P. 1
63270 CHAPPES France

Trade and Arbitration Rules Committee

Invited Guest: Huib Ghijsen 2010
Semzabel Belgium

Phytosanitary Committee

10 TBN

Members-at-large (m.a.l.)

11 Hamdi Ciftciler 2006-08-2010
May Seed Corporation
Samanli Mah. Yigitler Cad. No. 28
16280 BURSA Turkey

12 Winston Davies 2011
Yalfin S.A.
Cuaro 3085 P1
11800 Montevideo Uruguay

13 Raouf Ghariani 2006-08-2010
Baddar Seeds
69, rue Abderrazzak Chraïbi
1001 TUNIS Tunisia

14 Karol Marciniak 2006-08-2010
Danko Hodowla Roslin Ltd
Choryn 27
64-000 KOSCIAN Poland

15 John McKenzie 2008-2010
PGG Wrightson Seeds
55 Waterloo Road
P.O. Box 939
CHRISTCHURCH New Zealand

16 Silmar Peske 2009-2011
Agropastoril Jotabasso
Etr. São João Km 24
C.P. 314
79 900-000 PONTA PORÁ, MS Brazil

17 George Pontikas 2010
Syngenta Hellas
Anthoussas Avenue
ANTHOUSSA, Attikis 153 49 Greece

18 Prabhakar Rao Mandava 2010
Nuziveedu Seeds Pvt. Ltd
NSL Icon, 4th Floor, #8-2-684/2/A
Road No. 12, Banjara Hills
HYDERABAD 500 034 India

19 Hiroshi Sakata 2010
Sakata Seed Corporation
2-7-1, Nakamachidai, Tsuzuki-Ku
244-0041 YOKOHAMA Japan

20 Azaria Soi 2010
Simlaw Seeds Company Ltd
P.O. Box 40042
NAIROBI 00100 Kenya

21 Mauro Urbini	2008-2010		
Anseme S.r.l. – Vegetable Seeds Production			
Via Cipro, 60			
47023 CESENA (FC)		Italy	
22 Archie Wilson	2010		
C&M Seeds			
RR #3, 6180 Line Minto 5			
PALMERSTON, Ontario N0G 2P0		Canada	
23 Zhang Zhiyin	2009-2011		
China National Seed Group Corp.			
15/F Sinochem Tower, A2, Fuxingmenwai Street			
BEIJING 100 045		China	
24 Vacancy			
25 Vacancy			
* * *			
<u>Tree and Shrub Seed Group Chairman</u>			
Joelle Schmitt	2011		
Semillas Montaraz S.A.			
C/Duquesra de Castrejon 9			
28033 MADRID		Spain	
* * *			
<u>ISF HONORARY LIFE MEMBERS</u>			
Niccolò Morelli	1985		
39, via Curtatone e Montanara			
50053 EMPOLI/FIRENZE		Italy	
Antonio Calvelo	1990		
BIOSEM			
Av. Corrientes 127, 6° Piso, Of. 606			
1043 BUENOS AIRES		Argentina	
Badrinarayan Barwale	1996		
Maharashtra Hybrid Seeds Co. Ltd.			
Resham Bhawan, 4 th Floor			
78 Veer Nariman Road			
MUMBAI 400 020		India	
Gilbert Gouin	1996		
Sodisem			
69 rue d'Alleray			
75015 PARIS		France	
Paul King	1996		
New Agriventures, Inc.			
P.O. Box 164			
PAIN COURT, Ontario N0P 1Z0		Canada	
Owen J. Newlin	1996		
3524 Grand Avenue #401			
DES MOINES, Iowa 50312-4341		USA	
Lucien Matton	1998		
Clovis Matton S.A			
Kaaistraat 5			
8581 Avelgem-Kerkhove		Belgium	
Leif Nielsen	1998		
Humlegaard			
Hovedvejen 128			
4720 PRAESTÖ		Denmark	
Jean-Louis Duval	2000		
15, rue de Dagny			
77240 CESSON		France	
Jürg Hauenstein	2000		
Schluchebärg			
8197 RAFZ		Switzerland	
Gisbert Kley	2002		
Im Heidekamp 2			
59555 LIPPSTADT		Germany	
Peter Lange	2002		
Tiedexer Tor 2			
37574 EINBECK		Germany	
Manmohan Attavar	2003		
Indo-American Hybrid Seeds (India) Pvt. Ltd.			
7 th km, Banashankari-Kengeri Link Road			
Channasandra Village			
BANGALORE 560 061		India	
Dietrich Schmidt	2004		
Golden West Seed Research Co. Inc.			
12052 Linda Flora Drive			
OJAI, CA 93023		USA	
Christopher Ahrens	2006		
Lundsford Farm			
Lundsford House			
ETCHINGHAM, East Sussex			
TN19 7QH		United Kingdom	
Bernard Le Buanec	2006		
24, Rue Treiz-an-Douric			
29100 DOUARNENEZ		France	
Selwyn Manning	2007		
24B Crosdale Place			
CHRISTCHURCH 8042		New Zealand	

(*)The figures indicate the year of election

Lists as per elections in Belfast, June 2011
For up-to-date lists, please contact the Secretariat

MEMBERS OF SECTION BOARDS							
Field Crops Section			Vegetable and Ornamental Crops Section				
	Christoph Amberger, Chair	2008-2010	DE		Anton van Doornmalen, Chair	2005-11	NL
1	Alvaro Eyzaguirre*, Vice-Chair	2011	CL	1	Julian Arnedo	2010	ES
2	Bryan Gerard, Vice-Chair	2010	US	2	Bruno Carette	2011	FR
3	Deon van Rooyen, Vice-Chair	2010	ZA	3	Fabrizio Ceccarelli	2010	IT
4	Johannes Peter Angenendt	2010	DE	4	Peter Dawson	2011	UK
5	Gerardo Bartolome	2011	AR	5	Amnon Eshet	2010	IL
6	Huub Beelen	2010	NL	6	Bryan Featonby-Smith	2010	ZA
7	Pablo Bergada	2011	AR	7	Matthew Kramer	2011	US
8	Frank Curtis	2010	UK	8	Andreas Mueller	2011	DE
9	Fang Dan	2010	CN	9	Arpad Pavelka	2010	HU
10	Jerry Flint	2010	US	10	Michael Piil Andersen	2011	DK
11	Eugenio Gonzalez	2011	ES	11	Hiroshi Sakata	2010	JP
12	Kurt Hjortsholm	2010	DK	12	John Schoenecker	2010	US
13	Pavel Horcicka	2010	CZ	13	Weihong Tian	2010	CN
14	Carlo Invernizzi	2010	IT	14	(To be confirmed)		AR
15	Jean-Paul Krattiger	2011	CH	15	Vacancy 1		
16	Karol Marciniak	2011	PL		Jan de Rond (l.p. to STEC)		NL
17	Malin Nilsson	2010	SE		President – Ex officio		
18	Alain Perrin	2010	FR		1 st Vice-President – Ex officio		
19	Claude Tabel	2011	FR		(Vacant: l.p. to BC)		
20	Eugenie A.C. van de Bilt	2010	NL				
21	Ann Vandecruys	2010	BE				
22	Wolf von Rhade	2010	DE				
23	Archie Wilson	2010	CA				
24	Yusuf Yormazoglu	2011	TR				
25	Vacancy 1						
	President – Ex officio						
	1 st Vice-President – Ex officio						
	(* l.p. to STEC) (Vacant: l.p. to BC)						
			Forage and Turf Crops Section				
	John Gilbert, Chair	2008-2010	UK				
	TBN, Vice-Chair						
1	Johannes Peter Angenendt	2010	DE				
2	Adger Banken	2011	NL				
3	Jiri Barta	2011	CZ				
4	Grzegorz Dabrowski	2010	PL				
5	Darrell Dziver	2010	CA				
6	Paul Frey	2011	US				
7	Elio Frigerio	2010	IT				
8	Kooshi Kainuma	2010	JP				
9	Paul Marais	2010	ZA				
10	John McKenzie	2010	NZ				
11	Ian Misselbrook	2010	UK				
12	Gustavo Picasso	2010	AR				
13	Tobias Schmid	2010	CH				
14	Claude Tabel	2010	FR				
15	Stefan van der Heijden*	2010	NL				
	President – Ex officio						
	1 st Vice-President – Ex officio						
	(* l.p. to BC) (Vacant: l.p. to STEC)						

(l. p. = linking pin or liaison)

Lists as per elections in Belfast, June 2011

For up-to-date lists, please contact the Secretariat

MEMBERS OF STANDING COMMITTEES					
Breeders			Trade and Arbitration Rules		
	Jean-Christophe Gouache, Chair (2010)	FR	1	Huib Ghijsen, Chair (2010)	BE
1	Stephen Smith (IPC)	US	2	Erik Beck	DK
2	Anke van den Hurk (SAC)	NL	3	Roque Caivano	AR
3	Leon Broers	DE	4	Fabrizio Ceccarelli	IT
4	Marc Cool	US	5	Gerald Cheynet	FR
5	Frank Curtis	UK	6	Jaroslav Chobot	CZ
6	Bryan Featonby-Smith	ZA	7	Tomas Cullen	AR
7	Kurt Hjortsholm	DK	8	Raouf Ghariani	TN
8	Xueyi Hu	CN	9	Maria Gohn	AT
9	Bill Leask	CA	10	Robert Huijten	NL
10	Stefan Madjarac	US	11	Bob Jondle	US
11	Gloverson Moro	BR	12	Bill Leask	CA
12	Stefan van der Heijden (l. p. to F&T)	NL	13	Andrea Mertens	DE
13	Pablo Vaquero	AR	14	<i>(To be confirmed)</i>	
14	Bhola Nath Verma	ZM	15	<i>(To be confirmed)</i>	
15	Usha Barwale Zehr	IN			
	<i>President, Ex officio</i>			<i>President, Ex officio</i>	
	<i>1st Vice-President, Ex officio</i>			<i>1st Vice-President, Ex officio</i>	
	(Vacant: l.p. to V&O and FC)				
Phytosanitary					
1	<i>TBN, Chair</i>				
2	Roeland Kapsenberg, Vice-Chair	US			
3	Jim Cucuzza	US			
4	Tomas Cullen	AR			
5	Kazuo Hatsuda	JP			
6	Mark Johnson	NZ			
7	Carlos Kishimoto	BR			
8	Greg Lamka	US			
9	Jacek Lugowski	PL			
10	Hubert Lybeert	FR			
11	Darrell Maddox	US			
12	Sandra Poot	NL			
13	Dethmer Schuitema	DE			
14	<i>Vacancy 1</i>				
15	<i>Vacancy 2</i>				
	<i>President, Ex officio</i>				
	<i>1st Vice President, Ex officio</i>				
<i>NB: The figures indicate the year of election and re-election</i>					
<i>NB2: According to the ISF Articles of Association, art. 15.2, in the BC, the chairperson is not included in the count, whereas in the other committees the chairperson is included in the count</i>					
(l. p. = linking pin or liaison)					

For up-to-date lists, please contact the Secretariat

MEMBERS OF OTHER COMMITTEES				
Sustainable Agriculture		Sugar and Fodder Beet Subsection		
1	Anke van den Hurk, Chair	NL	1 Peter Hofmann, Chair	GB
2	Miguel Alvarez Arancedo	AR	2 François Desprez	FR
3	Fulya Batur	TR	3 Niels Gram	DK
4	Harry Collins	US	4 Philippe Rousseau	SE
5	Christiane Duchene	FR	5 Sina Strube	DE
6	Jerry Flint	US	6 Bruno Vandamme	BE
7	Bill Leask	CA	7 Rob van Tetering	NL
8	Eric Margalé	FR	8 Phillip von dem Bussche	CH
9	Kees Noome	NL	9 (TBN)	US
10	Rajvir Rathi	IN		
11	Eugenio Siboni	IT		
12	Bernice Slutsky	US		
13	Reinhard von Broock	DE		
14	(Vacancy 1)			
15	(Vacancy 2)			
Intellectual Property		Seed Treatment and Environment		
1	Stephen Smith, Chair	US	1 Greg Lamka, Chair	US
2	Judith de Roos-Blokland	NL	2 Karen Arthur	US
3	Leon Broers	DE	3 Bill Beutke	US
4	Harry Collins	US	4 Franz Brandl	CH
5	Huib Ghijsen	BE	5 JanWillem Breukink	NL
6	Chris Green	UK	6 Jörn Dau	DE
7	Michael Kock	CH	7 Chris Goossens	BE
8	Miguel Rapela	AR	8 Martin Gruss	DE
9	Mike Roth	US	9 Bernd Holtschulte	DE
10	Bert Scholte	NL	10 John Kibbee	US
11	Evans Sikinyi	KE	11 Martine Marchand	FR
12	Alain Taillardat	FR	12 Raja Rao	US
13	Antonio Villarroel	ES	13 Rick Turner	US
14	Usha Barwale Zehr	IN	14 Ronald Wilhelm	DE
15	(Vacancy 1)		15 (Vacancy 1)	
			Jan de Rond (l.p. to V&O)	NL
			Alvaro Eyzaguirre (l.p. to FC)	CL
			(Vacant: l.p. to F&T)	
(l. p. = linking pin or liaison)				

STAFF AT THE ISF SECRETARIAT

Marcel Bruins	Secretary General
Radha Ranganathan	Director, Technical Affairs
Piero Sismondo	Director, Seed Technology and Trade
Nathalie Huguenin	Event Manager
Mariette Perey	Assistant
Christine Marti	Secretary-Accountant
Verena Duracoski	Office Worker

LIST OF DOCUMENTS PRESENTED AT THE BELFAST CONGRESS

(Available at the Secretariat on request)

Opening Ceremony

- Peter Button: An Introduction to UPOV
- Marcel Bruins: Progress Report of the ISF Secretariat
- Chris J. Leaver: The Perfect Storm – The Perfect Seed?

Open Meeting of the Breeders Committee

- Peter Button: Recent developments in UPOV
- Stephen Smith: Intellectual Property Committee Matters
- Marcel Bruins: Update on the Tomato Project
- Anke van den Hurk: Sustainable Agriculture Committee Matters
Benefit sharing under the IT-PGRFA
- Kees Noome: Regulation of new breeding techniques – Developments in the EU
- Bernice Slutsky: New breeding technologies
- Bernice Slutsky: Adventitious and low-level presence in seed

Open Meeting of the Trade and Arbitration Rules Committee

- Huib Ghijsen: The revised text of ISF Rules and Usages for the Trade in Seeds
- Piero Sismondo: Statistics on ISF Arbitration
- Maria Gohn: New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards

Open Meeting on Phytosanitary Matters

- Sandra Poot: Revision of ISPMs 7 and 12: Phytosanitary Export Certification
- Radha Ranganathan: An ISPM on Seed
- Gretchen Rector: A Road Map for Improving Seed Trade Facilitation
- Carlos Kishimoto: Building bridges between NPPOs and National Seed Associations

Vegetable & Ornamental Crops Section

- Bruno Carette: An ISF database on GM events in vegetables
- Bernard Le Buanec: The broccoli and tomato patents: the recent decisions and their potential impact on the vegetable industry
- Anke van den Hurk: Access to genetic resources for vegetable breeding
- Joost Pekelharing: Doing business in Asia
- Robert Huijten: ISF Trade Rules, do they cover the case of vegetables?
- Matt Kramer: A Brief Overview of Ornamental Horticulture
- Radha Ranganathan: Technical Protocol for EDV Lettuce – AFLP and SNP Markers

Field Crops Section

- Chris Green: UK Crop Trends, Challenges and Opportunities
- Penny Maplestone: Royalty collection in the UK
- Frank Curtis: Report from the Working Group on Royalty Collection Systems in Cereal crops
- Nigel Moore: Future challenges for the seed industry

Forage & Turf Crops Section

- Ian Misselbrook: Production and Consumption of Herbage Seed in the UK
- Trevor Gilliland: Achievements and Challenges of Herbage Variety Regulations
- Stefan van der Heijden: Fluorescence testing in ryegrass: annual types of *Lolium* in *Lolium perenne*

Open Meeting of the Seed Treatment & Environment Committee

- JanWillem Breukink: The Quality Assurance System for Seed Treatment in Europe
- Rick Turner: New Product and Technology Update

LIST OF DOCUMENTS ADOPTED DURING THE BELFAST CONGRESS

Adopted by the General Assembly

- ISF Articles of Association

The adopted Articles of Association were circulated to all ISF members after the Congress. They are available to ISF members upon request.

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