



Ornamentals Production Committee Report: September 2020 – January 2021

A. Plant Health

1. EU regulations

As a result of the new EU Plant Health regime there has been a provisional import ban in the EU for a number of woody plants since December 2019. More than 52 dossiers of high risk plants have been sent to the Commission for a derogation. The dossiers are being assessed by European Food and Safety Authority (EFSA) and, for some of them, the European Commission decided to allow the import: *Albizia* and *Robinia* plants from Israel, *Malus* from Serbia and *Acer* from New Zealand.

There are still files pending that will be discussed later this year: Israel (*Jasminum*, *Persea*) and Turkey and Ukraine (including *Malus*, *Ulmus*, *Prunus dulcis* and *P. persicae*).

2. *Xylella fastidiosa* in Europe

Since the September 2020 report, two new outbreaks have been reported: in the south of France (Languedoc Roussillon) on *Lavendula* and in Italy, 100 km north of the bufferzone of Puglia on the plant *Dodonea viscosa*.

3. International year of plant health (IYPH)

Most of the planned activities of IYPH have been moved to 2021. The International Plant Health Conference will take place as a virtual event, starting on 28 June 2021 and ending on 1 July 2021, which date is also the closing of IYPH .

The Plant Health, Agriculture & Bioscience Conference in Den Haag, The Netherlands, will be held on 22-24 September 2021 (<https://phab-conference.com/>).

4. Brexit

On 1 January 2021, the United Kingdom became a third country in relation to the European Union. This means that export of plant material and cut flowers from EU countries to UK are subject to regulations and controls at the border. For import of plants and plant products from UK to EU countries, all plant health regulations of the EU apply, as they apply for all third countries.

5 AIPH Plant Health Survey

In December 2020, AIPH engaged the consultancy services of Mr Alistair Yeomans to create and analyse a Plant Health survey, working with AIPH Technical Advisor, Dr Audrey Gerber. The survey aims to identify the existence and scope of industry-led plant health standards and management systems around the world. A draft survey was reviewed by Tim Edwards and Tim Briercliffe, and the final survey was sent out to AIPH member organisations, FCI partner organisations, and some prospective AIPH member organisations. The results of the survey will be presented at the AIPH Plant Health conference on 24th March, 2021.

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6 AIPH Plant Health Conference 2021

The AIPH Plant Health Conference 2021 will be held on the virtual platform, Hopin, on 24th March, 2021. The conference is recognised as an International Year of Plant Health 2020 event, and is listed on their calendar. The conference will be opened by Mr. Ralf Lopian, Chair of the International Steering Committee for the IYPH 2020. Other speakers will present on industry led initiatives for improving plant health. See <http://aiph.org/planthealthconference/>



7 Publications

FCI November/December 2020 published an AIPH article on box blight, describing production techniques to manage the disease, use of buxus in ornamental horticulture and heritage design with suggestions for alternative plant species, and resistant varieties that have been developed in Europe and the USA.

B. Invasive alien plants

EU regulation on invasive alien species

The European Commission is working on a further extension of the European Union list of invasive alien species of concern. Species under discussion do not represent important economic value. Some of them, such as *Celastrus orbiculatus* (Oriental bittersweet) and *Phytolacca americana* (American pokeweed), have been garden plants for many decades, and are widely distributed and do not cause any problems in most countries.

https://ec.europa.eu/environment/nature/invasivealien/list/index_en.htm

C. CITES

The Members of the Standing Committee held an online discussion on 12th January, 2021 to consider, amongst other things, prospects for meetings in 2021, and how to advance the CITES agenda. Working groups are still continuing their work, and the Standing Committee proposed to have a short online meeting in April, with the hope of a face-to-face meeting in September 2021.

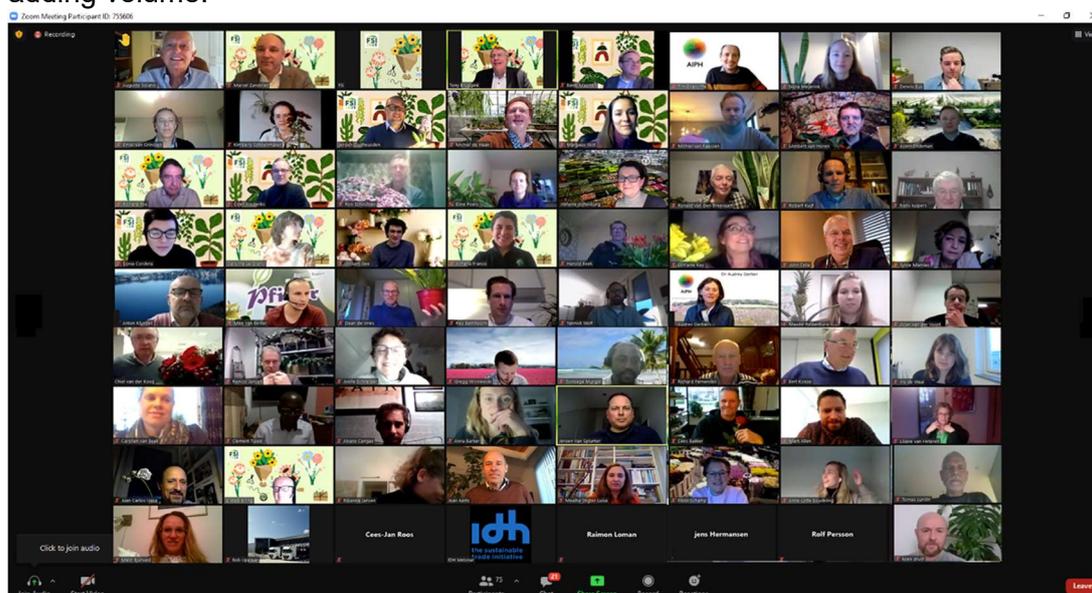
D. Sustainability

With the development of the new AIPH website, the [Sustainability section](#) of the Ornamentals Production Committee has its own presence. Sustainability is a topic that AIPH is committed to progressing, and therefore this is a first report on activities in this area.

1. Floriculture Sustainability Initiative, FSI meeting

AIPH attended the FSI General Meeting held on Tuesday 2nd February, 2021. The meeting welcomed 90 participants from 66 member organisations. A review of the FSI's progress against its 2020 initiatives reported progress towards 90% responsible sourcing. Preliminary results from sourcing measurements show increases towards 90% for plants and 70% for flowers, which is steady growth over a 5-year period while at the same time

adding volume.



The meeting set new targets for the bold and ambitious 2025 strategic plan for a responsible and transparent supply chain. FSI set four main objectives to hit by 2025. They include:

- 1/ the broadening of the 90% responsibly produced and traded volumes ambition to include new environmental and social aspects.
- 2/ A reduction of the carbon footprint for selected products by 2025.
- 3/ A Reduction of the living wage gap of workers at farm level by 2025.
- 4/ Encouraging FSI members to report on progress and integrate due diligence reporting by 2025.

FSI welcomed 8 new members.

2. AIPH position on the UN Sustainability goals

AIPH is developing a position statement on how the ornamental horticulture industry contributes to the UN Sustainable Development Goals. The 17 Sustainable Development Goals (SDGs), also known as the Global Goals, were adopted by all United Nations Member States in 2015 as a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity by 2030. High level global organisations, significant businesses, cities, and programmes refer to the SDGs as evidence for their contribution to society and the planet, and their commitment to protecting the environment and responding to climate change.

A draft statement was prepared as part of the AIPH 2021 Green City Guidelines update, and this is being developed further by the AIPH Team. This position statement will align with and inform AIPH initiatives to develop sustainability guidelines for AIPH approved Expos.

3. Publications

FCI March/April issue includes a report on a plastic recycling initiative in Australia. Greenlife Industry Australia describes how a small nursery industry workshop late in 2019 has evolved into a nationally funded plastic recycling initiative with support of the Australian Government.

Report Sparring Partner Group Novelty Protection and IP September 2020 – January 2021

Author: M. Buma, Secretary/Advisor Sparring Partner Group (SPG) Novelty Protection and IP

General:

In the past 6 months, AIPH has had many opportunities to contribute to developments in plant breeders right (PBR) systems worldwide. AIPH contributed to a joint EU and China PBR webinar. The first digital edition of AIPH's Novelty Protection News 2020 🌸 was published and distributed to members. In autumn 2020, the annual UPOV meetings and yearly update meeting between AIPH and the EU Community Plant Variety Office (CPVO) took place virtually.



AIPH focussed on and took action in the following important issues in relation to the international PBR field:

1. AIPH's staff worked in close cooperation to contribute to **a joint letter of the industry** (CIOPORA, Euroseeds, Plantum, AIPH) addressed to the EU Directorate General for Health and Food Safety. The latter invited the industry to provide views on the European Commission's understanding of Intellectual property (IP), to suggest possible solutions, and to make available any relevant information that the industry could provide. Through this consultation, the goal for the EU is to improve its IP Action Plan. By the end of November 2020, the EU Commission had already responded positively to the joint letter! It promised to include the EU PVR-system into the IP Action Plan. (See for details under 27 August and 27 November 2020).

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2. AIPH received a request from CPVO **to suggest a speaker to give a presentation on the importance of Plant Variety Protection** and the consequences of infringement and enforcement aspects *from the producer's perspective*. This presentation was in the context of a webinar **on Enforcement of Plant Variety Rights in China**, which took place from 30 November to 2 December 2020. The goal of the webinar was the training of Chinese Experts on the examination of applications for Plant Variety Rights and PVR technical training. AIPH succeeded in finding Mr. Peter van der Weijden (HilverdaFlorist B.V.) to present the producers (growers) perspective. (See for details under 2 November 2020).
3. At the end of October 2020, **UPOV's Administrative and Legal Council (CAJ)** held a virtual meeting. The main issues were Essentially Derived Varieties (EDV) and a discussion on the interpretation of UPOV Convention 1991 article 14 sub 2, 'Acts in respect of the harvested material'. This latter topic requires special attention from the growers. **UPOV will organise a seminar on May 27, 2021, to exchange information on matters concerning harvested material and unauthorized use of propagating material. To prepare AIPH's position in this matter the SPG-members received an information document, written by its Advisor.** (See for further details 2 November and 14 December 2020).
4. In early November 2020, the **annual meeting of CPVO - AIPH** took place. The year 2020 was the 25th jubilee year for CPVO, however, because of the pandemic, it is postponed to 2021.
5. Dr. John McMurdy, Director for Emerging Markets and Development Partnerships at CropLife International, was AIPH's special keynote speaker at **the Novelty Protection digital seminar on 19 January 2021**. His topic was New Breeding Techniques and global policy discussions around path to market and key industry issues. The second part of the seminar included a PBR-update for the SPG-members and other interested parties. 75 people signed up for the meeting.

Actions:

For those who want to know more details about the subjects, the **activities** of the SPG are briefly outlined by the date.

27 august 2020

The group of three breeder's-organisations (Euroseeds, CIOFORA, Plantum) prepared a response on the EU roadmap: 'request for revision of the EU PBR-regulation (C 2100-94)', in which they focused on opening an improvement of the CPVR (EU Community Plant Variety Right)-system. The aim of this letter was to ask attention for, and to emphasise, the interest of Plant Breeders Right in the IP system in general, and to improve the CPVR system in particular. Together with the organisations mentioned, AIPH considered if and how AIPH could contribute. It was decided to join the breeders-organisations in this letter, and this also resulted in an official joint press release.

2 November 2020

Request from EU Community Plant Variety Office (CPVO) to AIPH:

The European Intellectual Property Organisation (EUIPO) organised an on-line seminar on the **Enforcement of Plant Variety Rights (PVR) in China from 30 November to 2 December**. It was in the frame of a training for Chinese Experts in the EU on the

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examination of applications for PVR and in PVR technical training. A close cooperation exists with the concerned parties (the ministries MARA and SFGA) in China. There was a total of ca 120 participants, including officials, judiciary, breeders and growers. The EU Community Plant Variety Office (CPVO) was asked to take care of the practical organisation and approached AIPH to contribute by finding a specialist, who could present the growers' perspective.

2 November 2020

- The SPG members received the report of UPOV's Administrative and Legal Council (CAJ) virtual meeting, which took place at 28-10-2020. The main issues were Essentially Derived Varieties (EDV) and a discussion on the interpretation of UPOV Convention 1991 article 14 sub 2, 'Acts in respect of the harvested material'. Because this was the first virtual version of the UPOV meetings in history, a special short movie was made which is in the public domain. It gives a good and clear overview of the state of the art of UPOV's activities and developments.

https://multimedia.wipo.int/upov/en/upov_report_developments_2020_no_st.mp4

- The new Secretary-General of UPOV, Mr Daren Tang, was appointed for the period October 2020 to October 2026. The appointment of the Vice Secretary-General, Mr Peter Button, was extended until November 30, 2022.
- Mr. Tang, at the Council of UPOV, outlined his vision for UPOV:



'The UPOV community has an exciting journey ahead. This is because plant breeding has a critical role to play in responding to the challenges, we face today *in making the world more sustainable*. Our future needs to be greener – and *plants are what make the world green*. To achieve the 2030 Agenda for Sustainable Development, the world will need to rely on *two key actors, farmers/growers and plant breeders*. For many plant breeders, the UPOV system of plant variety protection will be essential in *delivering the varieties that farmers and growers will need to meet these challenges*. New varieties of plants with features such as improved yield, resistance to pests and diseases, salt and drought tolerance, or better adaptation to climatic stress are *key to increasing productivity and product quality*. At the same time, new varieties can help *reduce the pressure on the natural environment*. Due to the continuous evolution of new pests and diseases as well as changes in climatic conditions and users' needs, there is a *constant demand by farmers and growers* for new plant varieties.'

Mr. Daren Tang, UPOV's new Secretary-General

3 November 2020

A fruitful annual update meeting CPVO - AIPH took place virtually with the staff members of the EU Community Plant Variety Office (CPVO). Mia Buma, advisor to the SPG, represented AIPH.

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2020 is CPVO's 25 years celebration. Unfortunately, celebrations are postponed to 2021 because of the COVID-crisis. But in the meantime, you can enjoy a short film that CPVO produced for the occasion.

<https://youtu.be/ZPMErnLj878>

27 November 2020

The EU Commission responded positively to a joint letter from AIPH, Euroseeds, CIOFORA and Plantum. The aim of this letter was to request attention for, and to emphasise the interest of, Plant Breeders Rights in the IP system in general, and to improve the EU-PVR system in particular.

The EU Commission responded positively **by including the Community Plant Variety Rights system into the EU IP Action Plan**. In the document concerned, the Commission recognises that the **recently identified shortcomings of the CPVR system "could be tackled, after an evaluation, in a targeted revision of the legislation in the medium term**. The main quote from this document concerning PVR concludes: 'The **EU Community Plant Variety Rights (CPVR)** system plays a crucial role for the EU economy as well. A robust plant variety rights system provides incentives for breeders to develop new varieties, thus contributing to the achievement of the European Green Deal objectives and the United Nations sustainable development goals. The Commission will continue to **monitor the proper application of the system and seek to bring in further improvements where needed**.'

14 December 2020

The SPG-members received an information document aiming to draft AIPH's position in UPOV's seminar on harvested material **and unauthorized use of propagating material**, which will take place virtually May 27, 2021.



In UPOV's Council meeting (last October 28) it was decided to open discussion on UPOV's Explanatory Note (EXN) on the principle of harvested material in the UPOV system.

One of the reasons to request discussion, is the decision taken by the EU Court of Justice in December 2019 in the so called 'Nadorcott' (a mandarin tree variety) case. (Publication no CJEU C-176/18). It took some time for the consequences of this decision to be interpreted, but meanwhile there are several reactions from the breeder's industry. SPG members will be kept updated and AIPH's position will be formulated. If possible, AIPH's response will be in joint cooperation with the breeder's organisations, however, it will be independent if the growers' position could be threatened. An unlimited or unreasonable extension of protection of the plant breeders rights in respect to harvested material, should be avoid.

AIPH General Meeting, Virtual, 18 March 2021

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