

## **1. INTRODUCTION**

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

National Farmers Union

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

Company operating on national level; Other

#### **1.2.1 Please specify**

Representative organisation: The National Farmers Union represents 55,000 farm businesses, including seed growers, in England and Wales involving an estimated 155,000 farmers, managers and partners in the business. In addition we have 55,000 countryside members with an interest in farming and the countryside

### **1.3 Please write down the address (postal, e-mail, telephone, fax and web page if available) of your organisation**

NFU Agricultural House Stoneleigh Park Stoneleigh CV8 2TZ England (0)24 7685 8500  
www.nfuonline.com

## **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)**

The rationale for the development of the S&PM acquis, a primary objective of which was to support productivity and competitiveness of European agricultural; the on going need to stimulate innovation; and the importance of promoting the availability of better varieties to meet future challenges are objectives not mentioned in the review document. The NFU feel that there is continued importance for the future regulation to maintain these aspects as central principles and to ensure the free movement of high-quality seed and plant propagating material (S&PM) of plant varieties which meet the expectations of farmers and other users. The NFU feel these remain important as the challenges and objectives for the future include ensuring we can support productive agriculture to supply growing worldwide demands, enable adaptation to climate change and improve agricultures environmental performance through improved efficiencies; of which crop varieties will play an important role. It is also essential because European farmers and growers are exposed to the world market and the removal of a strong domestic seed sector will place them at a competitive disadvantage; seeds are a key element of the competitiveness of growers who need high quality material to ensure production risks are minimised and plants are adapted to their local environment.

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

Underestimated

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

The NFU supports a revision of the current S&PM due to the need to ensure clarity and consistency in the legislation, remove distortions in the internal market and to strengthen promotion and support for better plant varieties which support improved production and address sustainability issues. However we feel that there is a failure to include within the paper, and therefore a significant underestimation of the need, to ensure the S&PM supports productive agriculture for the future in the face of challenges that farmers will face including climate change, producing more to supply increasing market demands and improving environmental impact through use of more efficient productions systems of which crop varieties will be a key part. Sustainability of production is linked to efficiency of crops in utilising nutrients and additionally

yields and overall production is an important aspect of sustainability. There is an important need to ensure we can maximise the productivity of existing agricultural land in order to prevent the need to convert any other land into agriculture production. Increased yield is important in addition as it enables a reduction in the environmental footprint per unit output. We also believe there is an over emphasis of the perceived need to reduce administrative burdens for Member State authorities. The S&PM legislation was introduced in light of a market failure and in recognition of the importance of supporting a productive and competitive European agriculture sector. The public good provided for through this legislation is in its role in supporting availability of safe and domestic food, fibre, feed and chemicals to the European consumer must not be in a short term desire to help Member States manage current deficit pressures. In addition a review of the S&PM should be an analysis of the impacts on the market and users of the material. Administrative burdens or burdens that may arise from suggested changes to the industry must be considered within the impact analysis.

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

We also support the Copa-Cogeca position on the need to exclude Council Directive 1999/105/EC on the marketing of forest reproductive material within the proposed single regulation, in recognition that forestry material due to its unique nature and requirements for compliance with international testing techniques is not appropriate to be dealt with under a harmonised legal provision.

### **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)**

The inclusion of a reference to the importance of productivity of the agricultural sector in helping fulfilling the EU's global responsibilities for food security and globally sustainable agriculture is missing in the analysis of the sustainability drivers for future policy. (Please see Q1) Multiple scientific reports confirm the importance for sustainable intensification of agriculture in meeting future challenges and that productivity is an important facet to sustainability. For example the Royal Society report Reaping the benefits: Science and the sustainable intensification of global agriculture (2009); and 'The Future of Food and Farming: Challenges and choices for global sustainability' (2011). It is therefore fundamentally important that this process of simplifying legislation should not lead to the quality of the S&PM framework being reduced, either in relation to plant health or variety quality. Despite the document recognising that the stakeholders during review consider that the current S&PM acquis has helped deliver a more productive agriculture sector and it was seen as an important strength of the Directives, yet this is not included in the objectives nor apparently reflected in the analysis of the scenarios. Seed and propagating material is the first input for all agricultural systems. Therefore, we must ensure that there is suitable official control and supervision in place to make seeds and propagating material available to farmers which conforms to uniform, officially defined specifications relating to germination capacity, plant health and variety correspondence. An official an independent oversight of the testing of new varieties must therefore be continued for all agricultural species. The role of the Common Catalogue should be reviewed in order to a) improve the level of information access in order to help provide relevant information for farmers and other users of S&PM on the performance of the cultivars registered; and b) in order to improve the process of application to the Common Catalogue by users which will in turn reduce administrative burden and costs.

#### **3.3 Are certain objectives inappropriate?**

Yes

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

The overt focus on reducing burden for administrators appears without the consideration of potential burden on breeders or on the implications for the wider market of the removal of requirements for official testing and control of agricultural species under certain scenarios presented. Additionally the objective which reads “improve farmers’ choice and access to a wide diversity of plant varieties” appears misleading in this document. Increasing the numbers of plant varieties on the market does not equal improved choice or a better market for farmers and a focus on increasing quantity of material on the market could in itself be detrimental to farmers if there is not a sufficient level of control on the marketing and registration of plant material. This danger would arise under both Scenario 3 and 4 and would allow material without having undergone official systems to be marketed to growers. This would undermine the ability of farmers to identify material as new or appropriate varieties for their region or business and there would be a significant danger that material would not be of sufficient quality, additionally bringing risks of plant health and preventing growers from being able to commit to supply contracts due to the higher risks in production. While we recognise the importance of allowing more flexibility for the purposes of allowing the continuation of conservation and land race varieties use the application of a flexible system to all species in all circumstances is inappropriate, would be damaging to European agriculture and should not be considered. The improvement of farmers’ choice while an important consideration for the S&PM legislation should be seen in conjunction with the importance of access to material that a farmer can have confidence in in terms of plant health and quality, varieties have an improved benefit, are fit for use and support sustainable intensification.

**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**

3

**Empower users by informing them about seed and propagating material**

5

**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**

While we have ranked these as requested in this survey we feel all of the above are important objectives of the regulation. Additionally in some of the scenarios presented the risks of illegally imported seed or even seed imported which is of a lower quality or of risk to plant health is increased. This is despite both the agricultural and plant breeding sectors highlighting of the problem of illegally imported seed as an on going issue and one which we had hoped could be addressed during this review period. We again support the Copa-Cogeca position which calls for the European Commission and the Member States to adopt a thorough control system for seeds and propagating material.

**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)**

The NFU consider the an option building on aspects of Scenario 2 as the basis for a new regulatory framework, with additional inclusion of harmonised testing, greater transparency and improved access to the CPVO and with VCU criteria development to support the principles of sustainable intensification in agricultural species should be explored. The scenario development, in particular 3, 4 and 5 feel instead focused on reducing the specific volume of paper the regulations will be contained in rather than on improving the regulatory framework to address issues which were highlighted from the review process.

**4.3 Are certain scenarios unrealistic?**

Yes

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

The scenarios are in the main unrealistic in particular for the analysis of impacts and benefits that accompanies each. (Please see comments throughout response) No scenario presented fulfils the primary objectives of the review and there is in particular an apparent over consideration of the need to reduced regulation, in terms of volume. As we have emphasised in our answers to the questions this is not the same as the need for improved regulation and can risk undermining the important role of the S&PM in delivering high quality seed and plant material. The main purpose of the legislation must be to maintain high quality in seed and plant material and support innovation in plant breeding which encourages progress in valuable characters such as for plant health, sustainability, productivity and quality. Scenario 1 by only focusing on the transfer of costs and reduction of public expenditure, does not address any of the objectives for the review. Additionally transfer of costs has already occurred in some member states in particular in the UK where we are being subject to a full cost recovery system. This decision and scenario is therefore irrelevant as it does not address objectives and the transfer of costs will always be exercised by choice at a member state level. Scenario 2 provides the best outlined scenario for a new regulation, providing for reduced burden by use of official supervision which will additionally help reduce costs. There remains however important outstanding questions that should be incorporated to this scenario to ensure additional objectives are encapsulated: for example the important need for inclusion of harmonized standards of testing, and improving the operation of the EU common catalogue. Scenarios 3 and 4 do not secure the fundamentally important requirement for the end user of agricultural species that all products comply with common standards for variety identity, quality for use and seed quality. Listing and certification must be based on reliable, relevant and sufficient information and will allow products to be marketed that have lower quality and risk undermining plant health and productivity. These scenarios will undermine European breeding programs and research, while taking away the ability of the farmer to manage the first aspect of risk of their production, significantly undermining confidence in the primary input into all agricultural systems. Scenario 5 by proposing a fully centralized system is not appropriate as it will not allow for national or regional test centres which are needed to verify variety performance and stability in different climatic conditions.

**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**

We agree that both scenario 1 and 5 should not be considered further. However the scenario 2 should be considered as a foundation for further development in line with our suggestions above. Scenario 1 is effectively no change. Scenario 5 will undermine the value of testing regime and the reliability of information for farmers and growers. Scenario 4 is an option which would profoundly undermine traceability and labelling in the European market. With any supplier being able to

choose to avoid the route of official testing and equally being able to choose their own labelling means there will be a proliferation of different labelling systems and approaches between countries and companies and putting farmers at risk of purchase of unsuitable or poor quality material, endangering productivity and plant health

## **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)**

The scenarios are not assessed for their potential impact on productivity and neither for their broader impact on research and development. For example analysis on the potential of a scenario to undermine the market by bringing in untested varieties will both impact on farmer's ability to produce their crops and will undermine existing breeding and research programmes as they become uncompetitive against imports that do not need to go through such standards. Scenarios 3, 4 and 5 raise particular concerns of such potential for negative impacts. Additionally the potential for undermining or the potential for improving plant health issues have not been considered.

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

Overestimated

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

Simplification has been rightly assessed as an important objective for the legislation review yet, has not been addressed in the scenarios as a whole. Sustainability has been wrongly estimated not in terms of its importance rather in terms of its interpretation. Productivity impacts have not been included at all, and the concept of sustainability is misled and places the focus incorrectly: rather than less fertiliser or chemical use there needs to be increasing plant efficiencies in use of such inputs, which improves productivity and environmental impact; the need to encourage varieties that support sustainable intensification in order to meet all the challenges for the future. Administrative impacts are assessed and solely focussed on burdens for authorities, and not consider burdens for breeding or agricultural industry. The focus of reducing volume of regulation rather than a focus on improvement of regulation risks undermining the goals of the review by making markets more complex, reducing access to quality varieties and additionally may only shift any burdens to industry. The problems and objectives identified must not be lost in the desire to simply reduce the overall volume of regulation. The important public benefit to the S&PM regulation testing varieties and seeds is overlooked in this analysis, and the provision of quality agricultural products for use in food, feed, fibre and chemicals industries. Harmonisation is rightly identified as a problem but the scenarios do not address this. Harmonisation of testing will be vital to ensure harmonisation and yet is only mentioned in scenario 3. It must be recognised however that harmonisation of testing protocols and regimes does not mean absolutely standardisation as this could restrict access to the market for valuable and useful material. Flexibility has been underestimated to the extent that it has been omitted. One of the original concepts at the outset of this evaluation was to set up new legislation so as to have more opportunity to amend it in the light of new scientific evidence or market needs occurring. Very disappointingly this seems to have been dropped and does not feature in this analysis. This will be important to ensure the legislation remains strong for the future. Additionally the analysis of impact for scenario 4 is over estimated because different hypothesis are made in terms of distribution between tested varieties/certified seeds and non tested varieties for the different impacts (plant health and quality, jobs, administrative burden, competitiveness, environment). Also, the positive impact on competitiveness in scenario 4 is unrealistic compared to the calculated extra cost for the variety tested seed (+3%).

**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**

Neutral

**Scenario 2**

Fairly beneficial

**Scenario 3**

Very negative

**Scenario 4**

Very negative

**Scenario 5**

Rather negative

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

Please see our answers to 4.2, 4.3, 5.2 and 5.3 for our analysis of the scenarios and statement of our preferred option development.

**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**

NFU would like to see the development of scenario 2 for further inclusion of the following principles: We support Scenario 2 as the basis for further development because we strongly believe DUS and VCU tests should be conducted either by an official authority or under official supervision. VCU test must cover aspects relevant for the end user and the environment. Investments in R&D can only be justified with a high quality official DUS testing system in place, and also a proper, DUS and VCU testing of agricultural species is required to ensure quality seed and plant material. Thorough and scientifically solid DUS testing is vital. - A harmonized certification protocol for control of all seed lots to be commercialized in EU is required and is vital for providing farmers with quality seed and plant material. - Field inspection, sampling, testing and certification of seed lots to be conducted by accredited suppliers under supervision by official authorities. This should be carried out under official controls or official supervision. - All seed lots to be commercialized within EU must be controlled and approved through an accredited certification process. In order to secure variety identity, quality, and full traceability in the system, certification rules must be fully harmonized in EU. - Field inspection, sampling, testing and certification of seeds lots to be conducted by the accredited body, under supervision by the national authority. Alternatively, a supplier may choose to have this all carried out by the official authority. - Control growing of basic seed lots continues to be conducted by official authorities, and results to be valid in all member states. - Conservation Varieties may only be grown for special purposes, where the specific quality can be documented. Please also refer to comments made under question 5.

## **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:**

According to the analysis presented, scenario 4 is seen as the best in terms of fulfilment of the objectives. However, as explained in our answers to the above questions on the scenarios and the objectives we have significant concerns about scenario 4 and believe it could actually result in negative outcomes compared to the objectives of the review and the purpose of the legislation. Additionally, we believe that the review conclusions are biased by over emphasis on impacts on national authority compared to industry and agriculture; lack of consideration of the impacts on productivity and the choice of wrong hypothesis terms of distribution between tested varieties/certified seeds and non tested varieties for the different impacts (plant health and quality, jobs, administrative burden, competitiveness, environment

## **7. OTHER COMMENTS**

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

We are extremely disappointed that the views of the agricultural industry do not appear to be taken into consideration during the production of the 5 scenarios. The S&PM legislation fulfils an important role in supporting a European breeding industry, which produces varieties for our markets and conditions; it provides availability to high quality plant material and seeds for farmers and growers; ensures there can be confidence for farmers and growers in the material they are using, which both helps them manage risk and improve productivity. Without this legislation confidence in seed and plant material will reduce, productivity will be damaged and we would be at risk of While we fully support the need for a review of the current S&PM acquis to ensure there is improved regulation and that it will be suitable in enabling the agricultural industry to face the challenges in production for the coming decades we feel the current strengths are purposes of the S&PM has been lost in the apparent desire to make a reduced pile of regulation paperwork. We strongly feel that there is continuing importance for the future regulation to maintain these aspects as central principles and to ensure the free movement of high-quality seed and plant propagating material (S&PM) of plant varieties which meet the expectations of farmers and other users. The NFU feel these remain important as the challenges and objectives for the future include ensuring we can support productive agriculture to supply growing worldwide demands, enable adaptation to climate change and improve agricultures environmental performance through improved efficiencies; of which crop varieties will play an important role. Recognising that reducing burdens and making the system more adaptable for users is an important objective of the review official supervision for registration and control elements should be explored and developed where appropriate. However this will also need to be carried out in line with establishing harmonised testing and analytical procedures to enhance harmonisation and ensure high quality plant and seed material remains available for farmers and growers across Europe. Scenario 2 therefore while providing the best basis for further development needs to have additional aspects considered as part: harmonised test protocols and analytical processes; VCU development to encourage "better varieties" such as tests for resistance to harmful organisms; option for reduced burden on conservation or land race varieties within set parameters; improvements in common catalogue including ability to access information on new varieties once listed. Additionally we support the Copa-Cogeca request to see a strengthened EU farmers' involvement in the CPVO activities and to reinforce the cooperation between Copa-Cogeca and CPVO and therefore to get the farmers more active.

### **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:**

1. Yield as an important factor in assessing sustainability: Report to Defra, Project Reference Number: FO0404. ADAS, Campden BRI, Cranfield University, North Wyke research, EuGeos 2. Goulding et al 2011 (Feeding the world: a contribution to the debate. World agriculture 2 (1): 32-38) compared organic and conventional wheat systems and found a typical ratio for yield of 0.65.

Demonstrating that in order to produce the same production output there is a need for a greater land use area. 3. The importance of production for the future and sustainable intensification: a) The Foresight Report 2011: The Future of Food and Farming, Government Office for Science and Technology



