

**Guy Kastler – La Via Campesina and the International Planning Committee (IPC) for Food Sovereignty**

**1 November 2017,**

**Agenda item 18: Digital sequencing information**

Thank you, Chair, for giving me the floor. La Via Campesina is fully involved with civil society organisations in supporting the African proposal, and wishes to add the two following points:

1) The urgent measure proposal. Indeed, it is a matter of urgency, not only because of the non-compliance with benefit-sharing, but also because patents covering digital sequencing information are violating Farmers' Rights.

I may be European, but I do not agree at all with the declaration made on behalf of the European Union, which was supported by the International Seed Federation and a number of countries who protect industries that file patents on digital genetic sequencing information.

The European Union stated: 'access to digital sequencing information is not linked to access to physical resources'. This is not what it says in Article 9 of its own 1998 directive on the legal protection of biotechnological inventions (98/44/EC):

**Article 9**

The protection conferred by a patent on a product containing or consisting of genetic information shall extend to all material, save as provided in Article 5(1), in which the product is incorporated and in which the genetic information is contained and performs its function.

According to the European Union, digital sequencing information would be independent of biological matter when it comes to access. Digital sequencing information would not, however, be independent when it comes to patents on genetic information that allow intellectual property rights to be claimed on biological matter. These patents violate the rights of breeders to have free access to the PGRFAs concerned in order to breed and conduct research, in addition to the rights of farmers to cultivate and exchange them. This does not comply with the commitments of the Contracting Parties that have signed the Treaty's Standard Material Transfer Agreement. In particular, it does not comply with Article 6.2 that bans any beneficiary with access to plant genetic resources in the Multilateral system to claim intellectual property rights that would limit facilitated access to the material, its genetic parts and genetic components, which contain the patented genetic information.

2) The other measure is establishing a group of experts. Of course, such a group should consist of scientific experts. But it is farmers – who are not scientists – who are the only experts of the impact that dematerialisation and associated patents can have on their capacities to continue to contribute to conservation and the renewal of plant genetic resources. La Via Campesina therefore calls upon the Governing Body to appoint a representative from farming organisations that contribute to conservation and the renewal of plant genetic resources to be within this group of experts.