

## **1. INTRODUCTION**

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

FNAMS (Fédération Nationale des Agriculteurs Multiplicateurs de Semences)

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

Other

#### **1.2.1 Please specify**

FNAMS is the French seed growers' association and is representing the 18.000 farmers who are producing seeds in France.

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

FNAMS 74, rue Jean Jacques Rousseau, 75001 Paris – France anne.gayraud@fnams.fr – jean-noel.dhennin@fnams.fr tél : 0033144827333 fax : 0033144827340 www.fnams.fr

## **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)**

Seed growers are never mentioned in the document and are not considered as stakeholders that might be affected by a revision of the legislation (see point 2.3). We remind the Commission there can't be any production of seeds without seed growers.

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

Overestimated

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

Overestimated problem: securing farmers' supply with high quality seeds and guarantying a choice of varieties adapted to the needs must be a priority for MS to ensure the competitiveness of European agriculture, its sustainability and its participation in the global food security. The financial implications of National Authorities must be maintained if it helps to ensure that supply. Given the stakes, the argument of the cost of operations for registration and certification should be underweighted. Underestimated problem : The consequences of the various scenarios on seed growers' networks were not included in the analysis. Yet in France 350,000 ha of seeds are produced by 18,000 farmers with a stable group of seed growers (57% of the total), known for their expertise. This group provides 85% of the French production. As seeds production is an important source of added value on farms, it is therefore important to weight the impacts of the scenarios on seed producer's networks.

### **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)**

varietal progress and genetic innovation aren't sufficiently highlighted in the objectives. The concept of productivity of varieties does not appear. The Commission Communication " CAP for 2020" put food security as a challenge for tomorrow. This challenge can be met if farmers have at their disposal the proper varieties to secure yield and quality of productions. Innovation is a key to develop a sustainable European agriculture.

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

Yes

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

The issue of cost must be balanced regarding the issues. Rather than talking about cost reduction, it would be better to consider the problem from the perspective of a cost optimization. In France the cost of registration, inspection and certification is many times lower than the figure announced in the Commission document (around 1% of the value of the sector). It should be possible to significantly optimize costs in some other MS and to implement an efficient organization.

### **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**

2

**Promote plant health and support agriculture, horticulture and forestry**

4

### **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)**

None of the scenarios give any indications about the "seed grower level".

### **4.3 Are certain scenarios unrealistic?**

Yes

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

DUS tests: Seeds companies do not have the collections of reference to achieve the

"distinction" part of the test in good conditions which may be a source of legal disputes in case of protected varieties (case of scenarios 2, 3 and 4). VCU tests: Scenarios making the VCU optional for main crops (3, 4) are unrealistic. Without VCU, MS do no longer have public policy tools to promote genetic progress in response to highly segmented market or new expectations of the society (especially environmental). Scenario 4, which allows the coexistence of several types of seeds for the same species (certified seeds of "tested" varieties, non certified seeds of "tested" varieties, non-certified seeds of "not tested" varieties) is a source of misunderstanding for users. Farmers already have problems in some EU countries to find proper information on the characteristics of the varieties they use. This remark is also valid for scenario 3. In scenario 4 for the case of "non tested" varieties, how to ensure the impartiality of the description that will be provided by the breeder? How to be sure that a variety that will be put on the list of "non tested" varieties is not already on the list of 'tested' varieties?

**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)**

The impact on seed growers' networks has been forgotten in this study. In the current directives, there are provisions for field production which are the bases of the contracts concluded between seed growers and seed companies. Scenarios 3 and 4 open the possibility of large-scale production of seeds of the same species subjected to different requirements (certified seed / not certified seed). This could be a source of disruption in structured contractual relationships between seed growers and seed companies. Furthermore, contracting gives the insurance of an outlet and remuneration rules for the seed grower. It helps to ensure that producers will go on in seed production in a context of high prices for main crops (some seeds production are very technical and producers could stop seeds to produce main crops instead as prices for main crops are now very attractive).

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

Underestimated

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

Underestimated impacts: Impacts on sanitary quality of seeds and seedlings in the case of scenarios 3 and 4 (optional VCU and optional certification) are probably underestimated. It is a problem in the context of reduction of authorized Plant Protection Products and it goes against the objective of reducing the amount of PPP used in the EU. Furthermore, in the revision of Directive 2000/29 it is proposed to transfer the control of a number of diseases and pests in the future seed law (control will be done in the same frame than certification). If certification is not compulsory any more (scenario 3 and 4) how to be sure that the seed companies will be able to control more pests and diseases in good conditions? One aspect is totally underestimated in this study is the cost of monitoring by the staff of fraud departments. Scenarios 3 and 4 could lead to have more amounts of seeds under suppliers' label, specific means to control these seeds should also be provided by the MS. Overestimated impacts: In the impacts' assessment for scenario 4, different hypothesis for the distribution between "varieties tested / certified seed" and "non-tested varieties" are taken in the different parts of the analysis. This leads to a wrong impact analysis.

Thus in the approach "costs" (paragraph 3), impact assessment is based on a distribution of 30 to 35% for tested varieties while in the approach environment "(6), evaluation is based on a repartition of a "majority" for "tested varieties". Without a single and defined hypothesis of distribution between "varieties tested / certified seed" and "non-tested varieties" the impacts' assessment for this scenario is irrelevant. The impact on competitiveness of scenario 4 is unrealistic given the additional costs calculated for the seeds of tested varieties (+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**

Neutral

**Scenario 3**

Rather negative

**Scenario 4**

Very negative

**Scenario 5**

Neutral

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

See explanations in the previous answers

**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?**

This proposal is available for agricultural crops seeds and vegetable seeds (as our organization is not implicated in the other sectors). DUS (scenario 1 or scenario 5) and VCU (scenario 1 + scenario 2) : - DUS: -EU harmonized criteria, based on CPVO's achievements -cooperation between MS (bilateral agreements) to lower the costs -implementation of sustainability criteria in DUS tests for vegetable varieties -VCU: -taking into account of new environmental criteria complementary of the current criteria (VCUE, E=environmental). - Implementation of the tests by the industry under official supervision (like in scenario 2). - Proposal of an EU common core of criteria with possible adaptation by each MS . Certification: scenario 2 -compulsory for agricultural crops, optional for vegetable seeds -official control by national authorities or made by suppliers under official supervision -official label (agricultural crops) or suppliers label (vegetable seeds) Suppliers' registration: scenario 2 -suppliers' registration is compulsory with a precise definition of « supplier » Conservation varieties: « light » registration criteria, restrictions for use (location and quantity, to avoid the development of parallel markets).

**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:**

According to the analysis of the Commission, scenario 4 is the best in terms of fulfillment of the objectives. However, some conclusions are biased as assumptions made for the distribution between "tested varieties" and "non tested varieties" are different from one section to another (see previous answers).

**7. OTHER COMMENTS**

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

The scenarios do not take into account the new costs that the EU will have to face, especially in scenario 5 (more operations transferred to CPVO). We wish to highlight the issue of illegal imports of seeds from third countries, namely unlisted varieties (i.e. vegetables) and false declarations of uncertified seeds (i.e. grass seed imported as bird feed). We urge the European Commission and the Member States to adopt a thorough control system for seeds and propagating material.

**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:**

Etude 1238 – GNIS “caractérisation du réseau des agriculteurs multiplicateurs”

