

# PLANT VARIETY PROTECTION AND FARMER'S RIGHTS IN FRANCE

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## THE SEED INDUSTRY

1. The seed industry is a genuine gold nugget for France- a world leader in terms of production and exports with sales over 3billions euros.
2. It is hugely innovative: with 13% of total sales invested in research (comparable to the pharmaceutical industry) it delivers more than 500 new varieties every year in the country.
3. Variety turnover is dynamic, with an average lifetime of two to six years for major crops.
4. The breeding exemption is the cornerstone of genetic progress : for example a study showed that the genealogy of the 8 most cultivated varieties of wheat includes 70 % of protected inbred lines of other breeders



## VARIETIES REGISTERED IN THE FRENCH CATALOGUE

Results are clear :

In wheat **131** varieties were registered in 1954 and **280** varieties in 2016

### New varieties and available diversity for main species in 2016

	Number of varieties registered on the French catalog	Number of new varieties for 2016
Sugar beet	404	46
Cereals and Protein plants	872	81
Forrage crops	907	62
Corn and Sorghum	1093	121
Oil seeds	539	51
Potatoes	217	10
Vegetables	2 693	140

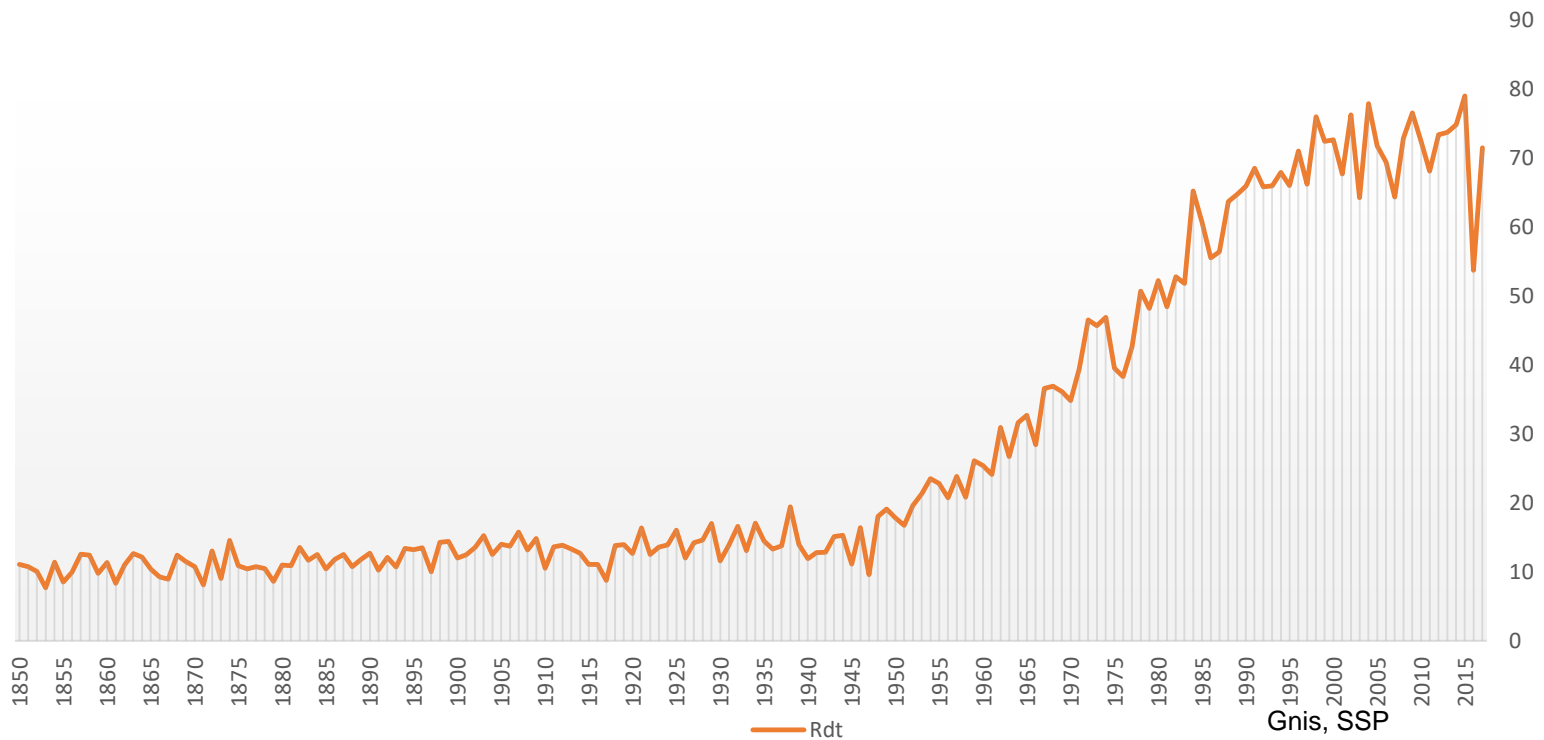


# WHEAT YIELD IN FRANCE

Results are clear :

Wheat yield in France from 1850 till 2017

France - Evolution du rendement du blé de 1850 à 2017





## THE FARM SAVE SEED IN UPOV

- The first version of UPOV convention had no provision : each member state is free to decide to have or not a farmer's exemption. France had not.
- In the 1991 version, a provision on farmer's exemption was introduced which allow member states to authorize farm save seeds
- Two conditions were introduced :
  - ➔ Exemption for species using traditionally farm save seeds
  - ➔ Remuneration of the breeder



## THE FARM SAVE SEED IN EU

- Regarding Farmers' rights Europe is facing 1 challenge :

=> how to proceed to implement farm save seeds provisions with some money back to the breeders ?

- EU has a farm save seed provision since 1994, and the starting of a european Breeders'rights certificate. But this provision, opened for 21 species for which FSS is a tradition, is based on voluntary declaration of Farmers. Till now, a minority of EU countries –after 20 years- are implementing this provision.



# UPOV CONVENTION OF 1991 IN FRANCE

## A new law in France in 2011

The last act of 1991 introduces several new points in the UPOV convention :

- Add of 5 supplementary years to the duration of the protection
- Concept of the essentially derived variety
- **Possibility in a regulated framework for a farmer to use farm saved seeds from protected varieties for some plant species**



## A NEW LAW IN FRANCE

3 main changes :

- only bred varieties protected ; not discovered and developed
- inclusion of the concept of essentially derived varieties
- **article 16 introduces a « farm save seed » provision**





## FARM SAVE SEED IN FRANCE

In France, for 15 years in wheat, and for 4 years in other small grain cereals, potatoes plants, and forage crops we are implementing a different way than in EU regulation : Farmers are paying some fees for Breeders at the time of harvesting or when they sale their harvest.

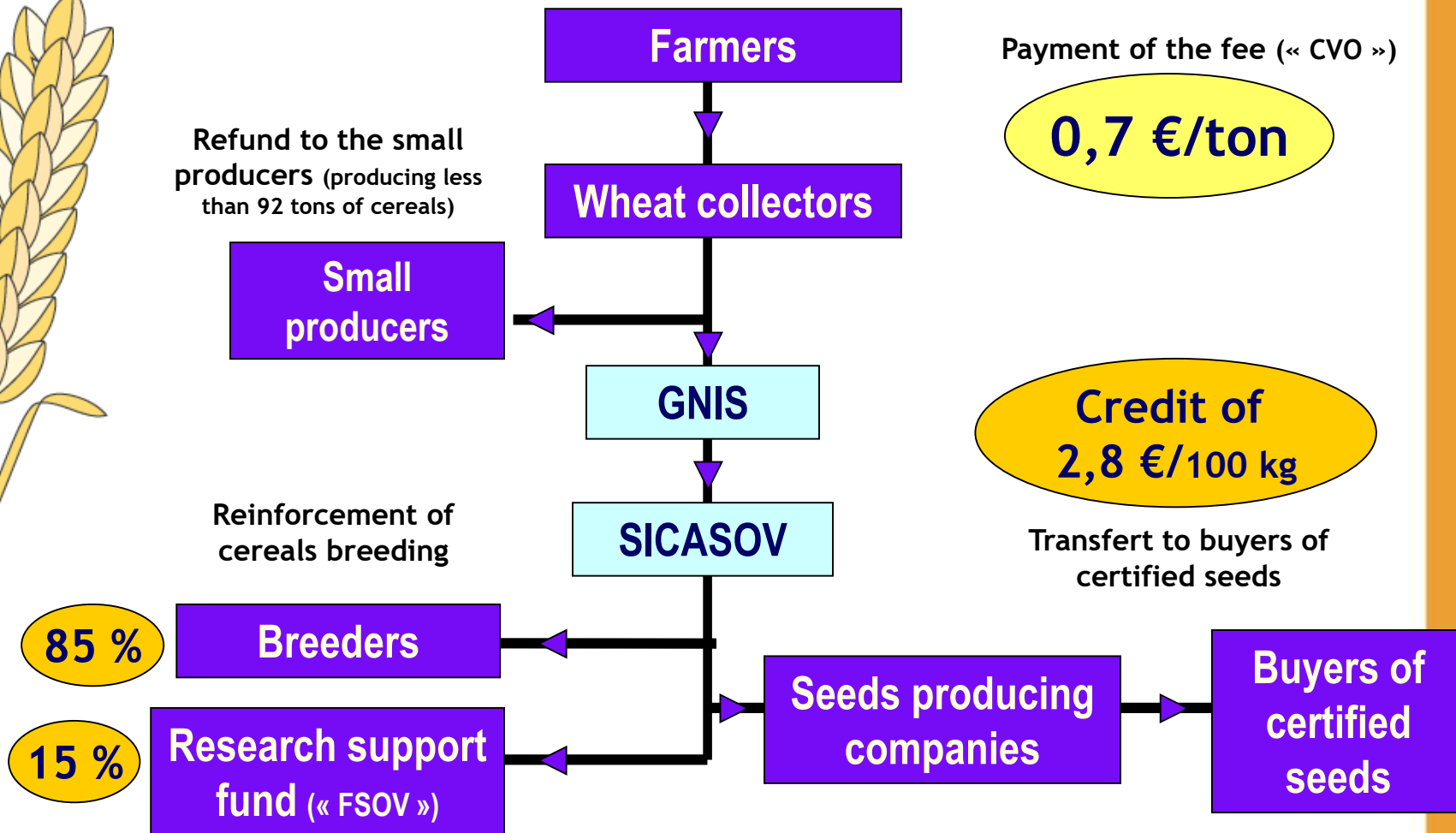


## FARM SAVE SEED IN FRANCE

- Farmers may use on their own holdings seeds of protected varieties produced on their own holdings
- Possible for more than 21 species for which farm save seed is traditional (34 species)
- Possible if a payment is done on FSS to the breeder of the variety used
- This payment may be done through :
  - a direct contractual agreement between farmers and breeders
  - A collective agreement between group of farmers and group of breeders or a single breeder
  - A special general agreement through GNIS (which is the preferred choice of farmers' trade-unions)



# THE FRENCH AGREEMENT ON FARM SAVE SEEDS FOR CEREALS





## **Balance sheet of the three-year agreement 2013-2016**

- Agreement allowing the opening for all species of straw cereals , from 1 july 2014
- Maintenance of rates 0,70 €/t collected and 2,80 €/q bought

## **Balance sheet of the campaign 2015-2016**

- Total of tonnage collected : **50 297 456, 47 t**
- Total collected over the period : **35 208 219, 53 €**
- Total refunded to breeders : **16 271 841, 77 €**
- Total paid to FSOV : **2 871 501,50 €**

# Thank you for your attention

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