

INTERNATIONAL RELATIONS STRATEGY

2021

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1. Introduction

On 4 October 2017, the CPVO Administrative Council adopted a strategy for international cooperation, building on the previous one, approved in 2014. The adoption of an international strategy is foreseen in whereas No 17 and Article 32 of the CPVO Financial Regulation,¹ drafted having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union.

Most of the European Union policies and programs on international cooperation and Intellectual Property matters ended in 2020. The new trade, R&I and IP policies take into consideration global challenges and the specificities of the EU economy, especially its composition of mainly Small and Medium-sized Enterprises (hereinafter "SMEs"). Against this background, with a view to align the work programme of the Office with the new EU policy objectives, the Office has revised the international relations Strategy.

The COVID-19 pandemic posed the entire world in front of unprecedented defies.

According to the latest report of the Intergovernmental Panel on Climate Change (IPCC)², global warming is causing increased, and in some cases irreversible, changes to rainfall patterns, oceans and winds in all regions of the world. For Europe, the report predicts an increase in the frequency and intensity of extreme weather events, including marine heatwaves, and warns that a 2°C increase in temperature will have critical effects for nature and people. Higher temperatures and intensified weather events will also result in huge costs for the EU's economy and hamper countries' ability to produce food.

The United Nations Sustainable Development Goals³ focus on several aspects of sustainability, and with the vision of contributing to their achievement, the European Union put at the forefront of its policies the Green Deal⁴, the Biodiversity Strategy⁵, the Farm to Fork strategy⁶ and several climate actions to concretely engage in the global effort to reduce humans' impact on the planet. Addressing climate change and encouraging ambitious climate action are at the heart of the EU's external relations efforts. With the European Green Deal, the EU renewed its commitment to lead by example, establishing itself as a global leader on climate policy and action.

To meet the needs of a fast-changing and ever more interconnected world, the Commission also updated its international strategy in the Research and Innovation field, approved the Horizon Europe program, which builds upon the results of the Horizon 2020 program⁷, and further develops the intervention of the EU in key policy areas.

On another side, the EU has continuously improved instruments and focused trade policies on the backbone of European economy, namely SMEs. SMEs account for the 99% of enterprises established in Europe and 87% of exporting enterprises based in Europe.⁸ It is not always easy for SMEs to find their way in the global market, they need simplified procedures to access markets and financial resources, they need support and easy to access information on the protection of their assets, tangible and intangible. With these needs in mind, the EU has approved

¹ Whereas No 17 "For the purpose of ensuring consistent programming, the Union body should draw up [...] a strategy for cooperation with third countries and/or international organisations";
Article 32 CPVO FR: "In accordance with Article 40 of Regulation (EU, Euratom) 2018/1046 the Union body shall send by 31 January each year to the Commission, the European Parliament and the Council its draft single programming document, as endorsed by its Management Board, containing [...] (f) strategy for cooperation with third countries and/or international organisations".

² [Sixth Assessment Report — IPCC](#) Climate Change 2021 The Physical Science Basis – IPCC Intergovernmental Panel on climate change [IPCC AR6 WGI Full Report.pdf](#)

³ See the 17 UN Sustainable Development Goals, available at: <https://sdgs.un.org/goals>

⁴ Communication from the Commission, *The European Green Deal* [COM(2019) 640 final], available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1576150542719&uri=COM%3A2019%3A640%3AFIN>

⁵ Communication from the Commission, *EU Biodiversity Strategy for 2030 Bringing nature back into our lives*, [COM/2020/380 final], available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1590574123338&uri=CELEX:52020DC0380>

⁶ Communication from the Commission, *A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system* [COM/2020/381final], available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

⁷ See Horizon Europe Strategic Plan 2021-2024 available at: <https://op.europa.eu/en/web/eu-law-and-publications/publication-detail/-/publication/3c6ffd74-8ac3-11eb-b85c-01aa75ed71a1>

⁸ Fact sheet on the EU Trade policy review, available at: https://trade.ec.europa.eu/doclib/docs/2021/february/tradoc_159428.pdf



the new Trade strategy⁹, as well as the SME strategy for a sustainable and digital Europe¹⁰, and specifically dedicated part of its new IP Action Plan on providing support to EU SMEs.

The CPVO supports the Commission vision that today's world cannot be built in silos. International cooperation, exchange of best practices, international harmonisation of legislations and guidelines, building synergies with neighbouring and third countries should always accompany the implementation of EU strategy.

This is why in the past four years of implementation of the CPVO international strategy the Office provided extensive support to EU actors involved in the implementation of Trade Agreements between the EU and third countries.¹¹ The CPVO, Member States' authorities, Examination Offices and UPOV made their expertise available to raise awareness in third countries and neighbouring countries on the importance of Plant Variety Rights (hereinafter "PVRs") to protect and boost innovation in the plant breeding sector.

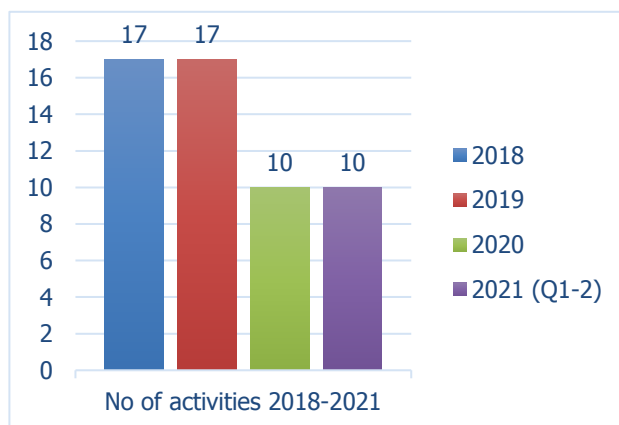
Plant breeding is continuously evolving and contributing to the development of new technologies that look for solutions to environmental and climate challenges. The development of new plant varieties that can adapt to severe environmental conditions, such as the reduction of arable land, drought and salinity of the soil, extreme climate conditions, varieties that can resist to diseases, while addressing the need to reduce the use of chemicals, is of utmost importance.

The promotion of a reliable and effective plant variety protection system goes hand in hand with the need to foster investment in the sector. A harmonised level of protection of intangible assets at a global level ensures a higher level of investment in trade, favours exports from the EU, technology transfers and financial investments in businesses inside and outside Europe.

This document provides an *excursus* of the activities carried out by the CPVO in the past four years and accounts them as a starting point to lay down the principles and priorities for fostering networks and synergies to develop international cooperation activities.

2. 2017-2021 report on the implementation of the strategy

In the past four years, the CPVO regularly contributed to the implementation of different projects, carried out by Union bodies and international organisations. The CPVO focused on priorities set in the previous strategy.



From 2018 until the second quarter of 2021, the Office contributed to a consistent number of activities in third countries with the main objective of raising awareness and providing technical, legal and administrative assistance in the field of Plant Variety Rights.

The CPVO assisted the EUIPO¹² in the planning and implementation of activities concerning Plant Variety Rights in the following projects: three IPKey projects (China, South East Asia and Latin America), IPC-EUI (India) concluded in 2018, the new AfrIPI and CarIPI focusing respectively on Africa and the Caribbean.¹³

⁹ Communication from the Commission, *Trade Policy Review - An Open, Sustainable and Assertive Trade Policy*, available at: https://trade.ec.europa.eu/doclib/docs/2021/february/tradoc_159438.pdf; The regulation on establishing the program for a single market (the 2021-2027 Multi Financial Framework) specifically recalls SMEs among the addressees of trade policies. The Regulation is available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0690&from=EN>.

¹⁰ [COM(2020) 103 final, 10 march 2020] Available at: https://ec.europa.eu/info/sites/default/files/communication-sme-strategy-march-2020_en.pdf.

¹¹ See also European Parliament, *Benefits of EU trade agreements for small and medium-sized enterprises (SMEs)*, March 2021, available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/653628/EXPO_BRI\(2021\)653628_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/653628/EXPO_BRI(2021)653628_EN.pdf)

¹² The EUIPO is the agency entrusted with the implementation of EU-Funded project in the field of Intellectual Property Rights.

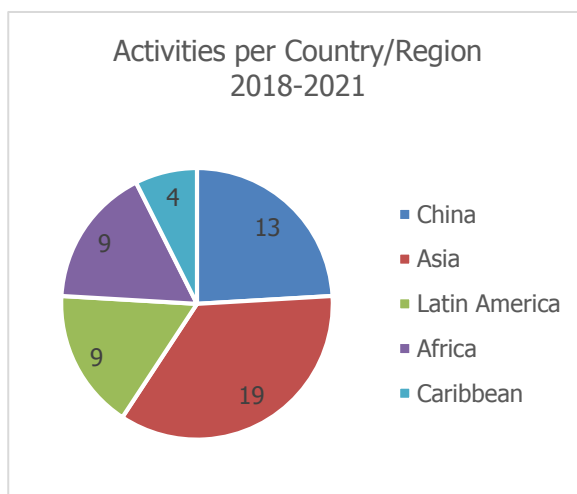
¹³ See Annex I to the international relations strategy for the detailed overview of 2018-2021 activities.



The CPVO experts delivered trainings, workshops, seminars and webinars, assisted beneficiaries of the projects in the drafting of legislation compliant with UPOV 91, in support of UPOV.

The geographic area covered by the projects fully resembles the priorities of the Commission detailed in the Third Country Report¹⁴ and complements EUIPO's expertise in supporting the implementation and/or negotiations of the Free Trade Agreements (hereinafter 'FTA') between the EU and third countries or regions, as far as Intellectual Property is concerned.¹⁵

Aside cooperation with the EUIPO, the Office has been participating in the EAPVP forum. The EAPVP forum groups ASEAN plus three Countries (China, Japan and Korea) and focuses on two main objectives: to strengthen PVP systems consistent with the UPOV Convention and to facilitate accession to UPOV. The core activities carried out by the Forum concern development of national legislative frameworks and cooperation for the harmonisation of practices, guidelines, protocols and, especially, the development of DUS test guidelines.



Moreover, the Office, building on a long lasting relation, has been working since 2019 with the OAPI Office, as an associated partner, in the implementation of the project for the promotion and improvement of the OAPI PVP system in OAPI's Member States, funded under the Trade Com II programme.¹⁶

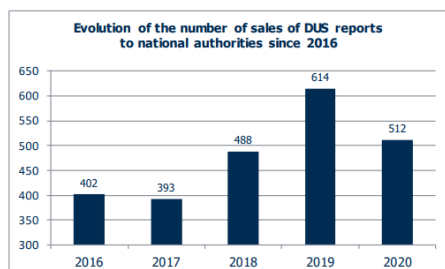
Due to the Covid-19 pandemic some activities and visits were suspended or re-scheduled to the following years of the projects' working plans. In the third and fourth quarters of 2021, it will be explored the possibility to resume activities with hybrid formulas, partially *in vivo* and partially online.

International cooperation in variety testing

Number of requests for D.U.S. reports received 11 117
 Number of sales of D.U.S. reports since 1998 7 743

Top 5 countries for sales of D.U.S. reports:

Brazil	812
Colombia	812
Ecuador	646
Israel	596
Kenya	527



On another note, according to Article 27(4), (5), (6) of the CPVO proceedings regulation¹⁷, the Office concluded agreements with third countries' authorities for the take-over of DUS reports. The agreements in force as of 2021 are with: Israel, Mexico, New Zealand and Costa Rica.

Cooperation in DUS testing works as well in the other direction. The CPVO is engaged every year by different authorities in the world to request DUS reports of crops examined by the network of entrusted Examination Offices in the European Union.

To conclude the overview of activities carried out in the past years, the CPVO signed Administrative Arrangements with different third countries' authorities for providing training activities, cooperation in enforcement matters and share practices on DUS testing, PVP administration and the use of online tools for the management of the system.¹⁸

¹⁴ Report on the protection and enforcement of intellectual property rights in third countries, Brussels, 27.4.2021, SWD(2021) 97 final, available at: https://trade.ec.europa.eu/doclib/docs/2021/april/tradoc_159553.pdf.

¹⁵ See for example the EU-CARIFORUM Economic Partnership Agreement, or the support provided through IP Dialogues in Thailand, considering the difficulties in restoring negotiations for the FTA.

¹⁶ OAPI Member States: Benin, Burkina Faso, Cameroon, the Central African Republic, Chad, the Comoros, the Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, the Niger, Senegal and Togo.

¹⁷ Commission Regulation (EC) No 874/2009, establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office of 17 September 2009, and subsequent modifications.

¹⁸ AA and MoUs are currently in force with ARIPO, China and Taiwan.



3. Way forward

With the newly approved IP Action Plan, the European Commission sets out the priorities regarding the overall policy on Intellectual Property, with a view to modernise and further strengthen the EU IP legislative framework to be ready to effectively and homogeneously protect innovative solutions.

A sound IPR system encourages an equally sound management of intangible assets in businesses. It is clear that, nowadays, IPR intensive industries, by contributing to the 45% to the European GDP and accounting for more than 30% of jobs in the EU, are at the forefront of development of the EU economy.¹⁹ PVR-intensive industries account for 182 billion contribution to the EU GDP and involving, directly and indirectly, 2.6 million jobs.

Innovation plays a paramount role in our everyday lives, especially in the transition to a digital, green and more sustainable Europe. Innovation is the key to reach our goals and the R&I sector needs the support of a cohesive IP system throughout Europe, as well as a global framework adapted to high standards of IP protection.

The EU efforts have concentrated in bringing third countries legislation close to the minimum standards provided by the TRIPs agreement. In the field of plant variety rights, the 1991 Act of the UPOV convention is the reference international system for the protection of innovation in the breeding sector. The Act provides for a minimum set of provisions to be adapted to each specific situation, and its promotion is pivotal for creating an enabling environment for breeders and market operators in the sector.

International harmonisation of legislation and practices is only the first step towards establishing global standards, capacity building and involvement of European and international actors in the follow-up of legislative intervention, is the step forward towards the effective establishment of PVP systems.

It should not be forgotten that the breeding sector and plant variety rights touch upon agricultural, plant health, food and feed security, trade, innovation, intellectual property and environmental matters. Involving such a wide range of interdisciplinary topics and policies, it is of primary importance for the Office to connect and engage in fruitful cooperation with the different operators in the sector.

The span of the cooperation of the Office considerably extended in the past few years, to keep the pace with the continually evolving policies that embrace the breeding sector. When looking to the implementation of trade agreements and to other dialogues with third and developing countries, the CPVO will engage not only with DG SANTE, but also with DG TRADE, DG INTPA (former DG DEVCO), DG GROW and as well, if considering neighbouring countries and the EU, with DG NEAR and DG RTD.

It is with this objective in mind that the CPVO intends to continue providing its expertise through bilateral and multilateral cooperation. The Office commits to further develop and enhance cooperation with strategic partners, such as the EUIPO, the EPO and UPOV, PVP and Examination Offices as well as sectorial organisations, notwithstanding the importance of ongoing bilateral relations with key target countries and regional organizations, such as the long-standing dialogues with China, Japan, OAPI and ARIPO.

3.1. Priorities

Having defined that the Office expertise will be provided to several partners at EU and international level, given the limited resources of the Office, international cooperation activities in which the Office will engage should have a focus on the following main areas:

- Support the European Commission, under EU founded projects implemented in cooperation with EUIPO, in the implementation of trade agreements, focusing on plant variety rights embodied in IP Chapters of the agreements. In particular, the CPVO will continue to provide assistance to the IPKey projects²⁰, CarIPI

¹⁹ EUIPO-EPO study on *IPR-intensive industries and economic performance in the European Union*, available at: https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/IPContributionStudy/IPR-intensive_industries_and_economicin_EU/WEB_IPR_intensive_Report_2019.pdf.

²⁰ IPKey SEA and IPKey China have been renewed. IPKey LA will be re-launched as a new project in September 2021, and in 2022 a new MERCOSUR project is planned to be implemented by the EUIPO.



and AfrIPI. The Office will seek convergence with own projects with OAPI, to avoid duplication of efforts in the Continent.

In the framework of the projects implemented by the EUIPO on behalf of the Commission, the CPVO will contribute to the development of activities focusing on the needs of the addressed countries and/or regions. The activities on which the Office will concentrate its efforts will cover topics such as:

- legislative reforms,
- technical assistance in the implementation of PVP systems,
- support for capacity building activities as well as
- Contribution to raising awareness activities covering the importance of plant variety rights.

The Office will seek synergies and support from key partners, such as national authorities, Examination Offices and UPOV, in order to provide the most suitable expertise and knowledge to the beneficiaries;

- Upon request, the CPVO will continue to support potential beneficiary countries in requesting assistance to the EU through available cooperation instruments (TAIEX, IPA III²¹, NDICI²²). The Neighbourhood, Development and International Cooperation Instrument is designed to be complementary to other actions and programmes of the EU and focuses mainly on near geographical areas, the Pacific and Caribbean and promotes the continuation of cooperation with the African Union for continental approaches.²³ Among the priorities for intervention under thematic programmes of the NDICI instrument, the Regulation includes ensuring a healthy environment, the tackling of climate change and food and nutrition security.²⁴ The CPVO is willing to contribute to raise awareness on the importance of plant breeding and the protection of intangible assets for the achievement of the outlined goals. The IPA III is the specific instrument to support candidate countries in the phase of pre-accession to the EU, and the Office will continue to provide its assistance in various fields, such as the adaptation and harmonisation of legal provisions, alignment of technical examination practices and training of administrative and technical staff of Offices dealing with plant variety protection;
- Participation in IP Dialogues, IP Working groups, international fora such as the EAPVP Forum, providing the CPVO experience in managing a regional system of protection, with a view to support recipients in assessing the prospects of improving standards of protection through the development of domestic legislation, in line with the UPOV Convention. The international dialogue on plant breeders' rights should take into account the needs and priorities expressed by breeders' organisations;
- Cooperation with enforcement authorities and bodies, such as the European Observatory on infringements of intellectual property rights, its network and other organisations' initiatives that focus on the importance of not only protecting IPRs, but also on creating an enabling environment for breeders and IPR holders in general, to enforce their rights. This entails establishing dialogues with custom and police authorities entrusted with the control on the circulation of infringing goods, and creating a network to exchange best practices and experiences in the field;
- Exercise of breeder's rights and their enforcement would not be effective without a solid and specialised judicial system. It is of primary importance to deliver trainings and organise seminars and workshops for

²¹ The IPA II programme ended in 2020 and the strategy has been reviewed with the new IPA III programme for 2021-2027, to support Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey. Proposal for a Regulation establishing the Instrument of Pre-Accession Assistance (IPA III) available at: https://eur-lex.europa.eu/resource.html?uri=cellar:827c66b8-6fb3-11e8-9483-01aa75ed71a1.0002.03/DOC_1&format=PDF; On 2nd of June 2021 the EU Parliament and the Council reached the political agreement over the program and the formal adoption of the Regulation can be expected in autumn 2021.

²² The new Neighbourhood, Development and International Cooperation Instrument (NDICI), which conveys funds also for SMEs, innovation and green economy. Regulation 2021/947 establishing the NDICI, of 9 June 2021, Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0947&from=EN>.

²³ See Annex I of Regulation 2021/947 for the list of Countries in the Neighbourhood area.

²⁴ See Annex II and Annex III of Regulation 2021/947 for detailed description of the priorities.



prosecutors, judges, lawyers and legal practitioners on plant variety rights and the specificities of the subject matter;

- Consulting with different EU Commission Directorate Generals to include PVRs in the EU priorities within the field of Intellectual Property Rights. The CPVO has successfully provided its contribution to the Report on the protection and enforcement of intellectual property rights, by carrying out a detailed analysis of the situation of plant variety protection in priority countries. The Office will continue to provide its assistance to the Commission whenever a consultation on specific PVR matters is required;
- Support UPOV in activities concerning both members of UPOV and non-members. As far as members are concerned, the CPVO will continue to cooperate in the development and improvement of guidelines, protocols and recommendations, considering the ever-increasing harmonisation of practices in DUS testing and the experience gained through the network of EU entrusted Examination Offices. With regard to non-members, the CPVO will support UPOV's initiatives and will provide assistance in the development and implementation of national legislation in line with the UPOV Convention, according to the priorities set out by UPOV. Cooperation with UPOV entails working on different technical matters which include:
 - harmonisation of technical guidelines adopted for DUS examination, which constitute the basis of CPVO technical protocols;
 - providing legal and technical inputs to UPOV bodies in the field of Variety Denomination testing;
 - sharing experiences and on the development of IT Tools for PVR administration, application systems (such as UPOV PRISMA and e-PVP application systems) and databases;
 - providing training and participating in international fora for the promotion of Quality Audit Services in the domain of entrusting Examination Offices for carrying out DUS examination.
- Lastly, the CPVO will constantly engage with Examination Offices, both at European and at international level. Especially within the network of entrusted Examination Offices, the Office will keep on organising the annual meeting with the EOs to secure at least one occasion on which the parties can carry out discussion and ensure a harmonised approach on technical matters. The relations with the EOs is not limited to formal annual meetings, and is regularly carried out to foster the discussion over technical protocols, guidelines and best practices in the carrying out of technical examination of candidate varieties or technical verifications. Furthermore, the contribution of EOs to international cooperation activities is of vital importance, given their valuable expertise in the field.

4. Financing, Human Resources and Reporting

The CPVO during the last years of implementation of its international relations strategy has developed relationships, networks and committed to support several actors in the IP and PVR domain. The Office has carried out its work considering the priorities laid down in the previous years.

Taking into account the new EU policies, PVRs are living their *momentum* and the reach of the CPVO should expand and should keep these connections alive, to further promote the system for the benefit of EU breeders inside and outside the EU.

The year 2020 and the current 2021 should be considered as a stand-alone occurrence. The CPVO was able to cope with the high number of activities with the current human and financial resources, also thanks to the transformation of activities into online events.

When and if the projects will revert to standard in presence events and the need to travel and attend such numerous events will resume, the CPVO should:

- Establish priorities among projects, always having in mind the mandate of the CPVO and resources programming, its role in the international fora and the increased need to include PVR in international cooperation activities carried out in the framework of supporting the Commission in the implementation of 'FTA';



- Evaluate the contribution to support achieving EU policy objectives;
- Consider priorities and suggestions manifested by the European Commission, EU Member States, international partners and breeders' organisations when designing or supporting an activity;
- Assess the financial feasibility of a project and engage with the responsible Directorate General of the Commission and potential partners to increase the capacity of the Office, consistently with the above-mentioned priorities;
- Seek cooperation with partners and sector operators to carry out single activities and avail itself of their expertise to better contribute to the implementation of the programs, when internal resources are not available;

Having in mind all the above, the CPVO will report to the AC about the implementation of the strategy, through specific reports and, generally, through the Consolidated Annual Activity Report and the Annual Report. The Key Performance Indicators (KPIs) that are developed to monitor the implementation of the Strategy in relation to the relevant EU policies are reported in the Single Programming Document (SPD).

Angers, 7 October 2021

Marien Valstar

Marien Valstar

Chair of the Administrative Council

