

Biodiversity and in particular genetic resources are the basic materials for plant breeding. In the majority of cases, modern varieties are used as a genetic resource for breeding, but in 5-10% of the cases the wild relatives of cultivated crops and landraces are used. It is therefore vital for plant breeding to have access to all the genetic sources.

## **Convention on Biological Diversity**

In the past, access to genetic resources was safeguarded. Wild relatives and landraces were freely available. When the Convention on Biological Diversity (CBD) came into force in 1994, genetic resources no longer became freely available. The cornerstone principle of the convention is that countries have state sovereignty over the genetic resources found on their territory. Other aspects regulated by the convention include obtaining prior permission from the local authorities before propagating material is collected, and sometimes from local communities. The 193 countries that ratified the convention are currently negotiating an International Regime on Access and Benefit Sharing aimed at regulating the sharing of genetic resources.

## **International Treaty on Plant Genetic Resources for Food and Agriculture**

The International Treaty on Plant Genetic Resources for Food and Agriculture (IT PGRFA) of the Food and Agriculture Organisation is the treaty regarding the exchange of genetic resources for food and agriculture. This treaty came into force on 29 June 2004 and is in line with the general objectives of the CBD. The IT PGRFA contains additional agreements regarding a simplified and more efficient manner of sharing genetic resources for food and agriculture. The so-called Standard Material Transfer Agreement (SMTA), which stipulates under which conditions material can be obtained and how benefit sharing is organised, enables the exchange of material in practice.

Use of the SMTA is only obligatory for a limited number of crops. The crops are listed in the Annex I of the IT PGRFA. The conditions stated in the SMTA are also used in some cases for crops not listed in Annex I, for example by the Centre for Genetic Resources, the Netherlands (CGN).

The IT PGRFA also recognises so-called Farmers' Rights. This means recognising and appreciating the enormous contribution made by farmers to the conservation of plant genetic resources and the development of landraces. National authorities have the responsibility for detailing and implementing Farmers' Rights. However, the IT PGRFA tries to play a facilitating role in this respect.

## **The role of Plantum**

Plantum lobbies nationally and internationally to maintain access to genetic resources in the simplest and most efficient manner. The main arguments here are:

- Plant breeding can only continue if new genetic material is available with which to breed new varieties. There can be no new varieties without genetic resources.
- The importance of Access and Benefit Sharing is endorsed. The seed sector has always recognised this fact and played a prominent role. The breeders' exemption, the fact that protected varieties may be used to produce a new variety, pays a major contribution and is recognised and provided for as such in the IT PGRFA. Additionally, the Dutch companies pay an important contribution to the CGN by maintaining genetic resources, breeding and describing them. Finally, it can be noted that the companies, either individually or jointly, contribute to various development projects related to genetic resources.
- Legislation for sharing the material must be simple and practical to implement, whereby the 'freedom to operate' must be guaranteed as far as possible.

Plantum's opinion is that Farmers' Rights should be implemented nationally. In this respect it is of immense importance that Farmers' Rights are not confused with farm saved seeds and/or the freedom to sell farm saved seeds.