

Note on mission statement of the Board for plant varieties

Introduction

Because several new members have joined the Board since 2015 and a new Chairperson will lead the Board in 2022, it is desirable to re-examine the Board's view of its tasks and take a joint position on this and share this with the policymakers at the Ministry of Agriculture, Nature and Food Quality.

The attached memorandum articulates the mission statement of the Board for Plant Varieties and replaces the 2015 memorandum on this topic.

Tasks of the Board for Plant Varieties

1. Statutory task of the Board

Section 2 of the 2005 Seeds and Planting Materials Act stipulates the following:

There is a Board for Plant Varieties, whose tasks are:

- a. to enter varieties and stands in the Register of Varieties
- b. to admit varieties and stands
- c. to grant Plant Breeders' Rights
- d. to draw up and publish national lists of admitted varieties and stands and,
- e. admitting plant groups and entering them in the Register of Varieties.

These statutory tasks - with the exception of the task mentioned under d. - are financed from the tariff revenues of the Board.

As regards the task referred to under d., drawing up and publishing national lists of admitted varieties and stands, additional funds are granted by the Ministry of Agriculture, Nature and Food Quality. The task mentioned under d. can be described as follows:

1) Establishing and publishing a national Catalogue of Varieties of trees.

The List of Varieties is based on the Community obligation (pursuant to the Forestry Directive) to draw up a national list (register) of approved stands of forest reproductive material. Over the years, this list has developed into an important source of information for nature managers, caretakers of urban green spaces and for anyone in the forestry sector dealing with the planting of new trees. The Tree Variety List consists of directive and non-directive species.

For the directive species, there is an obligation to maintain the national List of Varieties, include stands of directive species in the national stand register and classify these stands as "of known origin, selected, inspected or tested". For non-directive species, there is no strict legal obligation, but the "recommendation" of these stands safeguards the quality of native (of known origin) plant material in the Netherlands and thus contributes to the protection of genetic biodiversity in the Netherlands.

2) Setting up test stands in forestry

Under Community regulations, admitted stands are classified into one of the classes "of known origin, selected, inspected or tested". In order to be admitted and classified in the "tested" category - and to keep the use value of stands once admitted in this class up to date - data are collected annually in a large number of test trials established on the lands of the Forestry Commission, among others. This task is also based on a community obligation.

3) Establishing and issuing a national Catalogue of Agricultural Varieties

The compilation of a national Catalogue of Agricultural Varieties is done on the basis of data from the Variety Register, DUS research and CGO research.

¹ Naktuinbouw has an executive task in the additional activities. This task can be specified as follows, a) for method research, including drawing up project reports and cost accounting, b) for policy support - attending technical meetings of, among others, UPOV and CPVO and c) supervising the CGO for the purpose of drawing up the Catalogue of Varieties of Agricultural Crops.

Conclusion

The statutory task is thus clear: the Board is an implementing organisation for the Ministry of Agriculture, Nature and Food Quality (LNV), with LNV being the policy-making body.

The statutory task is the core task of the Board, any other activities of the Board should not harm the core task.

2. Additional activities arising from the Board's statutory tasks.

These activities are an extension of the statutory tasks referred to above and have their legal basis in the cooperation agreement between the Ministry of Agriculture, Nature and Food Quality, Naktuinbouw and the Board. The Board is responsible for carrying out these additional activities and has a coordinating and commissioning task towards Naktuinbouw and the other organisations referred to in the collaboration agreement. It concerns:

- 1) Policy support in relation to variety registration and plant breeders' rights research
- 2) Methodology research

Below is a brief explanation of why it was decided to have each additional task carried out under the Board's responsibility. It is also explained to what extent the task is based on or related to the statutory tasks of the Board.

1) Policy support in the field of variety registration and plant breeders' rights research

In meetings of UPOV, CPVO, EU and OECD, topics on the compilation of Variety Lists and Plant Breeders' Rights are discussed. Where policy matters are concerned, the Ministry of Agriculture, Nature and Food Quality is the responsible body. Policy support is provided to the Ministry of Agriculture, Nature and Food Quality by the Board and Naktuinbouw, among others.

2) Methodology research

To carry out the research for the purpose of admission and plant breeders' rights in the Netherlands as efficiently as possible and to do justice to the Netherlands' leading position in this research, it is important that the best available techniques are used in the research. Ongoing technological developments may make adaptation or replacement of used methodologies possible and desirable, but often this requires additional research first. Any organisation active in the field of research for the purpose of authorisation or plant breeders' rights can submit proposals within the framework of this methodology research. The Board decides which proposals it will finance and supervises the execution and implementation of the projects (see memorandum on streamlining and evaluating methodology projects). The coordination of the projects is done by Naktuinbouw.

3 Other Board tasks: advising and signalling

Developments:

- a) Climate change, sustainable agriculture, salinisation and desiccation of agricultural areas, biodiversity, etc., emphasise the importance of the availability of suitable varieties that can contribute to the changing conditions under which agriculture, horticulture and forestry will have to take place.
- b) There are also developments in the field of plant breeding that have a major impact on the availability of varieties. In particular, this concerns developments in the field of biotechnology (new distribution techniques including gene-editing), new cultivation techniques (vertical farming) and the development of varieties suitable for organic farming.
- c) Discussions within the EU, the CPVO and UPOV and the role played by these organisations may have implications for national plant breeders' rights and the Board's application and implementation of regulations in this respect.

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d) Developments in plant variety rights and patent law.

Technical developments can also affect the execution of the Board's tasks. With regard to technical developments, the Board facilitates, communication about these is done by Naktuinbouw as the party responsible for technical research in the Netherlands.

These developments in agriculture and horticulture, in the breeding sector and within international organisations may affect the Board's statutory tasks in the short or long term. Therefore, the following activities are part of the Board's tasks (taking into account the Board's available capacity and resources):

- The Board considers it its duty to identify and discuss developments, which affect its statutory task, within the Board.
- If these developments have policy implications or consequences for the implementation of the Board's tasks, the Board will bring this to the attention of the Ministry of LNV (signal function).
- The Board can give solicited or unsolicited advice on this to the Ministry of LNV, the body ultimately responsible for policy matters.
- The Board communicates to the plant breeding sector about developments related to the implementation and application of regulations concerning the granting and registration of plant breeders' rights and the (registration of) acceptance of plant varieties.

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