

1. INTRODUCTION

1.1 What is the name of your organisation?

ASSOSEMENTI – Associazione Italiana Sementi

1.2 What stakeholder group does your organisation belong to?

Breeder of S&PM; Supplier of S&PM; Company operating on national level; Other

1.2.1 Please specify

ASSOSEMENTI – Associazione Italiana Sementi is the Italian organization representing the interests of companies active in research, breeding, production and marketing of seeds of agricultural, horticultural and ornamental plant species.

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)

see 2.4

2.3 Are certain problems underestimated or overly emphasized?

Overestimated

2.3.1 Please indicate the problems that have not been estimated rightly

see 2.4

2.4 Other suggestions or remarks

As to point 2.1 of the "Options and analysis paper", we believe that the two fundamental pillars have been correctly identified, but without distinguishing between the seed group of directives, based on compulsory certification of materials, and the latest directives (young plants, ornamentals and fruits) simply based on the registration of the suppliers. As to point 2.2, we would make the following remarks: Complexity and fragmentation of the legislation: the legislation is complex, but that is the result of the different needs for regulated materials and of the aim to regulate various aspects. A simplification is necessary and possible, mainly in the seed sector. High level of administrative burden in particular for public authorities: the administrative burden is important not only for public authorities, but also for private companies. Distortions in the internal market: an important element of distortion comes from the different application of the legislation between Member States. A solution might be to impose a strict application of the new legislative package through e.g. a regulation directly applicable; but that implies a limitation of the flexibility of rules. Room to strengthen sustainability issues: sustainability is an increasing and important issue, however we cannot forget the aim to increase productivity in order to ensure global food supply.

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)

As to question 3.1, we are of the opinion that the improvement of biodiversity should be out of S&PM legislation, because the loss of biodiversity is mainly due to the conduct of farmers and not to seed legislation. If farmers are not subsidized, they will always choose more productive varieties! Beside that, also innovation should be a separate objective of S&PM legislation. As to question 3.2, we believe that the following items have been overlooked: - ensuring food security and globally sustainable agriculture at EU level; - providing information to users about seeds and propagating materials. The Common Catalogue do not report characteristics of varieties but is just a list of names with few indications

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

As to question 3.3, apart from our national legislation (in Italy, all companies dealing with seeds must be authorized), we find inappropriate the reference to the registration of breeders and suppliers since traceability is not linked to the registration of operators, but to the use of certified seeds.

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**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**

As to question 3.4, an affirmative answer should be given only excluding VCU tests for listing new varieties. Moreover, not all protected varieties or gene lines are marketed As to question 3.5, in our opinion priorities for S&PM legislation should be first of all to ensure the availability of innovative and more suitable varieties, with seeds of high quality, and to secure food production and security.

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)

We think that none of the scenarios defined in the Commission document show to work well and fit the exigencies of seed companies even though we are fully aware of the difficulty to merge different legislations into a unique harmonized legislation at EU level. That's why we support a combination of some elements and we are in favour of drafting a better scenario.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Scenario 1: we believe that a full cost recovery by public authorities is very risky, because not all the species and crops have the same economic conditions. In the short period this scenario could damage the competitiveness of companies and farmers. Scenario 3: we judge this scenario, with an optional official certification, rather unrealistic and able to bring to a great dis-homogeneity on the market. It would be better to abolish the official certification, leaving the companies free to organize their "certification systems" and market do its work! Scenario 4: we consider completely confusing the proposal to have EU Catalogues composed of two sections, that is to say "tested" and "non-tested" varieties. This idea reflects the situation we are facing after placing conservation varieties in a unique Catalogue together with other productive varieties. As far as discarded options are concerned, we are of the opinion that on one hand the system must be improved and simplified, on the other the international rules and controls (e.g., phyto) do not allow the complete abolishing of S&PM legislation.

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

We think that none of the scenarios defined in the Commission document show to work well and fit the exigencies of seed companies even though we are fully aware of the difficulty to merge different legislations into a unique harmonized legislation at EU level. That's why we support a combination of some elements and we are in favour of drafting a better scenario. We agree with scenario 2 (an improved system co-managed by public authorities and private companies, under official supervision), with the possibility of a move to gradually introduce some elements of scenario 5 (an enhanced role given to CPVO towards variety registration, specifically for species not requiring VCU testing, according to the "one key, several doors" principle). Scenario 1: we believe that a full cost recovery by public authorities is very risky, because not all the species and crops have the same economic conditions. In the short period this scenario could damage the competitiveness of companies and farmers. Scenario 3: we judge this scenario, with an optional official certification, rather unrealistic and able to bring to a great dis-homogeneity on the market. It would be better to abolish the official certification, leaving the companies free to organize their "certification systems" and market do its work! Scenario 4: we consider completely confusing the proposal to have EU Catalogues composed of two sections, that is to say "tested" and "non-tested" varieties. This idea reflects the situation we are facing after placing conservation varieties in a unique Catalogue together with other productive varieties. As far as discarded options are concerned, we are of the opinion that on one hand the system must be improved and simplified, on the other the international rules and controls (e.g., phyto) do not allow the complete abolishing of S&PM legislation.

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)

no answer

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

no answer

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:

As stated before, in scenario 1 we judge negative the objective to recover costs, without simplifying the whole system. In scenarios 3 and 4, we find some very negative views.

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 asserted in point 4.5, we are of the opinion that a combination of some elements from scenarios 2 and 5 can be the framework of a new better scenario

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:

Looking at the different scenarios, we remark some inconsistencies and contradictions, in particular when comparing agricultural species with other regulated species. For instance: - the

aim to reduce costs for the whole system can be achieved only simplifying the S&PM legislation; - the target to improve farmer's choice is the result of a large capacity of innovative research and not of the way to run Common catalogue. This concept goes for competitiveness too; - the functioning of internal market is linked to EU general principles (directives and regulations), while the harmonisation is the result of a homogeneous application of the rules by the different bodies and official authorities.

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:

