

Joint Statement of Seeds Canada and Euroseeds

“Ensuring competitiveness of the private seed sector in Canada”

Plant breeding is a truly globalised operation, with around 25% of all commercial seed used worldwide traded internationally. Seeds Canada and Euroseeds represent the private seed and breeding sector in Canada and Europe respectively.

Seeds Canada and Euroseeds have a number of member companies in common. Our joint interest is to facilitate both the unimpeded movement of seeds and market access by ensuring effective protection of intellectual property rights relating to plants and seeds that allow for continuous innovation in plant breeding. Intellectual property protection of plant varieties is particularly important because the results of plant breeding are biological materials, which are easy to copy being generally self-reproducing.

Canada, like the EU is a UPOV 1991 signatory. Plant variety protection is provided through the Plant Breeders’ Rights (PBR) Act ([Plant Breeders’ Rights Act \(justice.gc.ca\)](https://www.justice.gc.ca)) and Regulations, and administered by the Canadian Food Inspection Agency (CFIA).

Canada’s PBR Act does not foresee conditions or restrictions on the ability of farmers to save, store and replant seed of varieties protected under the PBR Act for their own use. A major weakness is that a framework for Farm Saved Seed (FSS) royalties was not established within the Act that enables plant breeders to capture the value they create when farmers use FSS.

The Canadian seed industry introduced a “Variety Use Agreement” (VUA), a contract-based system to collect royalties on planting of saved seed via farmer declaration. While the VUA is an option, the resistance in entering varieties into the platform from the most impactful breeder in small grains, the Canadian federal government, has restricted success.

Without a royalty model enshrined in legislation and with the absence of Canada’s dominant public breeders in the contract-based system, current high rates of farm-saved seed use for cereals and pulses make it a challenge for private breeders to generate a high enough rate of return on these crops to provide an incentive for additional investment in developing new varieties. Today, not even hybrid seed crops are immune to FSS and the practice of growing F2 seed has been observed for over a decade.

The proposal of expanding the penetration of the VUA is to enable investments in plant breeding innovation that accelerate the genetic gain in Canadian varieties. Although the public sector plays a significant role in breeding, it also limits farmers to certain niches of varieties. The private sector can offer different niches with expanded advantages to farmers, but those will only be available

if the VUA platforms support investment in local research. Considering the implementation of UPOV in 1961, Our World in Data compiles the average wheat yields from FAO. The Canadian model reflects the impact of limited research commissioning to the private sector by presenting the lowest yield for wheat when compared to European countries.

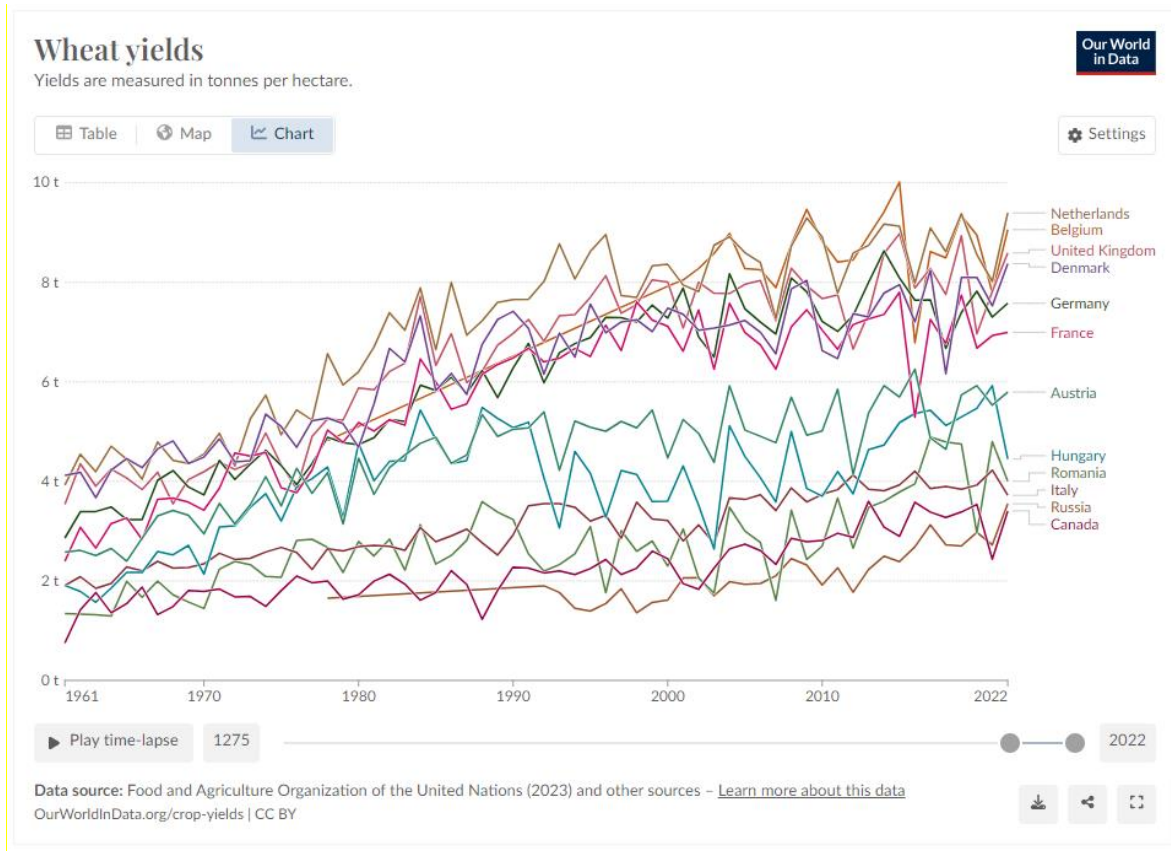


Figure 1: Average wheat yield by country between 1961 and 2022 – direct plot from Our World in Data [Wheat yields \(ourworldindata.org\)](https://ourworldindata.org/wheat-yields)

The absence of legislation requiring remuneration to the breeder for the use of farm saved seed is therefore a critical weakness in Canada’s plant variety protection framework. Not only does it eliminate the potential for competition in the small grains space, but it acts as a barrier to investment by domestic and foreign developers and restricts global seed trade, e.g. several EU breeders won’t send their breeding material to Canada unless there is a trailing royalty that allows for return on investment in farm saved seed.

Seeds Canada and Euroseeds therefor ask to enshrine the requirement for farm saved seed royalties into Canada’s PBR Act to allow fair competition between public and private breeding activities.

About [Seeds Canada](#):

Seeds Canada is the leading voice of the seed sector in Canada, with members including analysts, breeders, distributors, processors, seed growers and other contributors to the seed sector from coast to coast. Seeds Canada develops and advocates for policies that help its members stay competitive in domestic and international markets and encourage collaboration, innovation, equal opportunity, and continued investment in the seed sector for the betterment of the seed sector, consumers, and the environment.

About [Euroseeds](#):

Euroseeds is the voice of the European seed sector and represents the interests of those active in research, breeding, production and marketing of seeds of agricultural, horticultural and ornamental plant species. Today, Euroseeds, with more than 30 national member associations from EU Members States and beyond, represents several thousand seed businesses, as well as more than 70 direct company members, including from seed related industries.