



Inception Impact Assessment

Initiative: Revision of the plant and forest reproductive material legislation

Comments DE

A. Context, Problem definition and Subsidiarity Check

► Problem the initiative aims to tackle

We appreciate, that the success of the current legislation and its contribution to a competitive PRM sector in Europe is acknowledged. Nevertheless the achievements of the breeding sector in combination with variety testing and seed certification deserve a more extensive recognition in the Impact Assessment.

The system as it has been established over the years works well; mainly adjustments of structure and harmonization of empowerments in the Directives are necessary.

Problem 1:

The problems grouped in this specific list are those that need to be tackled to harmonise the rules in the different directives.

- In case “testing” in the third para (“Heavy procedures for testing ... create burdens....”) refers to “variety testing” we do not agree with such a general statement. Testing for DUS is comprehensive, but absolutely necessary. Differentiation between DUS and VCU tests might be helpful for further discussions. The requirements for VCU tests differ between MS based on different agricultural and environmental conditions in the MS. The results of the official VCU test results are highly valued by the regional advisory services for farmers.
- Editorial comment: We propose to use the term “listing of conservation varieties” in future questionnaires for the Impact Assessment, as “protecting conservation varieties” is misleading (conservation varieties cannot be protected); the same applies to Option 1.

Problem 2:

The topics specified cover a wide range. To our point of view some topics need to be addressed in the future, but some are minor issues. We do not agree that all items mentioned qualify as being a “problem”.

- Differences in VCU testing between Member States based on the lack of clear rules are not a problem per se. The differences are based on different needs in the Member States. The guidelines for carrying out VCU tests in Germany have evolved and have been adapted and amended over the years in close consultation with the stakeholders, to adapt with changes in the USE, e.g. bio energy, but also in response to changes in CULTIVATION, such as lack of availability of pesticides, stricter rules on fertilization, increased demand for organic cultivation a.o.
- Developing varieties adapted to climate change is already at present an important goal in most breeding programs.
- When defining problems in future questionnaires for the Impact Assessment it should be clearly differentiated between the availability of
 - organically produced seed,
 - varieties suitable for organic agriculture and
 - varieties bred under organic conditions.

The statistics of the seed multiplication area in Germany show, that at present roughly about a third of the “regular” varieties are also multiplied under organic conditions, showing that regular varieties are suitable for organic farming. It should be avoided to prescribe the mandatory use of organically bred varieties, as this would dramatically reduce the number of varieties for the organic sector.

- The last sentence does not reflect the situation correctly: seed quantities of conservation varieties are by far lower than the maximum quantities allowed. Nevertheless procedures for conservation varieties and preservation mixtures should be revised.

B. Objectives and Policy options

► Specific objectives

The list of specific objectives is exhaustive.

- The scope of the official controls should be specified: does it cover market control, i.e. certified or standard seed on the market, or does it also cover field inspection and seed testing? Field inspection and seed testing should be mandatory for all certified seed lots also in the future, with the possibility to do so under official supervision. General rules for market control could be laid down in the Directives.

► Policy choices

Option 1

Necessary basic amendments of the Directives are covered by Option 1. Aligning structure, definitions and decision making procedures is the most important area for

improvement. Option 1 could also include the merging of the Seed Directives of agricultural species.

Concerning the support for the Farm-to-Fork strategy, DUS tests and VCU tests should be specified separately: "... through an increase of VCU tests under organic conditions and by examining the need of adapted DUS tests." The temporary experiment should show whether adapted DUS tests are in fact needed, or whether the existing rules for open pollinated population varieties allow the listing of organically bred varieties. Discussions have shown that misinformation or misunderstandings need to be clarified.

Concerning inconsistencies with Plant Health Regulation, we are in favour of regulating tolerances and measurements of all RNQPs relevant for certification in the Marketing Directives. The present situation causes unnecessary additional burden and unclear responsibilities for the certification agencies.

Option 2

The exemptions from the Scope of application of the PRM legislation should be clarified by separately addressing the exclusion of seed conservation networks, the exclusion of the amateur gardeners and the creation of a specific EU framework for the exchange in kind between farmers of PRM. We feel that many stakeholders, and probably many MS, would be in favour of excluding the conservation networks, but might be hesitant to exclude the amateur gardeners. To have separate options in future questionnaires for the Impact assessment will give a clear picture.

The introduction of mandatory sustainability criteria might be difficult to tackle, depending on the specifics. Adding the requirement in Article 5 para 4 of Directive 2002/53/EC would be an option. The national implementation should be in the responsibility of each MS, as MS have to face different challenges and the needs of the sector differ substantially. So far, resistances to pests and diseases have played an overarching role in VCU tests, and climate change challenges have already been included in our VCU tests by the number and distribution of trial sites and were covered by the requirement of "improvement for cultivation".

We favour the option of keeping the PRM legislation excluded from the Official Control Regulation, in order to avoid bureaucratic burden.

Option 3

We are not in favour of Option 3 and hence we have no further comments.

C. Preliminary Assessment of Expected Impacts

► Likely economic impacts:

If many SMEs and smaller companies with limited human resources, would continue to depend on the expertise and human resources of the Competent Authorities for variety

registration and certification, whereas the big companies carry out the tasks under official supervision, the costs for the SMEs will probably increase as the fees of the Competent Authorities have to be increased for cost coverage. A divided system of variety testing for big and smaller companies should be avoided as it would most likely be disadvantageous for SMEs. To ensure reliable and correct results all varieties should be tested under the same testing system.

Furthermore variety testing under supervision should be specified. Discussions with the German breeders have shown that there is no technical experience and no interest in DUS testing under official supervision. VCU testing procedures differ in the MS in order to fulfill the different requirements for varieties for specific regional conditions and VCU testing under official supervision is already carried out to a certain degree.

► **Likely environmental impacts:**

Trials with populations/heterogeneous material in the framework of the temporary experiment in Germany carried out over many years have shown that the populations/heterogeneous material tend to be more susceptible to pests and diseases compared to Control varieties. Other MS also reported serious problems with infections in their populations' trials. Hence we cannot agree with the statement that genetic diversity of a crop offers better resistance. The yield of the populations in general was lower compared to the Control varieties, and hence populations would need an increase in cultivation area. The results of the temporary experiment are not reflected here.