

## **1. INTRODUCTION**

### **1.1 What is the name of your organisation?**

Rijk Zwaan ; the answers in this questionnaire relate specifically to vegetable seeds

### **1.2 What stakeholder group does your organisation belong to?**

Breeder of S&PM; Supplier of S&PM; International company

#### **1.2.1 Please specify**

### **1.3 Please write down the address (postal, e-mail, telephone, fax and web page if available) of your organisation**

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## **2. PROBLEM IDENTIFICATION**

### **2.1 Are the problems defined correctly in the context of S&PM marketing?**

No

### **2.2 Have certain problems been overlooked?**

Yes

#### **2.2.1 Please state which one(s)**

2.1 Rijk Zwaan is of the opinion that at least part of these problems have not been correctly identified. We have the following comments: Complexity and fragmentation of the legislation: Rijk Zwaan agrees that both simplification and consistency is always welcome. However, - as it was also the conclusion of the final report – fundamental changes are not needed in the legislation. High level of administrative burden in particular for public authorities: Rijk Zwaan thinks that the review should not only look at public burdens but also to the burdens that are born by business. The system has to be cost effective for everyone, public and private. Room to strengthen sustainability issues: Strengthening of sustainability of is an important issue, but not the only one. Therefore we do not agree with the problem definition as provided in the “Options and analysis paper” and consequently we do not agree with the Commission’s analysis of sustainability and of related impacts throughout the paper. The Commission seems to have an over simplistic perception and understanding of the meaning of productivity. Productivity is a relation between input and output (including also processing and quality aspects). The problem definition states that the current legislation is focused on productivity which is still an important factor. We would like to underline that productivity is a key factor in variety testing non the least because it already takes care of important sustainability criteria. (Please also see references under question 2.4)

2.2 Rijk Zwaan is of the opinion that the following issue for vegetables was overlooked: - The lack of consistency between national variety lists and the Common Catalogue has not been considered yet. It is however, important to find a solution for this in the review of the S&PM legislation.

### **2.3 Are certain problems underestimated or overly emphasized?**

Overestimated

#### **2.3.1 Please indicate the problems that have not been estimated rightly**

1. The problem described as “room to strengthen sustainability issues” is not correctly estimated. The vegetable breeding sector is fully aware on the importance of sustainability, and is putting attention to that in its plant breeding activities. 2. A reference to specific markets for organic crops which are increasing their market shares is made. We are of the opinion that such varieties are important for the genetic pool and breeding work but such markets are going into the direction of extensive agriculture. To produce them may not be a sustainable solution and therefore not consistent with the environmental goal sought by the Commission. 3. The problem defined as

“high level of administrative burden” seems to only concentrate on the wish to reduce the administrative burden on the side of public authorities and underestimates the need to also reduce such burdens on companies. Moreover, it underestimates the high public benefit of the Member State’s investment into the testing of both varieties and seed 4. In case instead of 12 Directives 1 Regulation is defining the legislative framework but that 1 Regulation is of very high complexity, in the end it will not deliver the desired simplification. The number of legislative instruments is not the decisive point where improvement could be brought but it is the content of such legislative instrument which counts. 2.4 Other suggestions or remarks: (optional)

Concerning ‘room to strengthen sustainability issues’ we would like to add the following: VCU testing is not needed for vegetables. The structure of the market in the case of vegetables is very different from the market structure for agricultural crops. The relationship between the supplier and the growers is direct, making it possible for the customer to receive first-hand information on the performance and quality of the specific variety and to give direct feedback to the supplier with a direct private marketing network. It implies that there is no real need for an official system which generates the same set of data in respect of all varieties in order to provide objective information to the customer. Also having regard to the fact that the market of vegetables is very much segmented (e.g. 50 for tomato or 20 for lettuce...) with the different users (professional, semi-professional, home gardeners) and many agro-climatic slots and opportunities of use (different typologies of products, with domestic or international markets, fresh or industry uses..) so it is not even possible to define a set of criteria for performance testing. Last but not least the dimensions of production are also very different meaning that while in case of agricultural crops it amounts to millions of hectares, for vegetables it means “only” thousands of hectares. This element is relevant regarding the impact the production has on environmental and other elements. DUS can provide a profile of varieties for their response to certain environmental factors. It enables an appropriate choice, diverse and focused of varieties for their use. Some new criteria will be pertinent with a positive and sustainable impact for environment and human health: Examples of how variety characteristics can be focused on sustainability: GHG efficiency: Earliness and good ability of varieties for growing and production under sub optimal conditions (short length of days, low light and low temperatures) with a particular physiology and plant architecture reduces significantly the consumption of fossil energy (gas / oil). During the last thirty years, the need to produce lettuce under greenhouse has been divided by a factor ten with a global positive impact on environment. Such improvement is also observed with the use of rootstocks to enhance the global vigor and yield per square meter of the plants (tomato, pepper, eggplant, melon, watermelon...) with a limitation of acreage. Reduced use of pesticides: 50% of the breeding effort is devoted to introduce pests and diseases resistances including more than 150 host plant/pathogens couples on 36 vegetable species. The reduction of use of pesticides can be estimated at 25% during the last twenty years with an objective of 50% in the next 10 years. A lot of monogenic resistances have been used but now the strategy (supported by research programs) is to introduce more sustainable resistances in the varieties: cumulative single genes or oligogenic/ polygenic and quantitative resistances with assistance of molecular markers. In certain cases some crops are achieved without use of any chemical treatment with resistant varieties combined with biological control (e.g. tomato, pepper, eggplant under greenhouse in Netherland, France, Northern Europa, and Spain...) The breeding and use of rootstocks issued from wild accessions with a lot of soil borne diseases resistances confers resistances to grafted cultivars and prevents from use of chemical soil disinfection. Another pathway in prospection will be the induction in the plants of Natural Defense Systems which could be genetically controlled and selected in new varieties. The introduction of genetic mutations for herbicides resistances will permit the targeted and limited use of some biodegradables molecules with a much reduced quantity (case of endive). Nutrient use efficiency: For itineraries of intensive vegetable crops, systems of accurate local fertilization combined with drip irrigation following the real needs of the plants and depending of its physiological stage are now effective with a computer monitoring: these crop management systems request for specific genetically adapted varieties in order to optimize the use of this concept. Organic production: this new type of production is asking for rustic varieties including pests and diseases resistances and is driving specific breeding programs. Qualitative Chains: the consumers are more and more asking for an improvement of organoleptic (flavor and savor) and or nutritional qualities of the vegetable. Some

breeding programs are currently developed to improve the qualities of the harvested products in order to improve welfare and health of consumers. These characteristics should be established and recognized when varieties will be officially registered. We would also like to comment on some statements made in point 2.4 of the "Options and analysis paper": - "The relative inflexibility of the current variety registration system does not help innovation ensuring access to the market for new varieties giving a higher yield on a same land surface with less need for irrigation, fertilisers or pesticides." This statement is not true. All these sustainability goals are already taken care of by breeders in their breeding programs. Land use, water use, nutrient use efficiency, resistance against pest and diseases, etc. are all key for achieving the sustainability goal but these can be best measured in terms of yield. Therefore, we do not agree with the statement that the current variety registration would be inflexible and that it does not help innovation towards sustainability. - "provisions contained in the EU S&PM marketing legislation on registration of varieties of individual S&PM lots are strict and time-consuming" We are of the opinion that this impact is overestimated by the Commission. Room for improvement should be considered where relevant, but the members of Rijk Zwaan are satisfied with the general criteria of variety registration as laid down in EU S&PM legislation. These criteria must not be questioned as such but they must be maintained and further improved. It is clear from the national lists and the Common catalogue that the current system already allows for a wide choice of varieties including also conservation and amateur varieties.

#### **2.4 Other suggestions or remarks**

### **3. OBJECTIVES OF THE REVIEW**

#### **3.1 Are the objectives defined correctly in the context of S&PM marketing?**

No

#### **3.2 Have certain objectives been overlooked?**

Yes

##### **3.2.1 Please state which one(s)**

3.1 The following objective has been incorrectly defined and placed according to us: We consider that innovation is a separate and overall objective of the S&PM legislation and as such it has to be identified as an individual objective by itself. It should not only be linked to sustainability only as is done in the text now. 3.2: The following objectives have been overlooked: -The intervention/existence of regulations also stimulates innovations in vegetables. - In respect of the Common Catalogue the objective is not only to improve the level of information provided but also to improve accessibility of the Common Catalogue by making it a real-time, user-friendly web-based application.

#### **3.3 Are certain objectives inappropriate?**

Yes

##### **3.3.1 Please state which one(s)**

The objective focusing on the need of wider diversity of plant varieties should be explained differently. Wider diversity is not a goal in itself in the framework of the seed marketing legislation. We are of the opinion that farmers should have a choice of appropriate varieties. This choice should focus on varieties which are beneficial, fit for use and fit for sustainable intensification.

#### **3.4 Is it possible to have a regime whereby a variety is considered as being automatically registered in an EU catalogue as soon as a variety protection title is granted by CPVO?**

Yes

#### **3.5 If there is a need to prioritise the objectives, which should be the most important ones? (Please rank 1 to 5, 1 being first priority)**

**Ensure availability of healthy high quality seed and propagating material**

**Secure the functioning of the internal market for seed and propagating material**

**Empower users by informing them about seed and propagating material**

**Contribute to improve biodiversity, sustainability and favour innovation**

**Promote plant health and support agriculture, horticulture and forestry**

### **3.6 Other suggestions and remarks**

3.4 Yes , as long as there is an option to indicate that registration should not take place. Marketing in advance of listing should remain possible. As to question 3.5: All the objectives listed in the table are important but we feel uncomfortable with this question as it might give a misperception of the priorities as understood by the industry. Therefore we prefer indicating our list of priorities here below: - Availability of healthy, high quality seed and PM - Functioning of the market - Availability of high quality, innovative, clearly identifiable varieties allowing sustainable intensification - EU's responsibility for global food security (for agricultural crops) - Biodiversity - Information of the users

## **4. OPTIONS FOR CHANGE**

### **4.1 Are the scenarios defined correctly in the context of S&PM marketing?**

No

### **4.2 Have certain scenarios been overlooked?**

Yes

#### **4.2.1 Please state which one(s)**

None of the scenarios as defined in the "Options and analysis paper" can achieve the desired goals needed. A combination of elements presented in the different scenarios might lead to a better scenario therefore Rijk Zwaan welcomes the possibility offered by the Commission to execute such a combination.

### **4.3 Are certain scenarios unrealistic?**

Yes

#### **4.3.1 Please state which one(s) and why**

Scenario 3: We believe that scenario 3 is unrealistic in relation to vegetable seeds. It is complex for users and confusing for consumers and the reactions the market may produce in case of such a scenario have been incorrectly assessed in our opinion. Scenario 4: We believe that scenario 4 is unrealistic for the vegetable seeds. It is complex for users and confusing for consumers and the reactions of the market seem to have been incorrectly assessed. This scenario seems to focus on extending possibilities for niche markets. These extending possibilities are overestimated by the Commission according to us. Therefore, we do not see the need for any additional rules and legislation. However, we can support the current system (Directives 2008/62 and 2009/145) which has been put into place for conservation and amateur varieties, as long as this is not expanded.

### **4.4 Do you agree with the reasoning leading to the discard of the "no-changes" and the "abolishment" scenarios?**

Yes

#### 4.5 Other suggestions and remarks

### 5. ASSESSMENT OF OPTIONS

#### 5.1 Are the impacts correctly analysed in the context of S&PM marketing?

No

#### 5.2 Have certain impacts been overlooked?

Yes

##### 5.2.1 Please state which one(s)

The impact on consumer information and protection (consumers cover the actors of the whole chain including farmers, growers, processors) – also with a view to traceability - of each scenario could also be considered. If certain elements of the legislation are taken away, there is less information to consumers and with that also reduced protection of consumers which would also be contrary to the trend in other policy areas.

#### 5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

##### 5.3.1 Please provide evidence or data to support your assessment:

See on separate document (Answer to Question 5.3 Vegetable seeds Rijk Zwaan May 2011)

#### 5.4 How do you rate the proportionality of a generalised traceability/labelling and fit-for-purpose requirement (as set out in scenario 4)?

5 = not proportional at all

#### 5.5 How do you assess the possible impact of the various scenarios on your organisation or on the stakeholders that your organisation represents?

##### Scenario 1

Rather negative

##### Scenario 2

Fairly beneficial

##### Scenario 3

Very negative

##### Scenario 4

Very negative

##### Scenario 5

Don't know

##### 5.5.1 Please state your reasons for your answers above, where possible providing evidence or data to support your assessment:

Scenario 5 has some interesting elements but we don't understand how it would work in practice. For the other scenarios please see the reasoning under Q 5.3

### 6. ASSESSMENT OF SCENARIOS

#### 6.1 Which scenario or combination of scenarios would best meet the objectives of the review of the legislation?

A combination of scenarios

##### 6.1.1 What are your views with regards to combining elements from the various scenarios into a new scenario?

As already stated under question 4.2 we are of the opinion that a combination of some elements from scenarios 2 and 5 can be taken as a basis for a new scenario together with some new elements. Please see our preferred 'scenario' in a separate document (Answer to question 6 1 Vegetable seeds Rijk Zwaan 2011).

**6.1.1 Please explain the new scenario in terms of key features**

**6.2 Do you agree with the comparison of the scenarios in the light of the potential to achieve the objectives?**

No

**6.2.1 Please explain:**

- We have realized that unfortunately the assessment presented in the individual tables after each scenario under Chapter 5 of the "Options and analysis paper" and the assessment presented under Chapter 6 are on several occasions contain important mistakes or typing errors. - Also - as extensively explained under question 5.3 - we are of the view that certain impacts have been incorrectly identified. For these reasons please find below the comparison of the scenarios – including also our proposed new scenario – as we see it: table attached

**7. OTHER COMMENTS**

**7.1 Further written comments on the seeds and propagating material review:**

**7.2 Please make reference here to any available data/documents that support your answer, or indicate sources where such data/documents can be found:**

