

1. INTRODUCTION

1.1 What is the name of your organisation?

ZELSEED spol. s r.o.

1.2 What stakeholder group does your organisation belong to?

Breeder of S&PM; Supplier of S&PM; SME company; 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)

If the European Community would have been homogenous in terms of economy and competitiveness, the problems would have been defined correctly

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

Overestimated: Sustainability issues; Underestimated: distortion of internal markets, because less developed countries will have problems to conform to some scenarios

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)

Overlooked is the main objective: "better regulation". All the scenarios address only redistribution of activities which stem from present legislation. However, content of the legislation has never been opened. Therefore with all the scenarios there can be immense financial impacts. Simplification of legislation even if it would be done slowly in small parts, would gradually bring cost savings automatically

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

reducing costs for public authorities

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

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)

Abolishing the EU legislation on S&PM marketing; No Change to technical provisions and continued high input of official authorities. Complete freedom for Member States to decide on possible cost recovery or Combination of elements from multiple scenarios. A scenario for simplification of regulation which would bring cost savings to the administration but foremost to the companies (mainly in breeding) is needed. It is also inevitable to specialize the legislation according to crop groups – it is not possible to have one regulation.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Unrealistic are scenarios 2, 3 and 5 they are very discriminatory. Under scenarios 2 and 3, in such form as they are presented, breeding in small companies would cease to exist because they will not be able to afford registration of new varieties and thus only large companies will afford to breed what is unacceptable. We refuse scenario 5, because we are against centralization and increasing of CPVO's powers. It is necessary, together with the S&PM legislation, to reopen also the legislation on plant variety protection. Non-functional plant variety protection in cereals causes large damages to the whole industry and cereals operators try to compensate this problem with stringent certification and registration. If this problem would be eliminated, the S&PM legislation could be simplified and it would automatically bring cost savings.

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

No

4.5 Other suggestions and remarks

If the section 2 of common catalogue proposed under scenario 4 should have a practical meaning for the registration applicants, it is necessary to clearly distinguish the complexity of variety descriptions in this section. This is mainly because already today some of the information requested in the CPVO Technical Protocols, such as those about disease resistances, act as a tool for discrimination for SME breeders. These ever changing criteria from CPVO for variety registration have bigger impact on costs related to registration than any of the proposed scenarios.

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)

In scenario 3, the impact on SMEs having to perform registration themselves, this will have the same adverse impacts as in scenario 2. In scenario 5, the economical impacts on registration are not well elaborated. Despite the argumentation which says that there will be some cost saving, we fear that the opposite will happen since the registration costs under CPVO will be surely more expensive than in most of the Member States. Uneven economical conditions of some of the (new) Member States and companies have to be taken into consideration. If not, there is a threat of liquidation of SMEs.

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

The negative impact of scenario 1, 2 and 3 on SME competitiveness is underestimated.

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

1 = very proportional

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

Very negative

Scenario 3

Very negative

Scenario 4

Fairly beneficial

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:

no answer

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

Scenario 4 should be more clarified and elaborated in terms of the harmonized description in section 2 to clearly distinguish the complexity of variety descriptions in this section. This is mainly because already today some of the information requested in the CPVO Technical Protocols, such as those about disease resistances, act as a tool for discrimination for SME breeders. Furthermore in scenario 4, the question whether in section 1 the tested varieties will be tested officially OR under official supervision. If these issues will be clarified, this scenario will provide a choice for the operator, how costly he shall register and certify his varieties. If other please describe the main elements of that scenario: Abolishing the EU legislation on S&PM marketing, No change, including assessment of economical impacts.

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:

Improving competitiveness will not be achieved with scenario 2, 3 and 5, since only bigger companies will be able to afford to test new varieties themselves. Understanding of sustainability according to the paper on options and analysis of possible scenarios favours only large companies. Biodiversity also has to be a part of sustainability, that is, large number of different varieties that will decrease the risks stemming from monoculture farming.

7. OTHER COMMENTS

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

It is necessary to stipulate, that the objectives of better regulation have been defined incorrectly. One of the key objectives, reducing costs and administrative burden to public authorities is ill minded. We have to concentrate on the ultimate payers of the costs, which are the tax payers – companies, and not the authorities. Therefore the predominant objective should be to decrease overall costs to the companies, regardless if these pay the costs directly, or through the taxes.

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:

