Ornamentals Production Committee Report: March – September 2021

AIPH

Report on Plant Health, Invasive Plants and CITES March - September 2021

A. Plant Health

Following the retirement of George Franke, Robert Baayen contributed advice to AIPH for a while, however it is unclear whether he will continue in this role. AIPH is in discussions with Royal FloraHolland / VBN.

1. EU regulations

The January 2021 report noted that files were still pending for: Israel (*Jasminum*, *Persea*) and Turkey and Ukraine (including *Malus*, *Ulmus*, *Prunus dulcis* and *P. persicae*) in relation to a derogation on the provisional import ban of high risk woody plants. A decision is yet to be taken.
This concerns the new EU Plant Health regime that imposes 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.

AIPH responded to a questionnaire on 'ARTICLE 79 OF REGULATION (EU) 2016/2031-REPORT ON THE EXTENSION OF THE PLANT PASSPORT SYSTEM QUESTIONNAIRE ON PLANT PASSPORTS (PP). Robert Baayen assisted in providing some insights to AIPH and attended the report back from the Advisory Group meeting held on 30th September where he represented both VBN and AIPH. A summary report of the responses to the questionnaires is in preparation and will be circulated to all respondents in mid-December.
In general, there was no clarity as to whether changes to the basic legislation (PHR, OCR) were to be expected, but the meeting signalled that changes to delegated and implementing acts might be possible. Indications are that no significant impact from the new legislation had been detected concerning changes in prices, trade in high-risk plants and trees (<0,5% impact) or notifications of interception.

2. *Xylella fastidiosa* in Europe

Since the January 2021 report no new outbreaks have been formally reported.

In June 2021, the Commission presented the updated version of the draft amending the annexes of the Regulation on *Xylella fastidiosa*. The amendment is needed because of the updated host plants database recently published by EFSA. In the article on import control the Commission inserted a new wording aligned with the Official Control Regulation. A general agreement has been reached and the text will soon be submitted for vote.
The range of host plants continues to be monitored. Although both genera are considered to be host plants, no infections have been confirmed so far on *Vitis* and *Citrus*.
The 3rd European Conference on Xylella fastidiosa, and XF-actors final meeting was held during April 2021, involving 900 people from more than 60 countries. The full recording and materials are available online https://www.efsa.europa.eu/en/events/event/3rd-european-conference-xylella-fastidiosa-and-xf-actors-final-meeting .
The EU continues to consider Declarations from non-EU countries concerning the status of Xylella fastidiosa. Pest free countries according to Article 28 of Commission Implementing Regulation (EU) 2020/1201are listed on the European Commission website.

https://ec.europa.eu/food/plants/plant-health-and-biosecurity/legislation/control-measures/xylella-fastidiosa/declarations_en. New listings in 2021 are Albania, Bosnia and Herzegovina, Canary Islands, Chile, Ecuador, El Salvador, Ghana, Indonesia, Japan, Jordan, Norway, Peru, Sri Lanka, Tanzania, Thailand, Uganda. In addition, certain pest free areas have been listed in 2021 in Argentina, China, and USA (Washington), Check the EC listing for precise details.

3. International year of plant health (IYPH)

Most of the planned activities of IYPH were moved to 2021, with the closing IYPH event, The International Plant Health Conference took place as a virtual event on 1 July 2021.
The Plant Health, Agriculture & Bioscience Conference in Den Haag, The Netherlands, originally scheduled for September 2021 (https://phab-conference.com/) has been postponed to 14-16 September 2022.

4. Brexit

On 1 January 2021, the United Kingdom became a third country in relation to the European Union. Research conducted by the Horticultural Trades Association (HTA) shows that exports of live plants and plant materials* from the UK to the EU between January and June this year were valued at £9.7m, compared with £16m in the same period of 2019 – a decrease of 39%. Rest of the world sales have remained broadly static. Businesses report that the drop in trade is due to problems transporting their live plants, combined with the additional costs and complexity of inspections and necessary paperwork. The HTA has initiated the 'Let Britain Grow' campaign which calls on the Government to review existing inspection levels and costs and negotiate a plant health agreement between the UK and the EU. This will enable the multi-billion pound sector to boost the nation's economic growth and fuel international trade post-Brexit.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004070/2021_July_BordersOPModel_Publishing__2_.pdf

5 AIPH Plant Health Survey

AIPH conducted a global survey on plant health systems in the ornamental horticulture industry. The survey was completed by 40 industry organisations from 25 countries.

Recommendations from the Plant Health Survey report were:

- The global ornamental industry would benefit from conducting further work to identify the barriers and benefits of applying proactive systems approaches to plant health and biosecurity within horticultural businesses and other supply chain stakeholders.
- Establish an international forum that enables the advancement of voluntary standards by sharing information on plant health and biosecurity standards and associated schemes.
- Explore the merits of producing a guidance document for voluntary standards that fits with the measures set out in ISPM 14 – this is with a view to setting an internationally recognised basis to support industry and NPPOs to co-design complementary systems.

The full report is available for download:
https://aiph.org/ornamentals-production/plant-health-survey-report/

Further work/next steps for AIPH (Phase 2):
Following discussion with Alistair Yeomans (Plant

Health Alliance), consultant to AIPH and co-author of the Plant Health Survey Report, AIPH proposes to:

- Undertake a full benchmarking exercise of voluntary plant health standards that support the ornamental horticulture industry. This will involve an in-depth review of systems that were part of 2021 the survey, and identify and include other systems and programmes that were not part of the 2021 survey, in consultation with the proposed 'Plant Health Forum, and considering relevant literature (e.g. Parke and Grünwald, 2012). Outputs from this benchmarking exercise will be: a guidance document for developing robust voluntary standards that will support improvement of existing standards where needed, and creation of new standards in countries and regions where there are none; and case studies that illustrate the range of pathways in which voluntary standards currently contribute to effective biosecure trade of ornamentals.
- Write a 'white paper' that reviews the current interaction between voluntary plant health standards and national regulations, demonstrating limitations and identifying opportunities for improvement.
- Establish an expert panel to review and develop the scope of integrating regulatory and voluntary pathways to facilitate 'frictionless' trade that enables global supply chains to operate effectively and efficiently. The panel would include industry leaders in plant health, NPPOs, and representatives of IPPC. ('Frictionless' – biosecure and efficient supply chains that focus on systems that promote the health and quality of plants in transit)
- The outcome of this further work will enable the global ornamental horticulture industry – via AIPH - to offer up a set of solutions that respect and reflect IPPC requirements while integrating voluntary standards that are compatible with nursery practices and business strategies. At this stage we propose to approach IPPC and national organisations (such as DEFRA) to support and fund the development of a merged systems approach that streamlines regulatory/phytosanitary processing. The outcome of this is an efficient trade pathway that is more biosecure through integrating sensible regulatory and voluntary measures.

6 AIPH Plant Health Conference 2021

The AIPH Plant Health Conference 2021 was recognised as part of the International Year of Plant Health 2020 (due to the pandemic, IYPH2020 was extended into 2021). This virtual conference was opened by Ralf Lopian, Chair of the International Steering Committee for the International Year of Plant Health (IYPH) 2020. His presentation, "KEEPING OUR WORLD GREEN – Raising the profile of plant health" gave the justification on why we have an IYPH 2020, why plant health is important to producers and traders, how the future could look, and how public/private partnerships in plant health are especially important.

The results of the plant health survey were presented, followed by presentations about the plant health systems in different countries. The presentations are available for on-demand viewing https://aiph.org/event/planthealthconference/.

Case Studies: North and South America

Case Study: USA

Download PDF

Case Study: Canada

Download PDF

Case Study: Colombia

Download PDF

Panel: North & South America

B. Invasive alien plants

EU regulation on invasive alien species
The European Commission is preparing a second update to the European Union list of invasive alien species of concern. The brochure published includes a short description of all invasive alien species of Union concern, offering brief, non-technical and informal summaries of their origin, their present distribution in the EU, how they threaten our native biodiversity, and how the applicable restrictions and obligations will help mitigate their negative impacts. Many of the plants on this list are widely distributed and do not cause any problems in most of the countries.
https://ec.europa.eu/environment/nature/invasivealien/list/index_en.htm

C. CITES

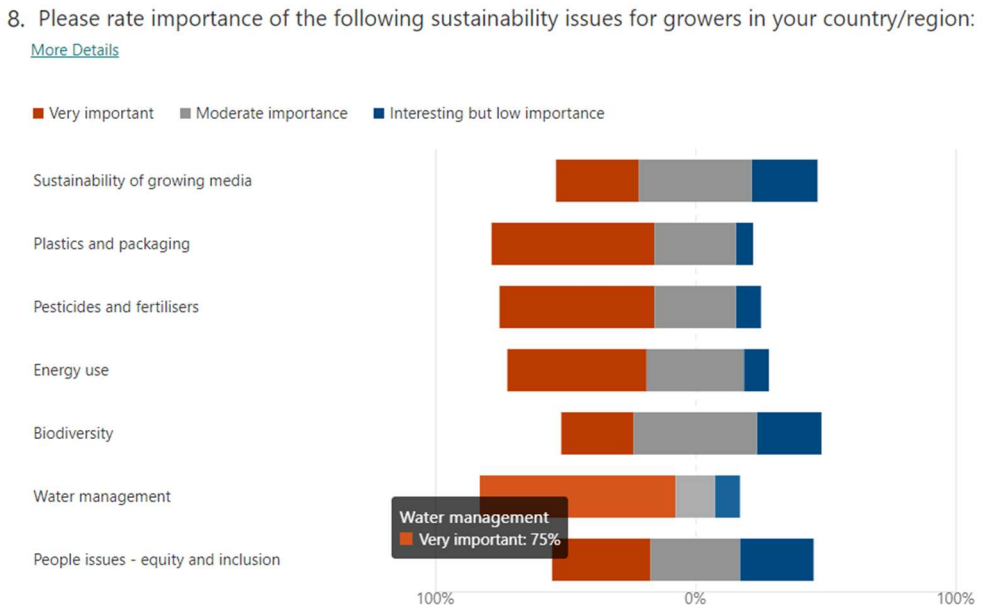
Working groups are still continuing and a Joint session of the 31st meeting of the Animals Committee and the 25th meeting of the Plants Committee was held online on 4 and 21 June 2021. A topic of concern that was discussed by the Plants committee was capacity building, agreeing that some form of CITES capacity-building conceptual framework (strategy) is needed.
The Committees endorsed the mapping of the CITES Strategic Vision 2021-2030 objectives against the CITES resolution and decisions https://cites.org/sites/default/files/document/E-Res-18-03_0.pdf
The twofold purpose of the Strategic Vision is:
– as a priority, to improve the working of the Convention, so that international trade in wild fauna and flora is conducted legally at sustainable levels and supports the conservation of listed species;
– to ensure that CITES policy developments are mutually supportive of international environmental priorities and take into account new international initiatives, consistent with the terms of the Convention.

Report on Sustainability

The AIPH website for Sustainability, under the Ornamentals Production Committee heading includes links to the 2019 AIPH Sustainability conference, and the recent AIPH Sustainability conference in September 2021. The website introduces selected topics from the Floriculture Sustainability Initiative (FSI) and presents the IGOTY Sustainability Award winners over the past years.

1. Industry survey

AIPH conducted a survey of the industry's Sustainability activities and strategies. The results were presented at the AIPH Sustainability conference on 30th September 2021. The questions of the survey explored how the industry is addressing sustainability issues, and how they are promoting their work as sustainable, both individually as horticulture production businesses and collectively as industry organisations. AIPH received 32 responses from 25 countries. The responses indicate that the industry is committed to sustainable production across the supply chain, yet can do more to promote the industry as sustainable.

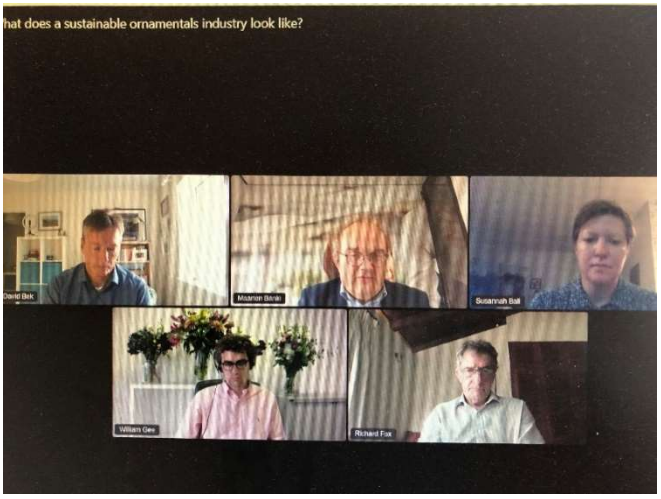


A full report will be prepared and distributed to AIPH members. This survey identifies opportunities for AIPH to promote current achievements and indicates the status of sustainability initiatives in the industry. It also identifies ways in which AIPH can support the industry in becoming more sustainable in aligning with the recent AIPH sustainability policy and strategy.

2. Sustainability conference

The AIPH 2021 Sustainability Conference was held on 29 September 2021 as an online event in collaboration with GreenTech and FSI. A registration fee of €20 gave attendees access to all of the GreenTech content, the AIPH Conference, and a Floriade Dialogues webinar. The AIPH Sustainability conference had a different virtual format: speakers were requested to record a short presentation about their topic. This was posted on the AIPH website with password-protected access to all conference and GreenTech registrants.

The live portion of the conference consisted of a keynote address by Dr David Bek, Coventry University UK, on Understanding the sustainability challenge in ornamental horticulture. This was followed by three focused presentations of the industry taking initiative in sustainability, and a report on the results of the AIPH Sustainability Survey 2021. The main portion of the conference consisted of panel discussions on sustainability topics, with each panel composed of speakers who had pre-recorded a presentation. The reason for this was to allow time for constructive dialogue in the conference itself. Sustainability topics addressed were: what does a sustainable ornamentals industry look like?; packaging and the circular economy; growing media; people; and sustainability marketing. All presentations can still be accessed online via a registration link.



3. AIPH Sustainability strategy

AIPH Is developing a Sustainability Strategy that outlines our current and future activities that enable the industry to be recognised as sustainable. A main aim of the strategy is to position AIPH-approved Expos to be recognised as the world's most sustainable major events. Within the strategy, AIPH also describes its intention to promote sustainable practices in ornamental plant production and management. AIPH considers that it is critical on behalf of our industry that we drive discussion on sustainable practices and tackling challenges common between countries. These include plant health, invasive plants, pesticides, Plant Breeders' Rights and skills. We are also committed to support and assist ornamentals producers to operate sustainable businesses that perform to the highest standard. The draft Sustainability strategy outlines actions to achieve this, and ways in which success will be measured and demonstrated.

Report Sparring Partner Group Novelty Protection and IP February - July 2021
Author: M. Buma, Advisory to Sparring Partner Group (SPG) Novelty Protection and IP

General:
On 19 January 2021 AIPH organised its first virtual SPG meeting. The first subject was "*New breeding techniques: global policy discussions generally around path to market and their key issues/discussion points"*, presented by Dr. John McMurdy, Director for Emerging Markets and Development Partnerships at CropLife International. As well as being highly informative to the global audience, Dr McMurdy's presentation gave relevant information to further develop AIPH's position on the issue of essential derived varieties (EDV).
The second subject, presented by Mia Buma, addressed the outcomes and consequences of the so-called 'Nadorcott' (a mandarin tree variety) case, following a judgement of the European Court of Justice concerning UPOV's principle of harvested material **and unauthorised use of propagating material** (Publication no CJEU C-176/18). **Where normally UPOV's plant breeders rights (PRB) system predominantly affect the breeders, this issue directly concerns growers.** AIPH is of the opinion that an unlimited or unreasonable extension of protection of the plant breeders right in respect to harvested material, should be avoided. For this reason, **AIPH acts** independently **of UPOV, whereas AIPH usually seeks** joint cooperation with the breeder's organisations, where possible. AIPH responded to UPOV's invitation to members and observers to send proposals of information that could be presented at the Seminar May 27, 2021 on ***harvested material and unauthorised use of propagating material.***

Of additional interest were CIOPORA's invitation to contribute an article to *CIOPORA's Chronicle 2021***,** with a special focus on *'UPOV 1991 Convention, 30 years after',* **and secondly, the invitation of the Community Plant Variety Office to participate in the Working Group on Variety denomination.**

In the SPG-community we said goodbye to Peter van Oost (AVBS, Belgium) and Johan van Scheepen (KAVB, Netherlands). They were both warmly thanked for their contributions. We welcomed in their places Miet Poppe and Saskia Bodegom.

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

1. Dr John McMurdy gave a clear and helpful overview on **new breeding techniques global policy discussions** -focusing on trade and gene editing- around path to market and their key issues/discussion points. This issue and discussion points are of relevance in relation to the UPOV discussions on a clear interpretation and guidance in UPOV's Explanatory Notes (EXN) on the PBR principle of essentially derived varieties (EDV).

CropLife INTERNATIONAL

Helping Farmers Grow

Dr. John McMurdy, Director for Emerging Markets and Development Partnerships at CropLife International

2. UPOV organised a **webinar on 27 May 2021, to exchange information on matters concerning harvested material and unauthorised use of propagating material.** The webinar was a follow-up to UPOV's Council decision (28 October 2020) to open discussion on UPOV's Explanatory Note (EXN) on the principle of harvested material in the UPOV system. AIPH contributed to the webinar by suggesting Mr Tjeerd Overdijk (founding partner at Vondst Advocaten, Amsterdam and specialised in PBR. See further information about Tjeerd below*) as one of the speakers in the webinar.
   It is evident that AIPH has a high level of interest in clear and legally correct interpretations of the concepts of "harvested material" and "unauthorised use of propagating material", as these principles do concern the scope of control that breeders may exercise in the production chain.
   To maintain the delicate balance between the position of the breeders (sellers) and the position of growers (buyers) in the UPOV-system, is one of the main interests of AIPH in its position as observer. Tjeerd gave a valuable presentation that provided the basis to lead to decisions of the UPOV Council in October 2021 about revision of the current Explanatory Note on harvested material (UPOV/EXN/ HRV/1).

   Mr. Tjeerd Overdijk, Vondst Advocaten Amsterdam

3. AIPH was honoured to be invited to contribute to **CIOPORA's *Chronicle 2021***. Mia Buma, from her capacity as advisor to the SPG, wrote the **article with the title: *Plant Breeders' Rights: a balance of powers***. In this article she considers the crucial role that a good functioning PVR-system can play in the enormous challenges the world faces today. In the ambitious aims of the United Nations Sustainable Development Goals, PBR could contribute in many ways and thus support the worldwide economy and people's well-being. Think of advances in plant yields for agriculture, tolerance to climatic extremes, and resistance to pests and diseases, as just a few examples where plant breeding plays a vital role. A robust PVR-system provides incentives for breeders to develop new varieties, and this supports mechanisms to achieve the UN SDGs. In this decade, the biggest challenge for UPOV member states will be to keep the UPOV system up to date and functioning efficiently and effectively.
4. In 2020, AIPH contributed to the UPOV discussions concerning the ***essentially derived varieties (EDV) principle* in the UPOV** 1991 Convention, aiming to revise and improve UPOV's Explanatory Note on EDV. The revision of the Explanatory Note (EXN) is supported by AIPH, since growers will ultimately benefit from a clear EDV-status, particularly alongside the introduction of New Breeding techniques. However, since the EDV principle is an issue between breeders in the first instance, AIPH asked CIOPORA to represent the grower's interest in the UPOV working group that prepares the revision of this EXN. During the last half year, the SPG has been updated about progress that the UPOV's EDV-working group has made.
5. In June AIPH was invited by the **Community Plant variety Office (CPVO)** to participate in the **Working group on variety denominations**. This invitation was remarkable, since AIPH does <u>not</u> have a formal relation with CPVO (for example: within UPOV we do have the formal observer-ship position). As a reason to invite AIPH for this working group, CPVO mentioned: 'We believe that AIPH is certainly a stakeholder for which such discussions could be

interesting and AIPH might also be in a position to provide valuable contributions to the discussions on variety denominations'.

6. In July, Audrey Timm and Mia Buma worked closely together to prepare further AIPH's position within the **Harvested Material discussion** and to find a keynote speaker for the second virtual SPG meeting, to be planned next autumn. AIPH is delighted that Prof. Dr. Axel Metzger, Professor of Civil law and Intellectual Property Humboldt-University, Berlin Germany, has accepted the invitation to give the SPG-members better insight and understanding on the development, purpose, and limit of the breeder's right in relation to harvested material.

Actions:
For those who want to know more details about **subjects** and **activities** (outlined by the date) of the SPG last half year, please read the following.

18 March 2021
CIOPORA's Chronicle 2021, has a special focus on 'UPOV 1991 Convention, 30 years after', since it was 30 years ago the UPOV Convention 1991 was 'born'. In addition, CIOPORA celebrates its 60th anniversary this year. Both give reason to dedicate the yearly chronicle to these two milestones.
Mia Buma was honoured to write a contribution on behalf of AIPH.
Please, click the link below to read the digital magazine.

Read the CIOPORA Chronicle 2021, the Anniversary Edition

7 April 2021
The SPG was updated about AIPH contributions to the UPOV discussions concerning the EDV principle in the UPOV 1991 Convention, aiming to revise and improve UPOV's Explanatory Note on EDV. The revision of the Explanatory Note (EXN) is supported by AIPH, since growers will ultimately benefit from a clear EDV-status as well, particularly alongside the introduction of New Breeding Techniques. However, since the EDV principle is an issue between breeders in the first instance, AIPH asked CIOPORA to represent the grower's interest in the UPOV working group that prepares the revision of this EXN. The quintessence of UPOV's working group position on EDV:

- In February 2021 the joint breeder's organisations (including CIOPORA, ISF, CropLife International, AFSTA, APSA, Euroseeds and SAA) presented UPOV with a joint statement on their expectations for revised EXN on Essentially Derived Varieties (EDV). They emphasised that it is of the utmost importance for the industry that predominant derivation from the Initial Variety is affirmed in the revised UPOV EXN as the key requirement for EDV. The EXN should establish that predominant derivation requires a higher level of genetic conformity than typically obtained by crossing and selection with an Initial Variety. Clarification of the EDV status of new varieties developed by means of mono-parental derivation, such as mutations, new breeding technologies and genetic engineering and multi-parental derivation, such as recurrent backcrossing, would provide legal certainty to breeders as to what varieties qualify as essentially derived and how essential derivation can be established in practice.

12 April 2021
The SPG was informed about UPOV's acceptation of AIPH's proposals to give Mr. Tjeerd Overdijk (*Partner, Vondst Advocaten, Netherlands)* the floor to present at the webinar reflections on the development and purposes of the breeder's right in relation to harvested material (article 14 (2) of the 1991 Act of the UPOV Convention).
The UPOV webinar was of importance to the ornamental growers, because in relation to matters concerning harvested material with regard to Plant Breeders Rights, growers who buy propagating material from breeders for production and further commercialisation must be informed and be alert. The matter very much concerns the scope of the breeders right: how far does 'the breeders' arm stretch' into the industry? The basic rule is: once the breeders have

received their compensation (royalties) for the development of new varieties (their breeding work), the rights regarding production and marketing of the end product (harvested material) belong to the growers.

30 April 2021
In this week, the EU-Parliament proposed to the EU Commission the extension of PBR protection of bulbs and woody ornamentals from 25 to 30 years. Quite some time ago this wish from the EU breeding industry was exchanged within the SPG.
AIPH has been in favor of the extension because it takes a long time, for bulbs especially (with the exception of a few bulbs), to develop a new variety that meets plant breeders' rights requirements. In AIPH's opinion a longer period in which the breeder's right holder is allowed to collect royalties, actually stimulates the innovation of new tulip varieties instead of delaying it. At the end, the whole sector will profit from this extension.

7 May 2021
The SPG was informed about the outcome of the second UPOV working group on EDV (27 April 2021), in which the revision (improvement) of the Explanatory Note (EXN) on essential derived varieties was discussed further. (See 7 April 2021 above as well). CIOPORA made a statement at the beginning of the meeting on behalf of all breeders associations (represented in the meeting), that the alliance of breeders associations fully supports the draft text of the EXN on EDV.
Some Working Group members (under which - besides the joint breeders observers- UPOV member states and member organisations (such as CPVO)) had proposals for changes of the text, but no major changes were requested. The next meeting of the Working Group will probably take place in October 2021, just prior to the UPOV CAJ and Council meeting.

4 June 2021
The SPG was informed about the outcomes of UPOV's digital **Seminar on the breeder's right in relation to harvested material,** which took place on 27 May 2021**.** The seminar definitely contributed to refreshment and to better understanding of the main principles of the Breeders right.
As well as Mr. Tjeerd Overdijk, another speaker showed in his presentation a good understanding of the breeder-grower relation when talking about the scope of PBR. Prof. Dr. Axel Metzger, Professor of Civil law and Intellectual Property, Humboldt-University, Berlin, Germany, clearly stated the following important principles:
- Object and purpose of UPOV article 14 sub 2: Extension to harvested material should foster breeder's position..... but, article 14 sub 2, is not meant to grant exclusivity over the full value chain. Two of the PBR principles are as well: 1. claim for remuneration (to the breeder for his invented new variety) at an early stage and 2. conflicts with growers/farmers should be avoided. So, Mr. Metzger stated: 'the double safeguard in Article 14(2): 'unauthorised, unless breeder has had reasonable opportunity' guarantee not only the said object and purpose, but these two principles as well'.

Hopefully the provided information and insights will contribute to the improvement of UPOV's Explanatory Notes (EXN) on acts in respect to harvested material. The further discussions on these EXN will take place in the UPOV CAJ (the Administrative and Legal Committee) meeting next autumn.

16 June 2021
AIPH was invited by the Community Plant variety Office (CPVO) to participate in the **Working group on variety denominations**.
This invitation was remarkable, since AIPH does <u>not</u> have a formal relation with. As reason to invite AIPH for this working group, CPVO mentioned: 'We believe that AIPH is certainly a stakeholder for which such discussions could be interesting and AIPH might also be in a position to provide valuable contributions to the discussions on variety denominations'. So, in close contact with AIPH' staff, Mia Buma participated in this Working group. AIPH could contribute aiming to avoid the (obliged) use of difficult and/or confusing denominations for new varieties,

which gained PBR right. AIPH is aware CPVO is affecting the EU-region only, but knowing these discussions could take place around the world and will be on the UPOV agenda in the future as well, the non-EU-AIPH-members could profit from this information too.
Reason for CPVO to assemble the working group (CPVO's stakeholders) is the Revision of CPVO 2012 Guidelines on Variety Denominations and the supporting Explanatory Notes. The revised Guidelines are planned to enter into force per 1 January 2022. Besides, CPVO wants to establish a Permanent Working Group on Variety Denominations, since it feels the need to discuss more collegially and more regularly the concerned rules and their interpretation.

This event was a good reason to refresh in the SPG the importance of variety denomination in our industry and specifically for growers. The SPG-members who were not yet familiar with AIPH's position concerning variety denomination, were referred to AIPH's license-contract-checklist for propagating material (available on the AIPH website). In the checklist AIPH's position on Variety Denomination is explained.
In the working group, AIPH emphasised (amongst other issues) that the use of Plant Variety Denominations (PVDs) is of significant importance to the public as well and not only to professionals in the sector. Consumers with good technical and/or biological knowledge of plant varieties (plant amateurs) acquiring plant material at nurseries, garden centres and flower-/plant-shops, do use the PVD to select the products they want to buy. The breeder stakeholders mentioned that taking care in the PVD-regulations that plants are also recognisable for end-consumers on base of their denomination, is of no relevance. AIPH was happy to be able to contradict this opinion, speaking for the ornamental sector, at least. In agricultural corps, i.e. grain and wheat, this issue could be different. One of the other stakeholders, NAK-tuinbouw (the Dutch testing and inspection station) supported AIPH's view.

*Mr. Tjeerd Overdijk works as a private practice IP lawyer. After working as a general practice lawyer for some years he gradually focused his practice entirely on intellectual property law since more than 25 years. He is one of the founding partners of the law firm Vondst Advocaten in Amsterdam, the Netherlands, a specialised law firm fully dedicated to intellectual property law and information technology law. He has a longstanding experience in litigating a variety of I.P cases, both at first instance and appellate levels, including opposition proceedings before the Benelux Office for I.P., the Boards of Appeal of OHIM and the CPVO, and the Court of Justice of the EU. A substantial part of litigated cases involve enforcement of PVRs, invalidity disputes related to PVRs and disputes on licensing agreements involving such rights. Mr Overdijk is an active member of various professional associations, including AIPPI, INTA, Plantum NL, CIOPORA and ESA.