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ESA is the voice of the European seed sector. ESA's members are national associations and individual companies active in research, breeding, production and marketing of seeds of agricultural and ornamental plant species. ESA represents more than 7000 seed businesses in the EU and beyond.

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POSITION

ON DURATION OF PLANT BREEDERS' RIGHTS

Currently the discussion about the extension of the term of protection from 25 years to 30 years is ongoing before the CPVO for certain crops, for example *Asparagus*. ESA believes that such a request is justified for the following main reasons:

- In some crops the lifetime of the single plant can amount to 10-15 years with a potential additional 5-6 years which are necessary for the proper evaluation of the market potential of the variety.
- Protection during the test periods, which take up a considerable amount of time, can be necessary given that plants can easily be stolen from the fields. This shortens the effective period of protection.
- Certain varieties only become a market success long after their market introduction entailing that a fair return of R&D costs only becomes possible at a fairly late stage of protection.

To avoid separate and lengthy discussions per crop and the administrative burden it causes ESA would support any initiative from the CPVO aiming at a general extension of the term of protection to 30 years for all crops. Such an extension is possible without changing the Basic Regulation itself.