



CANADIAN SEED TRADE ASSOCIATION

L'ASSOCIATION CANADIENNE DU COMMERCE DES SEMENCES

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May 13, 2010

Mr. Steve Verheul
Chief Trade Negotiator: Canada-European Union
Department of Foreign Affairs and International Trade
111 Sussex Drive
Ottawa, Ontario K1N 1J1

Dear Mr. Verheul:

The Canadian Seed Trade Association (CSTA) represents 130 member companies involved in all aspects of seed, from research and plant breeding, to production, marketing, sales and international trade. Our members range from small, family farm based operations to large multi-national corporations; from marketers of herbs and garden seed to western grain handling companies; and from organic seed producers to the world's large biotechnology companies. Together our members invested \$56 million in plant breeding and research in 2007. That is 27% of their combined operating budgets. CSTA's members expect to almost double that investment by 2012.

However, research dollars are globally mobile and they will flow to the environment that is the most conducive to success: one which contains the fewest uncertainties. Canada is currently lagging behind its competitors in offering modern opportunities to secure a return on research and development, and those who make international investments are questioning the value of Canada as a place to invest.

Canada has been a member of the International Union for the Protection of New Varieties of Plants (UPOV), since 1991. However, despite the fact that Canada signed a new UPOV convention in 1992, we have not amended our plant variety protection legislation (the Plant Breeders' Rights Act) to enable ratification of the convention. We are one of the only developed country members of the UPOV whose plant breeders do not have access to the improved provisions of the 1991 convention. The European Seed Association (ESA) has already expressed concern with Canada's Plant Breeders Rights legislation in a letter to European negotiators for the Canada/EU Trade Agreement. ESA's letter says: "many European seed companies would not sell their varieties in Canada if they cannot rely on effective IP protection."¹

Since Canada signed the 1991 UPOV convention almost 2 decades ago, the CSTA has advocated for amendments to the Canadian Plant Breeders' Rights Act to bring it into compliance with the 1991 convention in order to create a more predictable and competitive environment for continued and increased investment in plant breeding in Canada. Provisions within the new convention around the scope and duration of the Breeder's right, national treatment, and clarification of exceptions to the right are particularly important. These provisions in the UPOV 1991 must be included accurately and in their entirety in an amended Plant Breeders' Rights Act.

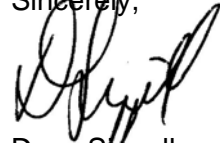
1 January 18, 2010 European Seed Association letter to Phillippe Mayer, Head of Unit Directorate General for Trade

CSTA strongly supports Canada's work to negotiate more liberalized trade bilaterally and multi-laterally. Improved market access for Canadian exports is very important to our industry. However, just as important is the creation of an environment that will attract investment to Canada. This includes the ability to assure potential investors in seed innovation, that their investments can be protected in Canada in the same manner as they can in other markets that are competing for their investment.

CSTA welcomes the commitment of the Government of Canada and the Canadian negotiating team for the Canada/EU Trade Negotiations, to fully comply with international agreements and conventions to which Canada is a party. We urge you to include, in the negotiating text, an undertaking to move quickly to bring Canada's Plant Breeders' Rights Act into compliance with the UPOV convention of 1991.

Should you have any questions, or wish to discuss this further, we would be pleased to meet with you at any time.

Sincerely,



Dave Sippell
President

c.c. Gilles Gauthier, Agriculture Negotiator, Agriculture and Agri-Food Canada
Déric Dubien, Deputy Director - Intellectual Property (Europe), Department of Foreign Affairs and International Trade