

1. INTRODUCTION

1.1 What is the name of your organisation?

RAGT SEMENCES

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)

Among the problems identified by the Commission, we are of the opinion that many can be developed further : - Transferring administrative burdens to the private sector, for both DUS and VCU is a possibility only with the final goal to optimise the overall system by taking into account all existing data and knowhow available on a Variety. - Concerning the "distortion on the internal market", we observe that the problem is not the current system by itself but the harmonization of its implementation in all member States. This harmonisation should be a priority of the Better Regulation process rather than trying to build from scratch a completely new system. - Finally, concerning the "Sustainability issues" we want to express our disagreement with the limited analysis of this area. This survey makes an opposition between sustainability and productivity. We believe that the need to improve the stability of the productivity should be a major goal in order to face variable adverse conditions (e.g. climatic changes with increasing of drought conditions and diseases or insects).

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

The different scenarios have not been elaborated enough taking into account globally the four main objectives of a public policy: - Safeguard the interest of varieties users; - Prevent phytosanitary risks and guarantee healthy products for consumers; - Insure that environmental issues will be correctly addressed which is by far not obvious in a liberal approach; - Have a proper balance of costs between public and private sectors. In the current system sustainability criteria are already part of the registration process and as a consequence recent varieties show better diseases resistances, nitrogen or water use efficiency than older ones.

2.4 Other suggestions or remarks

The reading of this part of the survey mainly indicate that the existence of the current variety registration system does not help innovation, there are numerous data in various species against this idea and we strongly believe that the existence of a S&PM regulation is not at all a limitation to innovation. On the opposite, it will support innovation. Moreover it gives a chance to the public authorities to influence and direct innovation towards what is really needed for the benefit of the

society. To the contrary in the absence of regulation one can fear that public goods like benefits for the environment will not be considered as a priority.

3. OBJECTIVES OF THE REVIEW

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

Yes

3.2 Have certain objectives been overlooked?

Yes

3.2.1 Please state which one(s)

The general objectives are mainly link to the S&PM without considering that S&PM are the source of the whole agricultural, food, feed and industrial chain. Consequently we consider that some general objectives are lacking: The S&PM marketing legislation must ensure the availability of agricultural material in quantity, quality and consistency in order to guarantee a safe supply and the link between productivity and sustainability is also lacking as a general objective. We also believe that the consistency of this new S&PM legislation need to be in line with other EU legislation in the framework of agriculture and S&PM business such as the Plant Health and the Plant Variety Rights legislations. More globally, as S&PM is an international business and Europe has a leader position in the world, we must assure that the S&PM legislation comply with current international rules concerning seeds such as OECD standards or other standards guarantying seed movement and transfer. Additionally, we were surprised that many objectives listed in paragraph 3 of this survey were completely overlooked in the comparison of the scenarios (paragraph 6.2), among these: horizontal framework, enhanced level of information provided by the common catalogue, market transparency & traceability of operators, EU influence on international standards are of importance.

3.3 Are certain objectives inappropriate?

No

3.3.1 Please state which one(s)

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?

No

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

1

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

5

Empower users by informing them about seed and propagating material

3

Contribute to improve biodiversity, sustainability and favour innovation

4

Promote plant health and support agriculture, horticulture and forestry

2

3.6 Other suggestions and remarks

Favour innovation and sustainability is a must. The link with biodiversity is somewhat confusing

there. We had some difficulties also to rank the so-called objective « secure the functioning of the internal market » as we thought that having a unique market within EU is a base of the EU Treaty.

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)

To our analysis, none of the scenarios is totally fully in line with the general objectives of the S&PM legislation. Even if the possibility of delegation to the private sector of certain tasks of the S&PM registration or certification introduced by Scenario 2 is a positive step, this scenario doesn't propose modifications to the current system that leads to: (1) distortion in the common seed market (incomplete harmonization, ...); (2) lack of improvement of the information or traceability for the users of S&PM; (3) lack of encouragement for varietal innovation. In the same way, Scenario 5 is a lot interesting and merits further developments notably for the new concept of "VCU light" and what could be the objectives and requirements for it. Additionally, this scenario should be more precise with the case of conservation varieties.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Scenario 1, 3 and 4 are completely unrealistic. The Scenario 1 is only guided by the general objective to reduce administrative costs without taking into account all other objectives. It doesn't study the consequences on the private sector in term of innovation as an example. With the optional system for VCU testing during registration and seed certification, we believe that Scenario 3 will introduce major market distortions without fulfilling the general objectives to promote an innovative S&PM sector able to provide healthy and quality seeds answering the agricultural challenges of the next decades. Finally, we are strongly convinced that scenario 4 introducing a completely flexible system of "tested" and "non tested" varieties, "certified" and "non certified" varieties will goes against the general objectives of the expected legislation. It presents a clear risk of degradation of the overall quality of the market. That will induce major distortions and confusions on users lacking impartial and reliable information resulting in a S&PM market more driven by marketing and the lowest seed prices possible than by innovation and competitiveness for the benefit of the whole food & feed chain. This will have also a strong negative impact on the European seed production activity as European seeds will no longer be considered as high quality seeds reducing the European position in the international discussions. There is also an evident risk (as already observed) that some of these markets will be driven by a few processors of industrial crops, reducing dramatically the number of varieties accepted for their specific uses, with effects on diversity, innovation and competitiveness of varieties on the market.

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)

We believed that the expected S & PM legislation must have an impact on : - users (farmers, processors and consumers)information and protection. This must be taken into account as S&PM is the very first step of the whole chain and must be connected to the market constrains and demand. - the orientation of the innovation. This is a key issue. We believe that a strong legislative system has a better impact than a system driven only by the market and will benefit to the whole chain.

5.3 Are certain impacts underestimated or overly emphasized?

Overestimated

5.3.1 Please provide evidence or data to support your assessment:

Our critical analysis of the table available in paragraph 6.1 of the survey shows that some impacts were not correctly estimated, some are underestimated and others overly emphasized. We provide you below our rating based on comparison with the current system. Areas

Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Impact on plant health and quality of S&PM
-	-	x	xx	+	Impact on employment and jobs in the public sector
-	-	xx	-	-	Impact on administrative burden and costs for authorities
xx	x	xx	+	+	Impact on administrative burden and costs for private sector operators
-	+	x	x	+	Impact on competitiveness, markets, trade and investments flows
xx	+	x	xx	+	Impact on innovation and research
-	-	x	xx	-	Environmental impact
-	-	x	xx	+	Impact on information and protection of users
-	-	xx	xxx	-	Impact on the orientation of innovation

A mandatory VCU is a way to guaranty that environmental criteria are taking into account in the release of varieties. The impact of scenario 5 on impact on the orientation of innovation will be very likely link with the scope of the "VCU light" system.

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

Fairly beneficial

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

Scenario 1: "rather negative" We are convinced that the transfer of all costs to the private sector will have a negative impact on their ability to maintain competitive research and innovation

activities able to take up the challenges of agriculture in the next decades. Impact on SME of the S & PM sector could be a major issue. Scenario 2: “fairly beneficial” On the contrary, this scenario proposes to optimize the costs of the S & PM system by introducing the possibility to delegate some of its tasks to the private sector under official supervision taking into account seed companies capabilities. This scenario will not reduce innovation as some others and could contribute to maintain the access to market for minor crops under the proportionality principle with the consequence to maintain the biodiversity of the agricultural area. Scenario 3: “very negative” The optional seed certification will have a very negative impact on seed quality on the market, both on seed purity and seed health. The consequence is real disturbance of the market, that could be driven more by seed prices than by seed quality, more by marketing than by reliable innovations. There is no equality between operators. Scenario 4: “very negative” To our point of view this scenario is the summum of what the S & PM legislation can't be. This completely flexible system of “tested” and “non tested” varieties, “certified” and “non certified” varieties will contribute to establish a market more driven by prices than by variety and seed quality which has proven to be successful in addressing the challenges of agriculture. This value degradation of the market will encourage distortion, unfair competitiveness and low-cost operators. The financing of research effort will be a major issue, seriously reducing the investments flows on innovation and encouraging marketing approaches, with the consequence of concentration of the operators. Scenario 5: “fairly beneficial” The centralization of the registration process could lead to more harmonized procedures within EU, however, this centralization must not be driven by the objective of a minimum minimum of criteria that could impact genetic gain and innovation on the seed market. The “VCU light” system must be better addressed from this point of view.

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?

Our critical analysis of the current system and our knowhow of the seed business by being an actor of more than fifty years experience on agricultural crops lead us to propose the following combined scenario: The expected S & PM system must also take into account that a robust and reliable assessment of the varieties is necessary to maintain a transparent market, without distortion and clear information for users. Breeding for varieties showing genetic gain is a step by step process that could only be beneficial for the market through a thoughtful regulatory environment. This leads to equality between the operators and freedom of choice for well informed users. As general provision the system must include all crops and the registration of breeders and seed suppliers must be mandatory. Concerning the registration of the varieties, this must be based on an harmonized system leading to National decisions as explain in the following :

- The DUS testing must be harmonized among Member States on the basis of testing stations accredited by the CPVO. This DUS testing could be (based on breeder choice) partially carried out by private breeders under official supervision. Additionally this DUS must be used for all EU National registrations, Plant Variety Rights and seed certification. This means that Scenario 2 could be followed by including an automatic recognition of DUS between Member States and seed certification authorities.
- The VCU must be performed in a more harmonized way based on pedo-climatic networks across borders and including the main characteristics leading to a sustainable agriculture. This VCU testing could be partially carried out by private breeders under official supervision. This means that Scenario 2 could be followed by including a provision to take into account the possibility to use a pedo-climatic networks across borders of national authorities.
- The VCU must evolve by the progressive and rational introduction of new criteria, in particular those linked to environmental issues. This could be based on Scenario 2.
- Varieties' denomination must be centralized at the CPVO level as introduced by scenario 5 to assure harmonization via a common system of evaluation.
- The registration of conservation varieties must be set as it exists in the current S & PM legislation (Scenario 2).
- National catalogues still exist but the compilation in the Common Catalogue is automatic. Access to the Common

Catalogue must be worked in a more fast track way (online) and additional information could be linked to each variety concerning their intrinsic value, specific characteristics, Plant Variety Rights... Concerning the seed certification, it is important to have the objective to build a system where certification is mandatory and allowing delegation (seed producer choice) of this certification to private operators under official control. This certification scheme must be in line with international schemes in order to contribute to maintain the European leading position. To our opinion this can be achieved by combining scenario 2 and 5.

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:

See above in 6.1.1

7. OTHER COMMENTS

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

The current Better Regulation exercise shows how important is the consultation between European/National authorities, private sector and other stakeholders in order to build a really adapted system for the benefit of the whole chain. The expected S & PM legislation must take into account this strong relationship between public and private sectors even in the mode of governance.

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:

