

## **1. INTRODUCTION**

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

Federal Ministry for Agriculture, Forestry, Environment and Water Management; Vienna (AUSTRIA)

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

Other

#### **1.2.1 Please specify**

Coordinator in Ministry

### **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?**

Yes

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

Yes

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

Marketing rules are counterproductive for niche production such as for the purpose for conservation of plant genetic resources or for non commercial uses as for example for house gardening. They are rather restrictive and expensive and therefore counterproductive for biodiversity.

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

Underestimated

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

Administrative burden is too high for small producers (low income, marketing of small quantities, but though delivering a high contribution to biodiversity).

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

The exemption of small producers (SME) below a certain production level from marketing requirements, if they produce not for commercial purposes, should be retained. We want to stress that apart from S&PM regulations no exemptions should be allowed, as to quarantine or phytosanitary pests.

## **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?**

No

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

### **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**

**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**

We consider it not to be appropriate to make a ranking because of different point of views from the diverse sectors and stakeholders. Please add to objective 3 Consumer protection (free choice of GMO and GMO-free, health, ...)

## **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)**

Due to the different types of crops (agr., vegetables, fruits,...) to be covered by a common regulation for S&PM it is impossible to apply a single scenario for all crops. A modular system could be considered. With Scenario 1 the status quo is not correctly reflected (variety registration for PM, clones are missing). All scenarios are practically speaking not feasible because the modules of different sectors (group of species) do not fit together.

**4.3 Are certain scenarios unrealistic?**

Yes

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

It is necessary to present the scenarios in elements separated for S and for PM.

**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?**

No

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

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

Overestimated

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

We consider it not to be feasible to distinguish between small, medium and large impact but better between positive and negative impact.

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

No opinion

### **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**

Neutral

#### **Scenario 2**

Neutral

#### **Scenario 3**

Neutral

#### **Scenario 4**

Neutral

#### **Scenario 5**

Very negative

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

According to our answers under point 6.1 partly scenario 2 and 4 seem to be differently beneficial or negative as to the different sectors.

## **6. ASSESSMENT OF SCENARIOS**

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

Scenario with new features

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

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

For agricultural crops the authorization regime and maintenance of VCU of Scenario 2 would be favourable. A high degree of flexibility as suggested in scenario 4 would be of interest for the sectors vegetables and fruit plants, but the area of application should be checked carefully.

Especially plant health provisions should be maintained. As to plant health minimum standards should be formulated to protect Member States from minor qualities coming from abroad irrespectively outside the Common Market. For ornamentals Scenario 3 could be considered provided that plant health provisions are not deregulated or derogated. In the sectors wine and forest no changes are requested. Niche markets should be deregulated.

**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:**

The objective "sustainability and biodiversity" is not properly met by all scenarios.

**7. OTHER COMMENTS**

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

To our mind question 5.4 is unjustified, because it shall be formulated in the same way for the other scenarios, too!

**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:**

