

Please provide to following details on the origin of this report

Contracting Party	POLAND
Full name of the institution:	
Name and title of contact officer:	Dr Bożena Haczek
Mailing address:	Wawelska St. 52/54, 00-922 Warsaw
Telephone:	+48 57 92 407
Fax:	+48 22 57 92 555,
E-mail:	bozena.haczek@mos.gov.pl
Contact officer for national report (if different)	
Full name of the institution:	
Name and title of contact officer:	Dr Bożena Haczek
Mailing address:	Wawelska St. 52/54, 00-922 Warsaw
Telephone:	+48 57 92 407
Fax:	+48 22 57 92 555,
E-mail:	bozena.haczek@mos.gov.pl
Submission	
Signature of officer responsible for submitting national report:	
Date of submission:	15.05.2001

Please provide summary information on the process by which this report has been prepared, including information on the types of stakeholders who have been actively involved in its preparation and on material which was used as a basis for the report

Report on the access to genetic resources has been prepared by Plant Breeding and Acclimatization Institute at Radzikowie, under the supervision of Dr Wiesław Podyma. The following persons had participated in the works of the team:

1. Barbara Janik-Janiec, Dorota Nowosielska, Bogdan Łapiński, Wiesław Podyma, National centre for Plant Genetic Resources, Plant Breeding and Acclimatization Institute, Radzików, 05-870 Błonie,
2. Jarosław Pająkowski, Landscape Park of Dolina Dolnej Wisły, 86-100 Świecie, ul. Sądowa 5 email: dolwislapark@poczta.wp.pl,
3. Przemysław Czajkowski, National Coordinator SGP/GEF, UNDP Office, Al. Niepodległości 186, 00-608 Warszawa,
4. Marta Dziubiak, Botanical Garden – Centre for Conservation of Biological Diversity 2, 02-973 Warszawa,
5. Grzegorz Hodun, Institute for Horticulture and Floriculture, Pomologiczna 18, 96-100 Skierniewice,
6. Elżbieta Martyniuk, National Centre for Animal Breeding, 01-142 Warszawa, ul. Sokołowska 3.

The following documents and elaborations has been used in the report

1. Pająkowski J. 2000. Tradycje sadownictwa w Dolinie Dolnej Wisły. Kujawsko-Pomorski Urząd Wojewódzki w Bydgoszczy, Wojewódzki Konserwator Przyrody,
2. Przewoźniak M.(eds.) 2000. Plan ochrony Parku Krajobrazowego Doliny Dolnej Wisły Etap 2 - operaty szczegółowe. Proeko - Biuro projektów i wdrożeń proekologicznych,
3. Rozporządzenie nr 142/93 Wojewody Bydgoskiego z dnia 6 maja 1993 r. w sprawie utworzenia parku krajobrazowego pod nazwą Zespół Nadwiślańskich Parków Krajobrazowych (Dz.Urz. nr 11 z dn. 9 sierpnia 1993 r., poz 143),
4. Rozporządzenie nr 50/99 Wojewody Kujawsko-Pomorskiego z dnia 31 marca 1999r. w sprawie powołania Parku Krajobrazowego Doliny Dolnej Wisły (Dz. Urz. Nr 24 z dn. 13 kwietnia 1999 r. poz. 142,
5. Ustawa o ochronie przyrody Dz.U. z 1991r. nr 114 poz. 492,
6. Ustawa o nasiennictwie Dz.U. z 1995r. nr 149 poz 724.

Materials and information received from:

Association of the Lower Vistula Friends, skr. poczt. 110, 86-100 Świecie tel./fax (0-52) 33 15 000

Intellectual properties and traditional knowledge

Traditional knowledge its the whole content accumulated in human mind as a result of cultural contents carried over from one generation to another. Without any doubt it is an intellectual property of some group of people. Considering an idea of intellectual property and traditional knowledge one should define the content and competencies resulting from property right. The ways of purchase and loss of property should be also defined. Purchase of property can be primary or secondary. Primary purchase takes place, when customer doesn't

carry his right from another person, but acquires it independently from another person's rights. Secondary purchase consists in fact, that right entitled to one person is transferred to another one. Transfer of property, i.e. buying of property right on the basis of agreement between vendor and vendee should be also taken into consideration. Owner's rights include enjoyment of a right, exercise of a right and control..

Local communities are owners of local varieties or of traditional cultivation and processing technology. Other kind of traditional knowledge is treatment by use of medicinal plants. The history of phytotherapy is as long as our civilisation. It is a knowledge carried over from one generation to another wider and wider, increased and applied. However, its difficult to define, who first learnt and applied medicinal values of plants.

Traditional knowledge can be a source of making changes, improvements and new solution, which in contrary to herself, can be protected by the existing intellectual property rights. In conservation of biological diversity in the rural areas a major role is played by traditional knowledge. High natural values are usually connected with family, small area farms, with traditional, extensive methods of agricultural production. It's characterised by multidirectional production and variety of methods of area utilisation. One could say, that everywhere where from centuries extensive farming was carried out and in the result many species adapted their life cycles and manner of territory use to agricultural practices – areas with key importance in the biological diversity at the agricultural areas are located.

Presently, return to the roots is observed, seeking in the sustainable agriculture a practical realisation of the principle, which do not determine soil and landscape degradation, change for the worse of people's and animals' health and wasting of unrennewable nature resources. Introduction of sustainable agriculture needs a modern approach to traditional knowledge, which in the market economy time can became a commodity.

In Poland there is lack of legal instruments, dedicated to traditional knowledge conservation as an intellectual property. System of an intellectual property rights of traditional knowledge should promote creation and innovations based on traditional knowledge. Owners of this knowledge should have a possibility to control its utilisation. To achieve this task, in country scale can be use existing forms of legal protection, and existing rights of local self-governments.

Statutory forms of intellectual property protection in Poland are:

1. Copyright and related rights,

Act of copyright and related rights in 1 art. states, that "subject of copyright is every expression of creative activity of individual character, settled in any form, independently from value, destination and way of expression". Subject of copyright are not works such as published patents or protection description.

2. Patent right

Act about inventiveness –vol. II, 1 chapter, 10 art. states that “ invention patentable is a new solution with technical character, not resulting in a certain manner from state of technology which could be suitable to application”. Patents are not granted to e.g. new plant varieties and animal races, biological methods of plants or animals breeding, methods of diseases curing in medicine and veterinary medicine and plant protection (12 art.).

Polish act about inventiveness does not exclude a possibility of granting a patent as well on genes, obtained thanks to genetic engineering (patent on object) as well on methods of their isolation and injection to plant tissue. Patent right protects a number of biotechnological products. Not patentable are genetic diversity sources – microorganisms, plants, animals and man.

3. Protection rights of the new varieties breeders.

A particular kind of intellectual property rights protection are law regulations, concerning registration of new varieties obtained by breeders using classical methods of breeding. Forty countries have law regulations concerning breeders rights, thirty of them are members of UPOV (International Union for the Protection of New Varieties of Plants). In Poland these rights are protected by act of seed production, consistent with the UPOV convention. Breeders of new varieties in this way take advantage from exclusiveness protection concerning varieties created by them. The act gives property rights breeders as well authors of national original varieties.

Copyrights are applied mainly to human activity in sphere of culture, art and science. Patenting needs innovation of product and technology, and can not be applied for living organisms. This is the reason that patenting is not suitable for protection of traditional knowledge comprehend as ownership of landraces or technology. One can assume, that for local varieties being result of traditional knowledge application, rules concerning breeders rights can have application. It needs creation of registration system of these varieties and admittance to turnover. However need is to mitigate the criteria compulsory during registration and limitation only to specifying their separate features.

Such activities has been started in Poland. Ammended "Seed law" allows for turnover of selected local populations, but don't gurantee them exclusive protection. The

Evolution of compulsory law regulations concerning intellectual properties is directed to limitation of case-law. The most frequently questioned farmer's right is to save and to reuse the sowing materials. It is by the administration way or through introduction of new technologies e.g. terminator genes. To conserve the traditional farmers knowledge one does not need to limit farmer's right to saving and reusing the sowing materials.

For efficient genetic biological diversity conservation it is not enough to take administrative decision about introduction of protected area, even national park; deep engagement of park's workers is not sufficient. A fate of genetic resources will not be determined by passive protection, like prohibitions or commands. Their lot can be really improved by active

conservation, i.e. active participation of local people and real interest in saving all biological wealth of area they inhabit. It will take place, when their earnings assure them prosperous life. From the European point of view, recompensing the losses related to maintenance of genetic resources to the farmers and encouraging further cultivation of old varieties through a system of subsidies, within the farm-environment programmes, may be a good solution.

Process of decentralisation of the state and transfer of rule to territorial self-governments caused a need for local and regional development programs. The state favours local community development through supporting communal, district, provincial and regional programs and strategies of their development. They are formed on the level of people directly interested in their environment and the best ensure their interests.

In the regions with precious nature values and lack of industrial development (unemployment), the forgotten traditions revive very often. Usually they are becoming anew the richness of region and local community, which is trying again to care and save them, because this is its cultural heritage giving potential profits.

Presently, due to vanishing of national patronage also regional, social movements are becoming advocates of the conservation of region cultural values and are looking for solutions making possible such protection. Utilising cultural and economic interests, they can influence rational shaping of landscape to save its harmony, biological balance and economic efficiency. Cultivation of interest in native landscape and history is connected with the proper education of society.

In the creation of conditions to multifunctional development of rural areas, which essence and aim is a stimulation of economic activity in the country site, also apart from agriculture, the essential role is played by well organised and effective promotion of the region with existing local communities. It is based on clear-sighted recognition of local values and resources from the point of view of potential benefits and possibilities promoting its development.

In the local and regional programs and strategies of many-sided development promotion sights appear more and more often. These are utilised to recognition of origin of product or service and to benefit for the region destined to extra-financing of environment protection.

In agreement with assumptions "Coherent structural policy of rural area and agriculture development" realisation of Polish-French project "Areas, people, products" was begun in Poland. The aim of the project is marking of products and services and making of marked products one of the chances of local community development.

For the first step of project three communes from "Green Lungs of Poland" were selected, commune Gródek, Miłki, and Myszyniec. Analysis of area in historical, economic, cultural and social aspects were conducted. First products and services, which could become a subject of further work in achieving chosen marks of quality were selected. In these communes the groups of leaders interested in activities for local development and elaboration of quality marks of chosen products and services, were selected.

Already today the exemplary products which had a chance to fulfil the obligations set for the product of known origin, could be showed. These are pyramidal cake from Suwalszczyzna, pickled cucumbers, growing on the horse manure and then stored in oak barrels in the water of Narew river, sweet-scented grass Hierochloe from the Białowieska Forest, giving specific aroma known in all Europe Polish vodka or goat beer from Kurpiowszczyzna. Such a way of use of the local knowledge affords earning profits from sale of products.

For the international scale, the protection of innovations, knowledge and practices of local communities should be realised within an appropriate system of law protection, i.e. *sui generis* system, which is a form of intellectual propriety rights protection. The system should warrant exchange of information, access to technologies and their transfer, in particular for those concerning protection, characterisation and evaluation of genetic resources, as well as an aid in building a human and technical basis for the protection..

Intellectual properties rights and access to genetic resources

With respect to geographic-natural and social-economical conditions Poland have a big diversity of genetic resources, wild-living species as well as species, varieties and breeders races, occurring in wild-life and ex situ collection.

Nowadays in Poland there are no legal regulations directly concerning access principles to genetic resources of wild-life species and farming species, including the resources collected in gene banks.

Indirectly principles of protected species conservation (including their genes) describe articles of nature conservation Act and its executory paragraphs. Breeder lines and another materials being an object of breeder's works and information about them are protected and can be available only with their owners permission.

Use of varieties protected by the seed-production act for market needs is not allowed. There are not limitations concerning their application in research and breeding of new varieties.

Commonly accepted regulations concerning turnover of breeders materials and new varieties facilitate exchange of resources, because they protect breeders property rights to their variety. Protection of commercial secrecy can be used, for example, to limit access to information about materials, which were used to creation of a variety introduced to the market.

In 1983 Poland signed an international undertaking on behalf of FAO genetic resources conservation, supporting developing of activities aiming to conserve genetic resources and their utilisation. Undertaking recognised genetic resources as common property of man and supported free exchange of materials.

Poland favours attitude of free access to all genetic resources useful in agriculture and essential to provide food for the world, independently from time of collection and place of storage, with exception of a group of materials protected by author rights.

Poland, similarly to the other countries, depends on genetic resources, which originated naturally or in the breeding process in the other countries. The only limitation of access to genetic resources can be extinction hazard of species or genotype.

In case of limitation of the exchange of genetic resources a free access to species of social and economical value should be preserved. Access to private as well as to governmental resources should be preserved.

Regulations of access and benefits distribution should concern all the materials independently whether they were collected before or after ingress of international agreements regulating their exchange. Regulations should concern the materials stored *ex situ* and *in situ*. Access to genetic resources should be connected with multilateral system of profit distribution from their utilisation.

The commonly accepted measures of the intellectual property rights protection may exert a negative influence on access to the genetic resources. There is a need to elaborate a separate *sui generis* system for multilateral cooperation warranted by international organisations, which would secure access to the information and exchange of materials and technologies, on the principle of mutual profit.

Conservation of the old varieties of fruit trees and traditional methods of processing by the local communities

Introduction

According to evaluation of the National Centre for Plant Genetic Resources of the Plant Breeding and Acclimatisation Institute, during last ten years land races of crop plants disappeared almost completely. Landraces are threatened by extinction, according to cultural changes taking place in village and common access to home and foreign modern varieties. Suppression by new varieties and condemnation to extinction of old, domestic varieties of crop and ornamental plants and fruit trees would be not only a big loss for biological diversity, but also for the Polish culture.

The old orchards, roadside planting are mine of interesting individuals of almost one hundred years old fruit trees. They survived up to now in some places in Poland and they are gradually grubbed up because of age and health status. Surely in the considerable majority they are trees growing in all contemporary Europe, as Landsberska, Graftszynek, Sztetyna, Ribston, Grochówka, Cesarz Wilhelm, Piękna z Boskoop and others. Single specimens of fruit trees can be sources of many useful features such as resistance from diseases, frost hardiness. Very often they have an interesting flavour. Standard orchards and roadside alleys constitute characteristic feature of our landscape and increase its diversity.

Hitherto existing programs of conservation of plant genetic resources in the world were almost completely directed to ex situ conservation. Agricultural and public sectors of many countries show an increasing interest to conservation of agrobiodiversity in situ.

Up to now in Poland old varieties of crop plants were collected in the national collections financed by Ministry of Agriculture and Rural Development. Their activity is co-ordinated by National Centre for Plant Genetic Resources. National collections store a very limited number of specimens of particular varieties. They have mainly research and cultivation tasks and their activity towards dissemination of old varieties and knowledge about them is quite limited. Collections of fruit trees are located in the Institute of Pomology and Floriculture at Skierniewice and in the Botanical Garden – Centre for Conservation of Biological Diversity of PAN (Polish Academy of Sciences) at Powsin.

Project “Conservation of biological diversity of fruit trees and traditional methods of processing by local communities” has the purpose of spreading activities presently carried out on behalf of biological diversity protection and supplement of existing gap through including society in activity on behalf of conservation of crop plants genetic resources and direct participation of its members in works for protection of them.

In Convention on biological diversity signed by Poland a particular stress was laid on conservation of valuable genotypes in the regions of their occurrence, (*in situ*), it concerns also the crop plants and participation of local communities in their conservation. Up to now this kind of activities weren't carried out in Poland. The currently prepared strategy of

biological diversity conservation in Poland include conservation of biological diversity in situ in agricultural ecosystems. Conservation of biological diversity in agriculture has not up to now elaborated patterns and methods of realisation. Project can be an experimental ground for solution of similar problems in the national scale. Project realise international obligations undertaken by Poland after ratification of Convention on biological diversity and tasks specified in the Global Plan of Action of FAO. It also supports National program of crop plants genetic resources conservation realised by Ministry of Agriculture and Rural Development.

Aims of the project:

- Conservation of biological diversity in agricultural ecosystems through maintaining in situ of old varieties of fruit trees,
- Conservation and maintaining traditional practices of local communities through propagation of old varieties for homestead gardens, agro-tourist and hobby purposes, reflecting a traditional attitude towards biological diversity and dissemination of this knowledge.
- Restoration and renovation of devastated ecosystems through establishing and conservation of fruit trees orchards attached to a homestead.
- Maintaining in situ old varieties of fruit trees as a genetic reserve for breeding. Establishing of centres which will be occupied in maintaining and reproduction of old varieties will allow to disseminate the most precious genotypes and to save them in the many places, what will reduce risk of losing them.
- Engaging all the society in activities on behalf of crop plants genetic resources and making possible for its members a direct participation in works for protection of them.
- Creation of work places, obtaining job qualifications and developing interests by members of local societies.

Participants of the project:

In the project participate non-government organisations acting on the project realisation territory, workers of landscape park, local self-rule , international organisations and scientific institutes (tab.1).

Name of institution	Status	Tasks
Association of the Lower Vistula Friends	Non-government organisation	Promotion of natural, historical and cultural values of the Lower Vistula Valley. Promotion of the conception of sustainable development. Conservation of the biological, landscape

		<p>and cultural diversity of the Lower Vistula Valley.</p> <p>Inspiration, supporting and supplement of government administration and self-government activity on this territory including nature and environment protection and cultural values.</p> <p>Intensification of local and regional identification.</p>
Landscape Park of the Lower Vistula Valley	Government Organisation	Conservation of unique natural environment, specific landscape features and cultural values characteristic for the Lower Vistula Valley region.
<p>16 communes</p> <p>Nowe, Warlubie, Dragacz, Jezewo, Świecie, Pruszcz Pomorski, Dobrcz, Osielsko, Bydgoszcz, Dąbrowa Chełmińska, Unisław, Kijewo Królewskie, Chełmno - city, Chełmno - parish, Stolno, Grudziądz.</p>	Local self-government	Region development
Global Environmental Facility/Small Grants Programme	International organisation	Aid for non-government organisations to support small activities assisting environmental protection.
National Centre for Plant Genetic Resources of the Plant Breeding and	Scientific Institute	Plant genetic resources protection

Acclimatisation Institute		
Institute of Pomology and Floriculture	Scientific Institute	Plant genetic resources protection
The Botanical Garden – Centre of Conservation of Biological Diversity of PAN (Polish Academy of Sciences) at Powsin.	Scientific institute	protection of plant genetic resources

Description of the project

Landscape Park of the Lower Vistula Valley was established in March of 1999 as result of union of earlier existing two parks: Chełmiński and Nadwiślański on the base of Kujawsko-Pomorski voivode order. The aim of Park creation is conservation of unique natural environment, specific landscape features and cultural values characteristic for the Lower Vistula Valley region.

Landscape Park of the Lower Vistula Valley with 60 thousand ha area is located in Kujawsko- Pomorski province. Particular nature and landscape values caused, that this territory in “Pan-European strategy of biological and landscape diversity conservation” for 1996-2000 years in the river category, was recognised as one of ten most precious objects.

Unusually big differentiation of surface (geomorphological), soil, microclimatic and hydrological has its reflection in abundance of flora and fauna. Over 1000 species of vascular plants, including many rare, disappearing species and over 1000 species of cockchafers were confirmed. It is an evidence a big variegation of habitats. On the most valuable areas as far as nature is concerned, sanctuaries were created and migrating animal species are protected in the frames of elaborated active conservation of endangered species program.

Regional seat of Park is located at Chrystków near Gruczno, in the monumental Mennonite hut from 1770. It is one of the latest relatively well preserved objects in the Lower Vistula Valley, remnants of Dutch settlers, brought to Poland in times of reformation.

Chrystkowo is also a place of realisation of crop plants varieties rescue program in their original occurrence. In XIX and in the beginning of XX century at every farm in the slope zones (at escarpments) and on the Valley bottom orchards of different area were established. Fruits were used for own needs of the farmers or were processed and excess was floated to Gdańsk. About 1500 orchards of apples trees were on the territory of the park in the past, but only 500 exist now. Roadside alleys of fruit trees were typical also for this landscape.

Unfortunately, up to now only two roadside alleys of fruit trees survived on the route Gruczno –Topolinek and Topolno – Kozielec and ruins of one drying house of fruits. After II World War many people were cutting trees, replacing local varieties by dwarf ones, of low resistance against diseases and freezing. The methods of regeneration of old varieties of fruit trees, (number of some of them is estimated as a few specimens), better adapted to local soil and climatic conditions, were elaborated to rescue them. It would seem, that is not possible to save this wealth of tradition for present and future generation as we are witness of slowly dying of a part of regional identity. But on the contrary to expectation it still can be rescued.

After cataloguing and identification of over 30 apple varieties a nursery – garden of them was established. Planting material is delivered from here to farmers' orchards, who have decided to cultivate them. From the year 2000 a collection of local plums ecotypes is also established. Project of reconstruction of drying – houses and fruit storages was also begun.

The main aim of project realisation is protection from extinction of old varieties of fruit trees, mainly apple-trees and plum trees, which in small number occur in old, often 80 – 100 years old orchards in the Lower Vistula Valley. Especially precious are those varieties of apple – trees, which number is estimated to a few specimens, for example: cytrynówka, koksa pomarańczowa, maślak, sierpniówka.

Establishing of orchards with local ecotypes of plum trees and old varieties of apple – trees at Chrystków offers also hope for conservation of ancient methods of fruits processing. Before I World War and in the interwar period even in Gdańsk “świecki jam” was known and popular, frying by housewives in large, copper kettles for 3 days. After war traditionally prepared food articles “lost” competition with industrially produced food. At the end of eighties jam was produced still in a dozen or so places. Presently, only in three places between Bydgoszcz and Świecie women are busy by “świecki jam” production. That's why come back to traditional processing methods is so important. For many people from this region come back to their roots appears to be larger and larger and a deep spiritual value.

Drying has been one of the oldest methods of food conservation. Products preserved this way could have been stored even for several years. In neighbourhood of Świecie the inhabitants remember a method of drying fruits inside special brick buildings. A few of them endured till now. They were built usually in orchards located near houses. Plums were dried, besides pears and apples. Restoration and promotion of traditional processing methods will be an additional motive creating an economic base to establish orchards.

Fruit trees varieties grown in traditional way form high crowns, which are excellent places for nesting of many bird species and for life of various insects. The old orchards, consisting frequently from trees with hollow trunks, enable development of much higher number of organisms than the young ones. High fruit trees are also a kind of protection against air and water caused erosion.

The project is aimed at the environment protection through conservation of genetic resources and preservation of the natural and cultural values of the region. The economic effects and rising the level of public awareness are other objectives of the project.

The process of the project creation

Management of Park gave initiative to begin works on conservation of old varieties of fruit trees. The tasks of the project has been developed in cooperation with scientific institutions.

Task to accomplish:

1. Realisation of nursery –garden and orchard projects and schedule of nurseryman’s works,
2. Cataloguing of especially valuable varieties assigned to in situ conservation:
 - realisation of analysis of orchard occurrence at the Park territory using orthophotomap,
 - collection missions organised by specialists from institutes with the aim of old varieties collection,
 - choice of the most endangered by extinction varieties from national collection,
3. Purchase of fruit trees stocks,
4. Purchase of specialistic equipment to nurseryman’s and fruit-growing works and purchase of fruit trees stocks,
5. Establishing of the nursery –garden of old varieties of fruit trees on the territory of Chrystkowo possessions, regional seat of the Park,
6. Establishing of orchards attached to homestead in farms and rendering plant material of old fruit trees varieties accessible to all interested,
7. Establishing of demonstration-production orchard with old varieties of fruit trees,
8. Training of farmers and Park workers in nursery-garden running and fruit trees plantation,
9. Registration of all planting made in the frames of project. Creation of data base of fruit trees genetic reserve.
10. Dissemination of information: seminars, booklet.

Realisation of the project required an accumulation of financial means for purchase of fruit trees’ stocks and for the necessary equipment of the nursery. The institutions serving statutory support for the pro-ecological activities, the local government institutions and firms were asked for supply with the funds. The money was received from Voivodeship Fund for the Environmental Protection and Water Management in Bydgoszcz, the Global Environmental Facility/Small Grants Programme, gminas’ local governments, the R.A. Zagalscy Enterprise of the Wood and Cane Production and from the Pomorsko-Kujawski Regional Bank. The project has been supported also from the funds of the Conservation of Plant Genetic Resources of the Ministry of Agriculture and Rural Development. Some means were also

received from the public work funds for hiring 3-4 unemployed people during a vegetation season to work in the nurseries and at the fruit trees pruning.

Scientists identified the old varieties and supervise the fruit trees nurseries. The duplicates are collected in gene bank of the Institute of Floriculture and Horticulture in Skierniewice.

The proceeds from sale of young trees, from activities of the centre located in Chrystkowo and from donations are managed by the Society of Friends of the Lower Vistula Valley. The money has been spent on organisation of meetings, schooling, publications and on financing the project “In Situ Protection of Old Fruit Varieties and of the Traditional Methods of Processing”.

Legal limitations

A decision on establishment of a landscape park is expressed as a decree of a voivode on the regional level, in agreement with the respective organs of the local administration units (Act on Nature Conservation). Creation of the Lower Vistula Valley Landscape Park required agreement of 16 gminas located on the area. Two gminas protested against the park institution, with a motivation of a possible danger for their development, related to the area protection restrictions. The dispute were solved by means of negotiation. Conformably to the recommendations of the voivode, the statements formulated in the Plan of the park protection were considered in the local plans of spatial management. The general plan of the park protection anticipates a number of activities related to the agricultural practices on the area, e.g. creation of the association for healthy food production, organization of the modern services for agrotechnic consultation, organization of schooling for farmers from the park area. In the detailed plan of protection the orchard village complexes are listed as a landscape value.

The cataloguing of biological resources on the park area, based on the ground use record map and on the ortho-photo-map, indicated over 500 orchards, including 200 ones in a bad condition. Each seventh of the old orchards disappeared. The establishment of the park did not immediately create conditions to start protection of the old fruit trees. There is no possibility in the Polish law to protect fruit trees or old orchards as in case of the wildlife “monuments of nature”. There is also no possibility to pay a recompense money for farmers, in relation to the biodiversity protection. The only accessible method, which could stop deterioration of the old orchards, was a wide informative action on the value of the orchards and an establishment of the own nursery of fruit trees with the appropriate varieties.

Requirements of the seed act must be taken into consideration at foundation of a fruit trees nursery. The materials, which are the object of the project are inadequate to the law requirements for the nursery propagated materials. The Act on Seed Production (1995) controls the topics concerning breeding and evaluation of crop plants’ varieties, rights and duties of plant breeders as well as production, trade and evaluation of a seed material.

The varieties of crop plants included to the Register must be conformable to the clauses of a cultivar uniformity and of a satisfactory economic value. The above-mentioned requirements exclude from trade turnover majority of the old varieties and local populations. These clauses do not apply only to the materials, which are destined for cultivation on the backyard gardens or recreation plots, provided that the turnover does not involve any agency for seed trading.

The above mentioned regulations concern mainly the foreign varieties (art. 67. of the Act), and probably could be applied for indigenous materials. Therefore, the propagation of young trees was organized in form of response to orders of the local governments of gminas.

The current law regulations in seed production restrict possibility of spread of the old varieties and local populations of crop plants. The like regulations are compulsory in other European countries with legislature based on recommendations of the UPOV convention. The new Act on seed production, amended in 2000, permits turnover of the local populations important for biodiversity protection. The list of these populations is published by the Minister of Agriculture and Rural Development in form of a decree. Including to the list the varieties used in the project will enable free turnover of their plantlets.

Expectations of the parties of the project

The farmers of the park area did not expect financial profits, but rather the planting material with specific, recognized earlier taste qualities and not much demanding for tillage activities. The material had to be genetically diverse, in order to serve uniform supply of fruits during a growth season and for winter storage.

The scientific institutions participating in the project considered the necessity of the genetic resources conservation and the possibility to receive materials for research and breeding.

The headquarters of the landscape park aimed at the landscape degradation prevention through maintenance of the traditional way of the land use.

The local government organisations considered the economical development of the region through rising its touristic and cognitive values. The possibility of better employment on the area was also of primary importance.

Results

A nursery of fruit trees and a production orchard were founded near the local seat of the park in Chrystków. In 2000, eight small orchards, 30 trees each were restored. It is planned to restore 50-80 orchards (each with at least 30 trees of 5 varieties).

The project has made possible the evaluations of:

- public interest in old varieties of crop plants,
- economic effects and the necessity of financial support,

- possibilities for creating a market for the manufactured products,
- limitations and barriers in development of programmes for biodiversity protection in farms.

Propagation of the endangered varieties of fruit trees and making conditions for their spread is a measurable effect of the project. Making the old fruit trees varieties available is a form of promotion of the idea of biodiversity protection as well as a stimulation for immediate participation of the public in realisation of the idea.

The created database of the disseminated materials will enable their future observation for the (research and)breeding purposes.

The realisation of the project is accompanied by the advertisement and education activities. The leaflets were issued concerning the project assumptions and descriptions of the popularised varieties. In 2000 a publication was edited, entitled “Tradition of Fruit Growing in the Lower Vistula Valley”. The print of an additional number of copies was necessary, because of a big public interest in the issue. In 2002, a new folder edition is planned with the project promotion. A WWW-page in the Internet has been prepared, with description of the project assumptions and activities of the participating organisations.

Conclusions

There are no legislative solutions in Poland, which concern conservation of genetic resources by local communities. The described project is a first attempt at involving the public into active work on the problems concerning conservation of biodiversity of crop plants and on showing profits from maintenance of this diversity. All the parties of the project gained the expected benefits. The environmental advantage seems the highest one. The process of decay of old orchards was stopped and their restitution proceeds in accordance with the precisely defined rules. At present, the immediate profits for farmers are small. They can buy young trees at lower price and obtain a free of charge advice on maintenance of orchards and rejuvenation of old trees. In course of time profits may appear from agro-tourism, orchard production and manufacture of fruits. Even now there is a high interest in “świeckie powidła” (plum jam) and in dried fruits. Production of fruit trees may bring income too. Realisation of such an undertaking requires cooperation of many institutions and acceptance of a local community.

The project is an example, which may be accomplished also in other regions of the country, basing on different plant species. It shows the way, in which cultural and natural values of a region may be exploited for its promotion and economic development. It is also an example on how to activate the society on the protected areas with high proportion of agriculture land. The project stimulated the like activities in other regions of Poland. An undertaking of this kind began also near Poznań and another one is prepared for the neighbourhood of Człuchów.