

April 2008

Cover letter to the CIOPORA Position Paper on Essentially Derived Varieties (EDV).

Under point III.1. the Position Paper includes a Jaccard Similarity Coefficient of 0.90 as threshold for the shift of the burden of proof in EDV-disputes involving mutations, GMO and apomicts. In this regard the Position Paper says that, if it turns out that this threshold does not fit to a given species, it is up to the breeders of this species to agree on a different threshold. As long as no such crop-specific thresholds exist, CIOPORA strongly submits to use the general threshold of 0.90 for the shift of burden of proof in these cases.

CIOPORA shall publish on a yearly basis a list of species for which the respective breeders have agreed on a different threshold, together with the specific threshold. Additionally, the list could contain further details which would then have to be delivered by parties to EDV-disputes, e.g. details on the method of DNA preparation, the finger print technique used, the number and specificity of primers and the number and localization of marker bands included in the analysis, allowing an independent expert to judge if the method, technique, primers etc. used is appropriate or not. Setting forth fixed standards for such methods, techniques, primers etc. is not appropriate as the state of the art of these methods and the markers etc can change rapidly.

The first list shall be published in April 2009, if the breeders of a given species have agreed on such threshold and ask CIOPORA to publish it.