



PRESS RELEASE – for immediate release

14 November, 2013

New Zealand negotiators wanting to make progress in Trans-Pacific Partnership (TPP) talks could start by dropping their opposition to data protection.

“Of the 12 countries negotiating the TPP, it appears that only New Zealand and Vietnam are playing hardball opposing a clause which supports 10 years of data protection for new crop protection products,” said Graeme Peters, chief executive of Agcarm.

New Zealand’s minority view was revealed on page 44 of a document released today by wikileaks at:

<http://wikileaks.org/tpp/static/pdf/Wikileaks-secret-TPP-treaty-IP-chapter.pdf>

“It’s hard to understand why New Zealand opposes 10 years of data protection when nearly all other TPP countries appear to be comfortable with its inclusion in the negotiating text in some form or other,” Mr Peters said.

“Ten years of data protection will increase the availability of modern technology for farmers and growers, boosting yields and profitability,” Mr Peters said.

Ten to 15 years of data protection is common in other developed countries and is particularly important in New Zealand because it is a small market.

“New Zealand currently has five years protection for new agrichemicals. Agcarm has seen numerous examples of off-patent products which will not be registered for sale in New Zealand because suppliers cannot assemble a business case to support registering them. Equally, companies are reluctant to invest in researching New Zealand solutions to New Zealand pest and disease control problems.”

“The availability of new technology has been made more urgent by the Environmental Protection Authority recently phasing out approvals of about 30 older technologies in coming years,” Mr Peters said.

When the Ministry for Primary Industries called for submissions on data protection in 2012 it received a strong message to increase it to 10 years.

Out of 24 submissions on the topic, 19 supported 10 years of data protection or close to it. Only five supported the continuation of the five years protection which is the position adopted by New Zealand negotiators.

Those supporting 10 years data protection included associations representing New Zealand grower groups, including Horticulture New Zealand. A summary of submission is here:

<http://www.foodsafety.govt.nz/elibrary/industry/consultation-data-protection/summary-submissions-data-protection.pdf>

“Behind this support is the knowledge that New Zealand must give businesses a decent go at generating a return on the high cost of launching a new agrichemical to control emerging pests and diseases without affecting beneficial species or persisting in the environment,” Mr Peters said.

“There is widespread industry support for data protection. Agcarm encourages negotiators to accept 10 years of data protection and concentrate their considerable skills on more important clauses which are delaying this important trade deal,” Mr Peters said.

What is data protection?

Before any agrichemical is used in New Zealand, approval must be granted by two regulators: the Ministry for Primary Industries and the Environmental Protection Authority.

The approval process requires applicants to supply supporting information or data on a range of product features including chemistry, manufacture, toxicology, efficacy, and likelihood of residues remaining after use.

This package of data supplied in support of an application represents a significant investment – costing hundreds of thousands of dollars to assemble.

In some cases, this data is not protected from competitors. Consequently, they can produce identical products and obtain regulatory approval by the relevant regulator cross referencing the data provided by the original applicant without having to incur the cost of producing the data.

Why should it be protected?

Greater protection would give a greater incentive to bring new technologies into New Zealand. These technologies are safer and more effective forms of chemical or biological compounds, or new ways for existing products to be used. To remain competitive, New Zealand agriculture needs to access the latest innovations in crop science and crop protection. In summary, data protection is an incentive for suppliers and manufacturers to invest in new solutions for growers and farmers.

What is Agcarm?

Agcarm is the industry association for companies which make and sell crop protection products and veterinary medicines.

Graeme Peters
027 66 77 400
04 499 4225

ends