



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

**Views, Experiences and Best Practices as an example of possible options for
the national implementation of Article 9 of the International Treaty**

Note by the Secretary

At its [second meeting](#) of the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG), the Expert Group agreed on a revised version of the [template](#) for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers' Rights

This document presents the updated information on best practices and measures of implementing Article 9 of the International Treaty submitted by France on 31 July 2019.

The submission is presented in the form and language in which it was received.



Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

Basic information

- Title of measure/practice : Geographical indication
- Date of submission
- Name(s) of country/countries in which the measure/practice is taking place : France
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person) :
INAO – Institut national de l'origine et de la qualité
12 rue Henri Rol-Tanguy – TSA 30003
93555 Montreuil Cedex - France
<https://www.inao.gouv.fr>
Phone (standard) : +33(0)1 73 30 38 00
Director : Mrs Marie Guittard
- Type of institution/organization (categories): **Public organisation / competent authority for geographical indication**
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:
 - Implementing entity and partners: **INAO and farmers' organisations applying for geographical indication (GIs, PDOs, PGIs)**
 - Start year : **1992**
 - Objective(s): **To identify an agricultural product, raw or processed, which quality, reputation or other characteristics are linked to its geographical origin**
 - Summary of core components
 - Key outcomes: **GI relevant to specific genetic resources associated with a geographic localisation was recognised such as: "Coco de Paimpol" for a dry beans' production located in Bretagne (status granted in 1998); "Lentille verte du Puy" for green lentils' production located in Auvergne; Espelette peppers in Pays Basque and Mogette de Vendee for another type of dry beans' production located in Vendée. Geographical indication leads to a higher price for farmers than for similar products in the same**

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.



food category. Quality labels offer a marketing message about high value-added products,

- Lessons learned (if applicable)

Geographical indication leads to a higher price for farmers than for similar products in the same food category. Quality labels offer a marketing message about high value-added products.

It encourages many farmers' (small and large farms) groups in rural areas to initiate administrative procedure in order to obtain the GIs recognition and then to produce under the GIs.

The quality signs policy may result in more sustainable and responsible consumer choices. In addition the GI labels may made the agricultural chain more attractive to the final consumers compared to other commodities products.

- Brief history (including starting year), as appropriate
 - French legislation has for many years endorsed the use of a geographical name to identify products whose characteristics are connected with a particular locality and know-how, and to prevent their imitation. This legislation is founded on the concept of the protection of origin that was born out of the crises that rocked the French wine trade in the early 20th Century. From these painful beginnings came the Appellation of controlled origin system.
 - The appellation of origin concept emerged with the law of 1919 that established GIs (Geographical Indications) as collective intellectual property and granted legal recognition to unions for the protection of appellations of origin ('Syndicats de défense de l'appellation').
 - Formal recognition of appellations of controlled origin only came in 1935 with the passing of a new law that established a national committee for wine-growing AOCs (that in 1947 would become the Institut National des Appellations d'Origine, or INAO). From that point forward, AOC registration was subject to the committee's approval, based on a formal application defining the wine-growing area in question.
 - The AOC structure and rule system were later extended under the law of 2 July 1990 to include the entire agrifood sector.
 - Two examples:

The Espelette pepper variety "Gorria" native to South America, was imported in the Basque country in the 16th century. Used in early times as a medicinal plant, the Espelette pepper is then used to preserve meat (ham is covered with Espelette pepper powder) and is used as pepper in Basque cuisine. The Espelette Pepper, after long years of efforts is finally recognized protected designation of origin "PDO" in the year 2000. Thus, since 2000, the cultivation of PDO Espelette Pepper is governed by a set of specifications for production and processing, to ensure the quality and traceability of the product.

The Coco de Paimpol native to South America was imported in 1928 by a fisherman in a French city Paimpol. Then he decided to grow this bean type in the Brittany area and it was a success. In 1998, Coco Paimpol was the first fresh vegetable to obtain the Appellation of controlled origin (AOC).



- Core components of the measure/practice (max 200 words)

GIs may ensure that agri-foodstuffs are produced in a way that conserves local plant varieties, rewards local people, supports rural diversity and social cohesion, and promotes new job opportunities in production, processing and other related services.

Thus GIs are important to be protected not only because of their connection to quality, tradition and reputation; they also make a very valuable contribution to sustainable rural development. Several studies have shown that they have an important role to play in the regeneration of the countryside.

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)

In the EU, Geographical indications (GIs), protected designations of origin (PDOs) and protected geographical indications (PGIs) protect the name of a product from a specific region and with a particular traditional production process. To be eligible, a step among production, transformation or development must take place in a defined geographical area. GI is related to traditional and/or local skill, know-how and techniques that are due to human factors (such as growing of certain crops under certain pedo-climatic conditions; terraces, irrigation or milling systems have been allied to the production of particular products, with human skills helping to adapt to geographical constraints ...).

The Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs states that *'quality and diversity of Union's agricultural (...) production is one of its important strengths, giving a competitive advantage to the Union's producers and making a major contribution to its living cultural and gastronomic heritage. This is due to the skills and determination of Union farmers and producers who have kept traditions alive while taking into account the developments of new production methods and material'*.

In France, Title II of the intellectual protection Code (L721-1 to L.722-17) establishes the rules for geographical indications.

- To which provision(s) of Article 9 of the International Treaty does this measure relate

Art. 9.1

Art. 9.2a

Art. 9.2b

Art. 9.2c

Art. 9.3



Other information, if applicable

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		X
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge	X	
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites	X	
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		
9	Training, capacity development and public awareness creation		X
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.	X	
11	Other measures / practices		

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).

⁴ Including seed houses.



- In case you selected ‘other measures’, would you like to suggest a description of this measure, e.g. as a possible new category? _____
- Objective(s)
- Target group(s) and numbers of involved and affected farmers⁵ : farmers applying for GIs.
- Location(s) and geographical outreach : France, the GI will then apply according to the specifications of the indications concerning the localisation.
- Resources used for implementation of the measure/practice : Farmers’ resources. They can be supported by ethnobotanists, quality sign associations, PGR curators...
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?

It has positively affected the conservation of plant genetic resources but in a limited manner corresponding to the species and landraces concerned.

- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
- Other national level instruments that are linked to the measure/practice
- Are you aware of any other international agreements or programs that are relevant for this measure/practice?

GIs are also recognised at global level but the approaches are different according to national/regional legislation.

- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).

GI Registration gives exclusive rights to producers to use the registered name for their products. An advantage is that the right to use a product name is granted to the producers who made the original application, plus any other producers who can meet the specification requirements. With GI producers outside the geographical area and not meeting the specification requirements are excluded from using the registered name.

For GI related to plant genetic resources, the right to exclusive use the product name gives the producers concerned added value as they can distinguish their products such as coco de Paimpol or Espelette peper from those of competitors in the marketplace. At the same time, they are enabled to provide consumers clear information via the labelling on their product, irrespective of the number of intermediaries (distributors, wholesalers, retailers etc) in the supply chain. Explanation of the link between the product and the geographical area is an important element of the product specification. Applicants must demonstrate

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.



**Food and Agriculture
Organization of the
United Nations**



The International Treaty
**ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

a link between an area and the characteristics/ reputation of the product (e.g. particular environmental or other), including any natural or human factors at play.

Such exclusive right leads to a higher price for farmers than for similar products in the same food category. Quality labels offer a marketing message about high value-added products.



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

- What challenges encountered along the way (if applicable) (max 200 words)
 - (i) Geographical indications are not recognised worldwide in a similar manner.
 - (ii) It is quite long and requires a lot of effort (documentation) to obtain the recognition of a geographical indication.
 - (iii) Local food production systems may left few records – partly because many of them were originally part of subsistence agriculture. The search for documented evidence is not an easy task, particularly since each product has its own specific history. The information obtained should be put in context.
 - (iv) The issue is also in relation to shared knowledge as a distinctive characteristic of local production. It may relate to a particular breeding or growing practice, or any production method or mode of consumption that helps to define a product and root it in local culture. The description of such shared knowledge can encounter difficulties to find common views between farmers.
 - (v) To set in place knowledge needed for seed multiplication/propagating material production depends largely on whether the plant is allogamous or autogamous, and whether it reproduces sexually (seed) or by vegetative propagation
 - (vi) Potential obstacles to protecting a geographical indication? Conflict with a prior mark, a Generic character, Homonymous with another geographical indications, conflict with the name of a plant variety or animal breed.

- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

It is recommended to establish an operational network for dialogue, mutual exchange to support farmers in their request for GI. The establishment of effective public-private collaborations, including with genebanks, ethnobotanists, plant genetic curators (national, regional, local levels) is crucial for appropriate documentation in GI registration.

Further information

- Link(s) to further information about the measure/practice
 - <https://www.interfel.com/wp-content/uploads/2018/01/infographie-etude-siqo-web.pdf>
 - <https://www.inao.gouv.fr/eng/Official-signs-identifying-quality-and-origin/Protected-Geographical-Indications>
 - https://www.legifrance.gouv.fr/affichCode.do;jsessionid=51010CA789852F165685CC2480B95FD9.tplgfr29s_3?idSectionTA=LEGISCTA000028742856&cidTexte=LEGITEXT000006069414&dateTexte=20190123
 - <https://www.inao.gouv.fr/Publications/Donnees-et-cartes/Informations-geographiques>
 - https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/Enforcement_of_GIs/EUIPO_Geographical_Indications_full_report_en.pdf



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

- https://www.wipo.int/.../wipo_geo_bei_07_www_81757.doc



Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

Basic information

- Title of measure/practice : Plant Breeders' rights (PBR)
- Date of submission
- Name(s) of country/countries in which the measure/practice is taking place : France
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person) :

(i) INOV (French national office for plant breeders' rights) for French PBR

Yvonne Meresse – head of INOV activities

25 rue Georges Morel
CS 90024
49071 BEAUCOUZE Cedex - FRANCE

yvonne.meresse@geves.fr

Tel. +33(0)2 41 22 86 22

(ii) CPVO (Community plant variety office) for EU PBR

President: Martin Ekvad

3 boulevard Maréchal Foch
CS 10121
49101 ANGERS CEDEX 2 - FRANCE

cpvo@cpvo.europa.eu

Tel. +33(0)2 41 25 64 00

- Type of institution/organization (categories): **competent authorities for PBR at national level (INOV) or European Union level (CPVO)**
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:
 - Implementing entity and partners: **INOV or CPVO and breeders' organisations applying for plant breeders' rights**
 - Start year :

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

- in France 1971 (Decree Law No. 71-454),
- at EU level 1994 (regulation 2100/94/EC establishing plant variety rights)

- Objective(s): **To grant intellectual protection for new plant varieties**
- Summary of core components

Intellectual property can be defined as that which is created by the human intellect (“ideas” or “thoughts”), often intangible unlike other forms of property.

These laws confer to the creator exclusive legal rights over the subject matter, which serve as a reward for their achievement and contribution to socio-economic progress as well as an incentive for further innovation. Plant variety protection (PBR) is a sui generis system for plant varieties and are likely to have greater influence on access to technology issues, such as seed of improved varieties.

PBRs are forms of national or regional (such as EU CPVR or OAPI in West Africa and ARIPO in East Africa) legislation for intellectual protection.

- **Key outcomes: Plant variety protection titles to specific variety obtain from crossing and breeding including with plant genetic resources.**
- Lessons learned (if applicable)

Plant variety protection titles are a very useful system to grant recognition to breeding activities through intellectual protection :

- To create incentives for investment in the research and development of new plant varieties.
- Holders have the opportunity to exploit their inventions and therefore recoup their investment costs free from the competition of those who have not made such investments and who would, in the absence of plant variety protection, benefit unfairly;
- The rights are territorially limited and therefore apply only within the state, or the group of states, in which they are granted;
- Balance between the public interest and the private interest of the holder.

It can accompany the creation of plant breeding activity in farmers’ cooperative organisation.

- **Brief history (including starting year), as appropriate**

The French approach to recognise and value traditional knowledge system related to plant genetic resources is various and in many cases in the framework of EU Regulations or Directives:

- The Intellectual property right (IPR) system “Plant breeders’ rights is the adapted type of legal protection for traditional agricultural knowledge leading to crop improvement/plant breeding. In practice, any natural or legal person can be recognized as a breeder of a plant variety. This fact that, a breeder is anybody who breeds, was reflected in the constitution of first official catalogue of wheat in the 1930s. The Paris Convention on the Protection of New Varieties of Plants in 1961 has the same definition.



**Food and Agriculture
Organization of the
United Nations**



The International Treaty
**ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

- The EU Council *Regulation* (EC) No 2100/94 of 27 July 1994 on Community plant variety rights as well as the national plant breeders' rights legislation (Intellectual protection Code – Chapter III - from article L.623-1 to L623-44) are the legal texts providing such IP protection for plant breeders respectively at EU level or at national level.

- Core components of the measure/practice (max 200 words)

To be eligible for plant breeder's right, a variety must be

- New,
- distinct, uniform, stable,
- and has a denomination.

Novelty requires that the applicant variety has not been “*sold or otherwise disposed of to others*” for more than one year in the country of application or for four years (six for trees or vines) elsewhere. These requirements assures that the public is not giving away exclusivity rights to something already available, while recognizing that some testing (DUS) are also required prior to granting a right.

A breeder might be a farmer, a company or a scientist.

The plant variety owner can prohibit specific unauthorized uses of its variety.

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)

Farmers, which are plant breeders, or farmers' organisations (such as cooperatives) applying for plant breeder's rights.

One example: Plant breeding for potato seed in France - This is done by 4 stations, among which 3 professional (with the status of farmers' organisations) ones are set up at the initiative of the seed potato growers (BRETAGNE PLANTS, COMITE NORD and Comité Centre et Sud). These organisations apply for PBR in France or at EU Level.

- To which provision(s) of Article 9 of the International Treaty does this measure relate

Art. 9.1

Art. 9.2a

Art. 9.2b

Art. 9.2c

Art. 9.3

Other information, if applicable



- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge	X	
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		X
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		X
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		
9	Training, capacity development and public awareness creation		
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.		
11	Other measures / practices		

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? _____
- Objective(s) _____

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).

⁴ Including seed houses.



- Target group(s) and numbers of involved and affected farmers⁵ : farmers and farmers' organisations (such as cooperatives, producers' organisations) applying for PBR.
- Location(s) and geographical outreach : France, EU
- Resources used for implementation of the measure/practice.
Farmers resources.
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)

PBR allows an increased added value for plant genetic resources through breeding activities. French farmers take advantage of a steady and cumulative genetic progress present in the varieties released on the market. For example the yield of soft wheat, which was around 1ton/ha until the 1950s, has risen by 700% in 40 years; half of this increase, at least, is due to genetic progress. Another INRA study shows that over the past 25 years the progress due to plant breeding is of 1.23q/ha/year in untreated conditions.

In addition benefit sharing is also ensured by the breeder's exemption in PBR, which means that any progress obtained by breeding is immediately available for anyone for further breeding. This exemption may be used by anybody, and especially farmers-breeders who are organised through few networks to perform some "traditional" breeding.

Thirdly the optional exception provided under PBR for farmers in order to reuse, on their own farm, the result of their harvest obtained from protected varieties of certain agricultural species (Regulation 2100/94 and French IP code) is also benefit sharing, even if farmers have to provide an equitable remuneration to the breeders, taking into account that the amount is lower than a normal royalty.

- Other national level instruments that are linked to the measure/practice
France has explicitly maintained this breeders' exemption for breeding for all plant varieties including those carrying biotechnological patented inventions.
This exemption is also reflected in the unified patent court agreement (article 27.c) in relation to the EU Regulation n°1257/2012 on the unitary patent.

- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).

Individual farmers are usually not recognised as plant breeders but nevertheless in France it is largely common that farmers' organisations such as cooperatives of farmers or farmers's organisations (status recognizes at EU level) are frequently involved in plant breeding and apply for plant breeders' rights.

Among 73 companies involved in plant breeding in France, some are cooperative of farmers, such as Bretagne plants innovation, Comité centre et sud, Comité Nord (*with a common breeding station on potato seed between Bretagne plants, Comité centre et sud, Comité nord*), Centre français du riz, CIREF (strawberry), Coop chanvre Hemp-it, coop du Haricot tarbais, Terre de Lin, Limagrain Group, Euralis, Maïsadour semences, Eurosorgho, Organisation bretonne de selection-OBS, Semences de France, from small size producers' organisations to large size cooperatives.

Example 1: Local plant breeding - Breton vegetable producers have created the OBS to access genetics that meets their specific needs, their unique terroir and their market. According to their strategic orientations, the OBS creates varieties, produces seeds and thus ensures them a genetic independence which is one of the strengths of Breton organized producers.

Example 2: A large breeding cooperative Limagrain - As the fourth largest seed company worldwide, the cooperative group is founded and managed by farmers in the Massif Central. This is a particular model of governance among the leaders. They breed, produce, and distribute field and vegetable seeds, and they have built unique integrated cereal chains.

- What challenges encountered along the way (if applicable) (max 200 words)
 - (i) It requires knowledge in variety description.
 - (ii) It requires times in order to fix the characteristics.
 - (iii) Not all plant varieties meet conditions for protection.
- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

The involvement of the Ministry of agriculture is necessary in order to develop plant breeders' rights, as well as internal consultations with representative stakeholders' groups.

The investment in infrastructure, trainings and awareness raising will increase the knowledge of various stakeholders' group with regard to plant breeding and thus capacity to cope with adaptation to climate changes in particular.

Regional collaboration may reduce the cost of plant variety protection system. Furthermore wherever possible putting up and running a single plant variety protection office for a region is cost effective and appropriate; it can increase foreign investment in the region due to increased market size.

Further information

- Link(s) to further information about the measure/practice
<https://cpvo.europa.eu/en/>
<https://www.geves.fr/apply-for-plant-variety-protection/>
<http://frenchseedpotato.com/index/france-the-country-for-high-quality-seed-potatoes>
<https://www.o-b-s.com/?lang=en>



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

https://www.limagrain.com/data/medias/3352/style/default/Limagrain_Essentials_2018.pdf

<https://www.aripo.org/wp-content/uploads/2018/12/Establishmentofplantbreedersright2002.pdf>



Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

Basic information

- Title of measure/practice : **Copyrights/droits d'auteur**
- Date of submission
- Name(s) of country/countries in which the measure/practice is taking place : **France**
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person) :

There is no institution in charge of granting copyright in France.

- Type of institution/organization (categories):
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))
 - **INPI: Institut National de la Propriété Industrielle / with 'Soleau' envelopes**
 - **Collective management by authors societies**
 - **Officers (notary or bailiff)**

Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:
 - Implementing entity and partners: **INPI and various authors' societies and notaryies/bailiffs.**
 - Start year :
 - **in France** law 19 July 1793: Act on literary and artistic property granted authors an exclusive reproduction right for their lifetime plus ten years for the heirs
 - Law on Literary and Artistic Property of 11 March 1957 modified in July 1985: with the introduction of moral rights.
 - Objective(s): **To allow the protection of author's rights.**
 - Summary of core components

Author's right/Copyright law is governed by Section I of the French Intellectual Property Code.

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.



**Food and Agriculture
Organization of the
United Nations**



The International Treaty
**ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

All works of intellectual creation are protected by Author's right law, based simply upon their creation, without any formal requirements. The following conditions must be satisfied in order to benefit from copyright protection:

- the work must be fixed in a material form; and
- the work must be original. A work is considered original if it is endowed with the personality of its author: therefore, if the work is the "fruit of the creation of its author", it is original.

- **Key outcomes:**

Author's rights recognised. as long as they fulfill the two conditions of materiality and originality, every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, is eligible for copyright protection in France, such as in particular books, brochures and other writings, conferences, speeches...

- **Lessons learned (if applicable)**

It is advisable (not compulsory) to indicate on the work and all reproductions thereof that such work is protected by a copyright. This notice will serve to inform the public that the work is registered and to grant protection in the countries that require such notice (in particular, in order to be granted damages in an infringement action).

All author's right/copyright rules are another approach to strengthen the position of traditional knowledge holders or healers, by viewing them as providers of knowledge just like scientists, rather than simply informants.

Taking into consideration that there is no specific formality in France for copyright, several tools have been develop:

- **INPI and "Soleau" envelopes or e-soleau, mainly used by authors to keep evidence of a date of creation.** Indeed, copyright protection in France is acquired as from the date of creation without any filing being required. The Soleau envelop does not grant legal protection. Nevertheless, in case of copyright infringement, the envelope can be used to prove that its content has been created by the applicant at a given date without the content or the date being questionable, thus showing the object and date of copyright protection. It consists in an envelope having two compartments. They are purchased from INPI. A copy of a same document is sealed in each compartment of the envelope and the envelope is filed within INPI with the indication of the name and address of the applicant or representative (if any). Both compartments are dry-stamped (laser stamp) by INPI. One compartment is returned to the applicant. He/she should keep the returned and stamped compartment sealed. The envelope should not have a thickness larger than 5mm or contain hard material for allowing dry stamping (perforation).

- **Collective management by authors societies**

They have in charge the following steps: **(i) Registration and Documentation, (ii) licensing and collection, (iii) distribution.**



**Food and Agriculture
Organization of the
United Nations**



The International Treaty
**ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

A creative work is protected by copyright law from the moment of its creation. It only needs to be tangible. Authors' societies encourage authors to register all the works they create. This will allow effective exercise of their rights. Some conditions for the registration of works vary from society to society. The basic information required to protect intellectual property rights effectively, are details on the creator and on his or her works. This documentation allows collective administration to carry out its task.

- **Notary or bailiff : they can also play a role to register the works of the authors.**

- **Brief history (including starting year), as appropriate**

One French approach to recognise and value traditional knowledge system related to plant genetic resources is in the framework of French law and Directive related to copyright:

Directives: Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC

- **Core components of the measure/practice (max 200 words)**

In France, the author's right/copyright concerns the protection of the "works of the mind". It confers on the author or co-authors an exclusive right of ownership over his creation, as well as moral rights (disclosure, in particular) and patrimonial rights (exploitation right of the work: representation, reproduction or adaptation).

If the copyright applies from the birth of the work, the protection that it brings supposes to prove the existence of it. To be protected, these creations must be original (legal expression of the creativity of the author) and expressed in a tangible way. No formality is required.

But in case of dispute, the author must be able to prove that he is the author and the date of creation of his work.

- **Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)**

The Intellectual Property Code distinguishes three categories of works that appeal to a plurality of authors: (L113-215 CPI)

- **Works of collaboration: the creation of which have participated several individuals.**
- **Composite works: the new work in which is incorporated a pre-existing work without the collaboration of the author of the latter.**

Collective works: collective work is that which is created on the initiative of a natural or legal person, who publishes, publishes and discloses it under his direction and his name, and in which the personal



contribution of the various authors is based on the whole for which it is conceived, without it being possible to attribute to each of them a distinct right over the whole achieved.

The new Directive (2019/790) on Copyright in the Digital Single Market provides also a framework for a **mandatory exception that would allow cultural heritage institutions to digitize their collections and that would require Member States to implement collective licensing mechanisms for the making available of Out Of Commerce works.**

The target groups are ‘farmers’ which are quoted in publication under works of collaboration or collective works.

- To which provision(s) of Article 9 of the International Treaty does this measure relate

Art. 9.1

Art. 9.2a

Art. 9.2b

Art. 9.2c

Art. 9.3

Other information, if applicable

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities’, farmers’ contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers’ conservation and sustainable use of PGRFA		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge	X	

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).



5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		X
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		
9	Training, capacity development and public awareness creation		
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.		
11	Other measures / practices		

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? _____
- Objective(s)
- Target group(s) and numbers of involved and affected farmers⁵ : farmers which participate in publications (books, articles in scientific reviews, ...)
- Location(s) and geographical outreach : France
- Resources used for implementation of the measure/practice.
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?

This measure does not affect directly the conservation of PGRFA and sustainable use.

To recognised the participation of farmers in book or articles is a way to provide recognition to farmers for their involvement for conservation and sustainable use of PGRFA.

- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
- Other national level instruments that are linked to the measure/practice
- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

⁴ Including seed houses.

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).

All author's right/copyright rules are another approach to strengthen the position of traditional knowledge holders or healers, by viewing them as providers of knowledge just like scientists, rather than simply informants.

- What challenges encountered along the way (if applicable) (max 200 words)
 - (i) The system to protect author's right/copyright is not the same in all the countries.
 - (ii) Farmers are not used to be quoted in scientific publication.
 - (iii) To sensitize farmers that their knowledge is an asset.
 - (iv) In order to be recognised the works need to be tangible (fixed in a material form) and original. This is no frequently the case taking into account that the knowledge takes generally an oral form and a collective tradition.
- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

The investment in trainings and awareness raising will increase the knowledge of various stakeholders' group with recognition of author's right.

Further information

- Link(s) to further information about the measure/practice

http://www.bdl-ip.com/upload/Etudes/uk/bdl_the-soleau-enveloppe.pdf

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.130.01.0092.01.ENG

https://fr.wikipedia.org/wiki/Convention_de_Berne_pour_la_protection_des_%C5%93uvres_litt%C3%A9raires_et_artistiques

<https://umr-agap.cirad.fr/animations-scientifiques/animagap-pierre-riviere-rsp-et-isabelle-goldringer-inra>

<http://www.eclm.fr/ouvrage-370.html>



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

Basic information

- Title of measure/practice : **general regime on ABS**
- Date of submission
- Name(s) of country/countries in which the measure/practice is taking place : **France**
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)

(1) Ministry of Ecology

Bureau de l'encadrement des impacts sur la biodiversité
Sous-direction de la protection et de la restauration des écosystèmes terrestres
Direction de l'eau et de la biodiversité
apa.et4.deb.dgaln@developpement-durable.gouv.fr

(2) Ministry of Agriculture

Direction générale de la performance économique et environnementale des entreprises
Service Compétitivité et performance environnementale
Sous-direction Performance environnementale et valorisation des territoires
Bureau Changement climatique et biodiversité
jean.lanotte@agriculture.gouv.fr

Direction générale de l'alimentation

Service des actions sanitaires en production primaire
Sous-direction de la qualité, de la santé et de la protection des végétaux
Bureau des semences et de la protection intégrée des cultures
mariam.omrani@agriculture.gouv.fr

(3) Ministry of Research

Direction générale de la recherche et de l'innovation
Département de la culture scientifique et des relations avec la société – SPFCO-B5
Competent National Authority on Access and Benefit Sharing
florence.hervatin-queney@recherche.gouv.fr

- Type of institution/organization (categories): **government – ministries**
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

AFB – French agency for biodiversity <https://www.afbiodiversite.fr/>

FRB – foundation for research on biodiversity <https://www.fondationbiodiversite.fr/>



Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:
 - Implementing entity and partners
 - Start year
 - Objective(s)
 - Summary of core components
 - Key outcomes
 - Lessons learned (if applicable)
- Brief history (including starting year), as appropriate

The French approach to recognise and value traditional knowledge system related to plant genetic resources is various and in many cases in the framework of EU Regulations or Directives.

Biodiversity law n°2016-1087 (general regime on ABS)

In order to implement the Convention on biological diversity and the Nagoya protocol, the French law on Biodiversity (n°2016-1087) has modified of the Environmental Code – Article L. 412-3 and establishes rules on Access to Genetic Resources and Associated Traditional Knowledge and Sharing of Benefits Arising from their Use. The definition of traditional knowledge associated with genetic resources is the following : ‘ ‘ knowledge, innovations and practices relating to the genetic or biochemical properties of that resource, its use or its characteristics, which are held in an ancient and continuous manner by one or more communities of inhabitants mentioned in 4o, as well as the evolutions of this knowledge and practices when they are the result of these communities of inhabitants. ’ ’ It also establishes a specific procedure regarding authorisation to use such associated traditional knowledge.

In addition, the EU Regulation No 511/2014 of the European Parliament and of the Council of 16 April 2014 establishes compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union, which includes 'Traditional knowledge associated with genetic resources' with the definition ‘ ‘traditional knowledge held by an indigenous or local community that is relevant for the utilisation of genetic resources and that is as such described in the mutually agreed terms’ ’.

- Core components of the measure/practice (max 200 words)

Regarding traditional knowledge, benefit sharing can take the form of preservation of traditional knowledge associated with genetic resources through the establishment, as appropriate, of traditional knowledge databases of the communities of inhabitants concerned, with their prior

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

informed consent, as well as the preservation of other practices and traditional knowledge that respect biodiversity;

The ministry of Ecology receives any application for accession to traditional knowledge associated with genetic resources; then the file is transmitted to a public establishment created at the request of customary Council of inhabitants of French Guyana (not yet done) and at the request of the territorial division of Wallis and Futuna islands.

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)

The French law applies directly to the five departments (Martinique, Guadeloupe, French Guyana, Mayotte, La Reunion) and also to the Saint-Martin and Saint-Pierre-et-Miquelon. The French APA regime partially applies in New Caledonia, French Polynesia, in the French Southern and Antarctic Lands (TAAF) and in Wallis and Futuna Islands.

Saint Barthélemy has its own expertise for the field of the environment but has not legislated in this area.

In New Caledonia and French Polynesia, only the definitions "resident communities" and "traditional knowledge associated with genetic resources" are directly applicable.

French definition: "Communities of inhabitants" which are any community of inhabitants who traditionally derive their livelihood from the natural environment and whose way of life is of interest for the conservation and sustainable use of biodiversity.

These communities of inhabitants are recognised in French Guyana and in Wallis and Futuna Islands. Thus a specific procedure for informing and consulting communities of inhabitants of Guyana and Wallis and Futuna is planned to use traditional knowledge associated with genetic resources. (Decree n°2017-848).

- To which provision(s) of Article 9 of the International Treaty does this measure relate

Art. 9.1

Art. 9.2a

Art. 9.2b

Art. 9.2c

Art. 9.3



Other information, if applicable

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		x
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		
9	Training, capacity development and public awareness creation		
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.	X	
11	Other measures / practices		

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? _____

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).

⁴ Including seed houses.



- Objective(s)
- Target group(s) and numbers of involved and affected farmers⁵
- Location(s) and geographical outreach
- Resources used for implementation of the measure/practice
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
- Other national level instruments that are linked to the measure/practice
- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).
The law is quite recent therefore it is difficult to established lessons learned from it implementation.
- What challenges encountered along the way (if applicable) (max 200 words)
The question of identifying legitimate interlocutors to bring knowledge from a community, to give prior informed consent and to sign a valid contract is important.
 - What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

Further information

- Link(s) to further information about the measure/practice

Règlement (UE) n°511/2014 du Parlement européen et du Conseil du 16 avril 2014, <https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32014R0511>

Règlement d'exécution (UE) 2015/1866 de la Commission du 13 octobre 2015 portant modalités d'application du règlement (UE) no 511/2014 du Parlement européen et du Conseil en ce qui concerne le registre des collections, la surveillance du respect des règles par l'utilisateur et les bonnes pratiques <https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32015R1866&from=EN>

Document d'orientation sur le champ d'application et les obligations essentielles du règlement (UE) n°511/2014, [https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:52016XC0827\(01\)&from=FR](https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:52016XC0827(01)&from=FR)

<http://www.cpu.fr/wp-content/uploads/2018/03/F-HERVATIN-NAGOYA.pdf>

<https://www.fondationbiodiversite.fr/lapa-pas-a-pas/>

<https://www.fondationbiodiversite.fr/reglementation-europeenne-sur-laces-et-le-partage-des-avantages-apa/>

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

Sustainable development policies in French Guiana: sovereignty over forest resources, Catherine Aubertin,
<https://journals.openedition.org/tem/4440>

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034630780&categorieLien=id>

Décret n° 2017-848 du 9 mai 2017 relatif à l'accès aux ressources génétiques et aux connaissances traditionnelles associées et au partage des avantages découlant de leur utilisation

« Sous-section 3

« Procédure d'autorisation pour l'utilisation des connaissances traditionnelles associées aux ressources génétiques

« Art. R. 412-28.-I.-Lorsqu'une ou plusieurs communautés d'habitants, au sens du 4° de l'article L. 412-4, de la Guyane ou des îles Wallis et Futuna, détiennent une connaissance traditionnelle associée à des ressources génétiques, toute personne souhaitant utiliser cette connaissance traditionnelle adresse une demande au ministre chargé de l'environnement.

« II.-Cette demande est effectuée au moyen d'un formulaire arrêté par le ministre chargé de l'environnement, qui comprend :

« 1° S'il s'agit d'une personne physique, ses nom, prénoms et domicile et, s'il s'agit d'une personne morale, sa dénomination ou sa raison sociale, sa forme juridique, l'adresse de son siège social ainsi que la qualité du signataire de la demande ;

« 2° La description des activités en vue desquelles la demande est effectuée, leurs objectifs et leurs applications envisagées ;

« 3° La description de la ou des connaissances traditionnelles concernées, l'indication de la ou des communautés d'habitants qui les détiennent, ou, si la ou les connaissances traditionnelles sont en collection, de l'entité détentrice de la collection et, si l'utilisation de ces connaissances traditionnelles nécessite d'accéder à des ressources génétiques, l'origine des échantillons auxquels le demandeur envisage d'avoir recours pour accéder à ces ressources ;

« 4° La description du protocole d'accès aux connaissances traditionnelles associées ;

« 5° La description de la qualification des personnes amenées à intervenir pour le compte du demandeur ;

« 6° Le calendrier prévisionnel de réalisation des activités ;

« 7° Les éléments permettant d'évaluer l'impact sur la biodiversité de l'activité ou de ses applications envisagées, notamment en termes de restriction de l'utilisation durable ou d'épuisement de la ressource génétique à laquelle est associée la connaissance traditionnelle faisant l'objet de la demande ;

« 8° Les propositions du demandeur en matière de partage des avantages et une présentation de ses capacités techniques et financières ;

« 9° Les informations confidentielles dont le demandeur estime que la divulgation pourrait porter atteinte au secret industriel ou commercial.

« III.-Conformément à l'[article L. 112-9 du code des relations entre le public et l'administration](#), la demande d'autorisation peut être transmise par l'usage d'un téléservice mis en place par arrêté du ministre chargé de l'environnement.



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

« Art. R. 412-29.-Dès réception de la demande, le ministre chargé de l'environnement délivre au demandeur un accusé de réception mentionnant sa date d'enregistrement. Dans un délai de quinze jours ouvrables, le ministre chargé de l'environnement examine la complétude du dossier. S'il estime que la demande est incomplète, il invite le demandeur à régulariser le dossier dans les conditions prévues par les articles [L. 114-5](#) et [L. 114-6](#) du code des relations entre le public et l'administration.

« Dans un délai d'un mois à compter de la réception d'un dossier complet, le ministre chargé de l'environnement le transmet à la personne morale de droit public mentionnée à l'article L. 412-10.

« Art. D. 412-30.-La personne morale de droit public mentionnée à l'article L. 412-10 est :

« 1° Pour la Guyane, l'établissement public mentionné à l'[article L. 7124-19 du code général des collectivités territoriales](#) ;

« 2° Pour les îles Wallis et Futuna, conformément à l'article L. 635-2-1, la ou les circonscriptions territoriales sur lesquelles sont établies la ou les communautés d'habitants concernées. Toutefois, si la circonscription territoriale concernée ne manifeste pas expressément son accord pour organiser la consultation de la communauté d'habitants dans un délai de quinze jours à compter de sa saisine, cette consultation est organisée par l'administrateur supérieur des îles Wallis et Futuna.

« Art. R. 412-31.-Dans un délai d'un mois à compter de sa saisine, la personne morale désignée à l'article D. 412-30 fixe le calendrier de la consultation de la ou des communautés d'habitants concernées et le notifie au demandeur.

« La durée de la consultation doit être fixée de façon à permettre à cette personne morale de transmettre au ministre chargé de l'environnement le procès-verbal mentionné au 6° de l'article L. 412-11 dans un délai maximal de neuf mois à compter de sa saisine.

« Pour garantir une information et une participation suffisantes de la ou des communautés d'habitants concernées, la durée de la consultation doit être d'au moins deux mois lorsque la demande porte sur l'utilisation d'une connaissance traditionnelle à des fins de connaissance sur la biodiversité ou de valorisation sans objectif direct de développement commercial, et d'au moins quatre mois dans les autres cas.

« Art. R. 412-32.-Le dossier de demande est tenu à la disposition de la ou des communautés d'habitants concernées pendant toute la durée de la consultation.

« Il leur est également présenté dans des conditions adaptées à leur mode de vie et à leur culture, en particulier dans une langue ou un dialecte qu'elles comprennent.

« Le demandeur peut prendre part à la consultation de la ou des communautés d'habitants, avec l'accord de la personne morale désignée à l'article D. 412-30 et dans les conditions fixées par celle-ci.

« Art. R. 412-33.-En cas de consentement préalable de la ou des communautés d'habitants, la personne morale désignée à l'article D. 412-30 négocie et signe avec le demandeur le contrat de partage des avantages, au vu du procès-verbal mentionné au 6° de l'article L. 412-11. Ce contrat est conforme au contrat type figurant en annexe au présent article.

« Le demandeur transmet au ministre chargé de l'environnement le ou les contrats signés, ainsi que le ou les procès-verbaux correspondants.

« Le ministre chargé de l'environnement statue sur la demande dans un délai de deux mois à compter de la réception des documents mentionnés à l'alinéa précédent. L'absence de décision du ministre à l'issue de ce délai vaut délivrance de l'autorisation.



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

« L'arrêté accordant l'autorisation, assortie le cas échéant de conditions, fixe sa durée de validité, en fonction des activités au titre desquelles la demande est formulée.

« Art. R. 412-34.-A la demande du bénéficiaire de l'autorisation ou de sa propre initiative, le ministre chargé de l'environnement peut, après sa délivrance, assortir l'autorisation de prescriptions complémentaires nécessaires pour garantir le partage juste et équitable des avantages découlant de l'utilisation des connaissances traditionnelles associées aux ressources génétiques ou contribuer à la conservation de la diversité biologique et à l'utilisation durable de ses éléments, ou atténuer celles des prescriptions initiales dont le maintien n'apparaît plus justifié.

« Le ministre chargé de l'environnement transmet la demande du bénéficiaire de l'autorisation à la personne morale désignée à l'article D. 412-30 ou l'informe de son intention de modifier l'arrêté d'autorisation.

« Lorsque la demande du bénéficiaire de l'autorisation n'implique pas la modification du contrat de partage des avantages, le silence gardé sur cette demande plus de deux mois à compter de sa réception vaut acceptation.

« Lorsque le contrat relatif au partage des avantages doit être modifié, il est fait application des dispositions prévues aux articles R. 412-31 à R. 412-33.

« Art. R. 412-35.-Tout projet de modification des activités de nature à entraîner un changement notable des éléments sur le fondement desquels l'autorisation a été délivrée doit être porté par le bénéficiaire de l'autorisation à la connaissance du ministre chargé de l'environnement et de la personne morale désignée à l'article D. 412-30, accompagné des informations permettant d'en apprécier la portée.

« Lorsque la demande du bénéficiaire de l'autorisation n'implique pas la modification du contrat de partage des avantages, le silence gardé sur cette demande plus de deux mois à compter de sa réception vaut acceptation. Pendant ce délai, le ministre peut, s'il y a lieu, assortir l'autorisation de prescriptions complémentaires.

« Lorsque la demande implique la modification du contrat de partage des avantages, il est fait application des dispositions prévues aux articles R. 412-31 à R. 412-33.

« Art. R. 412-36.-En cas de modification des stipulations du contrat de partage des avantages, de résiliation de ce contrat ou d'autre événement affectant son exécution, la personne morale désignée à l'article D. 412-30 en informe sans délai le ministre chargé de l'environnement, qui apprécie les conséquences éventuelles en résultant pour l'autorisation.

« Art. R. 412-37.-L'arrêté d'autorisation et le ou les contrats de partage des avantages sont transmis par le ministre chargé de l'environnement, le cas échéant après occultation ou disjonction des informations confidentielles, au Centre d'échange sur l'accès et le partage des avantages défini à l'article 14 du protocole sur l'accès aux ressources génétiques et le partage juste et équitable des avantages découlant de leur utilisation relatif à la convention sur la diversité biologique, adopté à Nagoya le 29 octobre 2010.

« Un résumé des autorisations délivrées est publié tous les six mois au Bulletin officiel du ministère chargé de l'environnement.

« Art. R. 412-38.-Si elle a adopté la délibération prévue à l'article L. 412-15, l'assemblée de Guyane exerce le rôle du ministre chargé de l'environnement pour l'application de la présente sous-section.

« Sous-section 4

« Règles de conformité relatives à l'utilisation de ressources génétiques et de connaissances traditionnelles associées



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

« Art. D. 412-39.-I.-Le ministre chargé de la recherche est l'autorité compétente :

« 1° Pour recevoir, en application du paragraphe 1 de l'article 7 du règlement (UE) n° 511/2014 du Parlement européen et du Conseil du 16 avril 2014 relatif aux mesures concernant le respect par les utilisateurs dans l'Union du protocole de Nagoya sur l'accès aux ressources génétiques et le partage juste et équitable des avantages découlant de leur utilisation, les déclarations des bénéficiaires d'un financement pour des travaux de recherche impliquant l'utilisation de ressources génétiques et de connaissances traditionnelles associées aux ressources génétiques, attestant que l'utilisateur fait preuve de la diligence nécessaire conformément à l'article 4 du règlement ;

« 2° Pour assurer l'application, pour ce qui concerne les utilisations relevant du 1°, des paragraphes 3 à 5 de l'article 7 et des articles 9,10,12 et 13 du même règlement.

« II.-Le ministre chargé de l'environnement est l'autorité compétente :

« 1° Pour recevoir, en application du paragraphe 2 de l'article 7 du règlement mentionné au 1° du I, les déclarations, au stade du développement final d'un produit élaboré par le biais de l'utilisation de ressources génétiques ou de connaissances traditionnelles associées aux ressources génétiques, attestant que l'utilisateur fait preuve de la diligence nécessaire conformément à l'article 4 du règlement ;

« 2° Pour assurer l'application, pour ce qui concerne les utilisations relevant du 1°, des paragraphes 3 à 5 de l'article 7 et des articles 9,10,12 et 13 du même règlement.



Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

Basic information

- Title of measure/practice : Specialised regime on ABS – implementation of the ITPGRFA
- Date of submission
- Name(s) of country/countries in which the measure/practice is taking place : France
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)
Ministry of Agriculture – 78 rue de Varenne – 75007 Paris – France
bspic.sdqspv.dgal@agriculture.gouv.fr
- Type of institution/organization (categories): ministry
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

GEVES - <https://www.geves.fr/plant-genetic-resources/national-coordination/>

audrey.didier@geves.fr

Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:
 - Implementing entity and partners: GEVES (implementing entity), INRA, CIRAD, IRD, FRB, GNIS (partner),
 - Start year : 2016
 - Objective(s): to implement the ITPGRFA, and in particular article 9
 - Summary of core components:
 - To allow the participation of farmers' representatives in decisions related to PGRFA,
 - To allow the recognition of PGR collection's curators ('gestionnaire' in French) at national level,
 - To establish national collection of PGRFA.
 - Key outcomes
 - Lessons learned (if applicable)
- Brief history (including starting year), as appropriate

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

- Core components of the measure/practice (max 200 words)

Articles L.660-1 to L.660-4 of the Rural Code establishes the rules for plant genetic resources for food and agriculture in order to implement the ITPGRFA. Regarding the issue of protection of traditional knowledge, it states that ‘*The conservation of PGRFA is organized in the general interest for their sustainable use, particularly for scientific research, innovation and applied varietal selection, as part of the agricultural and food heritage, in purpose of avoiding the irreversible loss of strategic PGRs.*’ In addition, they must also meet the previous criteria, and be widely known to be part of the country’s agricultural, horticultural, forest and culinary history. Most often they reflect this history as they are distributed or present in the area, or they are emblematic of a particular region.

Therefore, cultural aspect including traditional knowledge, is an important element and the contribution of agricultural stakeholders (farmers, plant breeders, ...) is taken into consideration in order to define the national collection. Detailed criteria for the national collection are now set up (July 2019).

The French legislation on PGRFA also establish the recognition of PGR collection’s curators (gestionnaires, including farmers or farmers association) through a publication in the French official journal.

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)

In order to build up the national collection and support stakeholders and collections, a national coordination body placed at GEVES was set up in 2016 by the Ministry of Agriculture. Also in 2016, a committee for the conservation of Plant Genetic Resources (PGR) inside an advisory committee to the ministry CTPS was created.

These two new structures worked in order to propose to the ministry of agriculture detailed criteria for the national collection and rules for official recognition of collection’s curators.

For the time being, the examination of submissions is in process and should result with the first recognition by the end of 2019-beginning of 2020. Such recognition can concern in particular farmers, gardeners, orchard person. They have to apply by filling an application. Furthermore, expertise recognition is also implicitly shown if farmers participate in breeding programs, programs for on-farm conservation and evaluation of PGRFA or other similar activities, or if they are represented in committees and other relevant institutions.

- To which provision(s) of Article 9 of the International Treaty does this measure relate

Art. 9.1 x
Art. 9.2a x
Art. 9.2b x
Art. 9.2c x
Art. 9.3 ✍



Other information, if applicable

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		X
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		X
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge	X	
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		x
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		X
9	Training, capacity development and public awareness creation		X
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.		X
11	Other measures / practices		

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? _____

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).

⁴ Including seed houses.



- Objective(s)
- Target group(s) and numbers of involved and affected farmers⁵
- Location(s) and geographical outreach

- Resources used for implementation of the measure/practice
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
- Other national level instruments that are linked to the measure/practice
- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).
 - In this case, the participation of organisations' representatives gathering farmers is in direct relation with decision making on PGRFA. The farmers' organisations representatives are selected based on their recognised knowledge related to PGRFA and nominated *intuitu personae* by the ministry of agriculture. One representative is coming from the recognised *interprofessional organisation* GNIS, which is representative (more than 70% of the seed market in France) and gathers in particular farmers growing the seed and farmers using the seed, as well as cooperatives of farmers producing seed. A second one is coming from a recognised producer organisation. A third one is coming from a farmers' cooperative. A fourth one is a 'seed artisan'.
 - Stakeholders involved in PGRFA conservation can apply for funding. For example, one project funded in 2019 was submitted by "organisation bretonne de selection – OBS" which is a local cooperative of farmers involved in a public-private cooperative network for the conservation of the French national collection of artichokes.
- What challenges encountered along the way (if applicable) (max 200 words)
The challenges are :
 - To maintain the involvement of one farmer representative (farmers' network) in the committee for PGR,
 - To convince some stakeholders' groups to follow the quality approach, which has been established collectively,
 - To take rapid decision taking into account the necessary time needed to learn to work jointly,
 - The ministry approach to work with advisory committee is very classic in France but may be not so frequent elsewhere.

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

- To take time and to allow all stakeholders representatives to take part in the decision making process, and then to take ownership of the work done in common.

Further information

- Link(s) to further information about the measure/practice

<https://www.legifrance.gouv.fr/eli/decret/2017/5/9/DEVL1702693D/jo/texte>

<https://www.geves.fr/plant-genetic-resources/>



Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

Basic information

- Title of measure/practice : **external funding – public and private sources**
- Date of submission
- Name(s) of country/countries in which the measure/practice is taking place : **France**
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)

Ministry of Agriculture – 78 rue de Varenne – 75007 Paris – France
bspic.sdqspv.dgal@agriculture.gouv.fr

GNIS – 44 rue du Louvre – 75001 Paris
francois.burgaud@gnis.fr

- Type of institution/organization (categories): government / ministry, interbranch organisation
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

GEVES (<https://www.geves.fr/about-us/>)

On plant genetic resources: audrey.didier@geves.fr

Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:
 - Implementing entity and partners: Ministry of agriculture, GNIS, others
 - Summary of core components
 - External funding from both public-private entities,
 - Rural development measures in the framework of the European Agricultural Fund for Rural Development (EAFRD),
 - EU research projects Horizon 2020,
 - GNIS funding for PGRFA,
 - Ministry of Agriculture funds for PGRFA.
 - Key outcomes
 - Lessons learned (if applicable)

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.



**Food and Agriculture
Organization of the
United Nations**



The International Treaty
**ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

- Brief history (including starting year), as appropriate

- Core components of the measure/practice (max 200 words)
 - Article 28 of the Regulation (EU) No 1305/2013 of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) requests Member States to establish measures in order to provide support (Agri-environment-climate payments) for farmers and other stakeholders for the conservation and sustainable use and development of genetic resources in agriculture.
 - Genetic resources and breeding are also considered under the EU research program Horizon 2020 as a societal challenge.
 - The administrative Council of GNIS, the French agricultural interbranch organization for seed, took a common decision as a common contribution of the various stakeholders' organizations which are GNIS members, on an annual voluntary contribution of 175.000€, to the benefit sharing fund of the ITPGRFA to implement in developing countries agreed plans and programs for farmers who conserve and sustainably utilize plant genetic resources, as well as annual voluntary contribution of 175.000€ to support French national PGR collections.
 - Since 2016, the French ministry of Agriculture and later one GNIS, provide temporary funding in order to support stakeholders, networks involved in the conservation and characterization of plant genetic resources, especially those under threat in the framework of call of proposals managed by GEVES.

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)
 - Farmers' organizations, farmers' network conducted activities on participatory plant breeding with funding from both public-private entities.
 - In the framework of the EAFRD, such support is implemented regionally in France according to each specificities.
 - Under Horizon 2020, the key themes are Landraces and local products & value chains, genebank management, Coordination and development of biodiversity strategies, Diversifying agriculture and forestry, Plant and animal breeding. For example, one project is establishing the European Network for *In Situ* Conservation of PGR. It will bring together stakeholders and sites across the region and coordinate actions to conserve diversity for crop enhancement and adaptation in the future.
 - In 2019, 11 projects on PGRFA are supported by GNIS, one is directly dealing with a farmers' cooperative.



- The financial support of the French ministry of Agriculture through GEVES represent around 200.000 euros annually for the national conservation structure and 390.000 euros under three launches since 2017, in order to support stakeholders, networks involved in the conservation/characterization of PGR, especially those under threat.
- To which provision(s) of Article 9 of the International Treaty does this measure relate
 - Art. 9.1
 - Art. 9.2a
 - Art. 9.2b
 - Art. 9.2c
 - Art. 9.3

Other information, if applicable

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds	X	
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		X
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		X
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		X

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).



6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		X
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		
9	Training, capacity development and public awareness creation		X
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.		
11	Other measures / practices		

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? _____
- Objective(s)
- Target group(s) and numbers of involved and affected farmers⁵ : farmers involved in conservation of plant genetic resources as well as in utilisation.
- Location(s) and geographical outreach : France
- Resources used for implementation of the measure/practice
External funding from public and private sources.
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
 - The financial support of the French ministry of Agriculture since 2017 represent 390 000 euros and financial support of GNIS 175 000 euros in 2019, in order to support stakeholders, networks involved in the conservation/characterization of PGR, especially those under threat through GEVES launches,:
 - Safeguarding existing collections threatened in the short or medium term,
 - Acquiring/improving equipment/infrastructure in order to improve the conservation of collections,
 - Improving knowledge about collections (phenotypic or molecular).

⁴ Including seed houses.

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.



**Food and Agriculture
Organization of the
United Nations**



The International Treaty
**ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

When applying for the call of proposals, the potential beneficiary signs an agreement to provide part of the PGR of its collection into the national collection in order to fulfil the French commitments in contributing to the implementation of the ITPGRFA.

- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
In total 27 projects have been funded since 2017 for an amount of 390 000 € by the French Ministry of Agriculture and 11 projects in 2019 have been funded for an amount of 175 000 € by the GNIS.
- Other national level instruments that are linked to the measure/practice
- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).

By having the voice of stakeholders, including farmers, breeders and amateurs, in various committees in France and in EU, they are taking an active role in the construction of funding opportunities.

Farmers are involved in all stages:

- Contribution to the designing of approach,
- Participation as applicants in various calls of proposal.

France and EU review and adjust periodically implementing measures, including financing, and for that run national and local consultations.

- What challenges encountered along the way (if applicable) (max 200 words)

The cost of projects for conservation of fruit propagating materiel (maintained in orchards) PGR is more expensive than for PGR maintained by seeds. In addition such fruit species involved frequently amateurs, nursery persons instead of private companies.

Several stakeholders complain for a lack of funding but later on they do not apply in the framework of call of proposals. It is no easy to reach stakeholders, including farmers that are not scientists.



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

To adapt such system to national needs.

Further information

- Link(s) to further information about the measure/practice
https://www.reseaurural.fr/sites/default/files/documents/fichiers/2017-11/2017_feader_fiche_mesure_10.pdf
<http://www.horizon2020.gouv.fr/cid133592/publication-d-une-fiche-sur-la-mise-en-oeuvre-du-protocole-de-nagoya-dans-les-projets-horizon-2020.html>
<https://www.gnis.fr/communiquel/gnis-finance-11-projets-sur-la-biodiversite-des-plantes/>
<https://www.geves.fr/news/support-funds-for-plant-genetic-resources-maintained-in-situ-and-collections-2018-2-selected-projects/>