

1. INTRODUCTION

1.1 What is the name of your organisation?

Finnish Food Safety Authority Evira

1.2 What stakeholder group does your organisation belong to?

Competent Authority (CA) involved in S&PM certification and control; Competent Authority (CA) involved in S&PM variety and material registration

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?

Yes

2.2 Have certain problems been overlooked?

No

2.2.1 Please state which one(s)

2.3 Are certain problems underestimated or overly emphasized?

Overestimated

2.3.1 Please indicate the problems that have not been estimated rightly

For the seed sector the two main pillars, variety registration and certification, are very important. The EU legislation on S&PM is old and needs to be revised but still these two basic elements are needed also in the future. The seed of good quality and the variety that grows in the northern conditions of Finland are very important for the farmer. The costs of registration and inspections must be fully covered by fees. The certification costs are only about 3% of the price of the seed. The aim to harmonize implementation of legislation is reasonable but the objective should not be the total harmonization because in some conditions the nationally stricter requirements are needed. For example in Finland the situation of wild oats (*Avena fatua*) is relatively good and mainly based on national strict rules. It is important to be able to maintain this good situation also in the future. Plant diseases affecting the seed quality should also be able to restrict nationally. In Finland for example national legislation for smut diseases (*Ustilago* sp. *Tilletia* sp.) of cereals is used. The climate conditions and diseases that cause problems vary significantly from country to country and is the reason for need of national legislation. Quarantine diseases based on plant health regulation are different matter. For the forest reproductive material (FRM) sector, the problem definition is inappropriate. Forestry differs significantly from both agricultural crop production and horticulture. Forests and other wooded land occupy some 160 million hectares, i.e. more than 40 % of the EU's land area. They fulfil a multifunctional role based on their social, economic, environmental, ecological and cultural functions. Forest policy lies in the competence of the Member States, but the EU can contribute to the implementation of sustainable forest management (SFM) through common policies, based on the principle of subsidiarity and the concept of shared responsibility. The multifunctional role of forests and sustainable forest management has a great importance for the development of society. Regeneration and afforestation of forests, forestation measures and FRM used are key elements of sustainable forest management. Directive on FRM (1999/105/EC) was revised according to the principles of sustainable forest management. After more than 10 years, these principles are still valid. The

changes or renewal of the Directive on FRM cannot be justified by the agricultural sector's needs for reform. Problem that is overestimated: In the sector of propagation material of fruit plants, there is neither requirement for obligatory certification nor EU legislation in force at the moment. Certification is done voluntarily and according to national legislation in some member states. There is no requirement for inspection of every lot of propagation material before marketing either. Also according to the directive 2008/90/EC it will be possible to market non-certified CAC propagation material. Problem that is underestimated: Non-harmonized requirements for registration and labeling in the marketing directives and plant health directive. When same suppliers or same plant species are involved, the requirements should be harmonized to make the requirements easier to fulfill by the suppliers (for example the plant passport in the plant health legislation and supplier's document in the marketing directive).

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?

Yes

3.2 Have certain objectives been overlooked?

No

3.2.1 Please state which one(s)

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

The single horizontal legal framework for marketing of S&PM is not applicable for forest reproductive material. The purpose of the Directive on the marketing of forest reproductive material (FRM) compared to the agricultural directives' purposes is significantly different. The purpose of the Directive on FRM (1999/105/EC) is not to obtain greater productivity. Instead of that, it consists of measures to ensure that the tree species important for forestry purposes are genetically and phenotypically suited to the site conditions where they are used. According to the Directive, the supplier of the FRM must give sufficient information of origin and quality of FRM in order to make it possible to the forest owner to choose suitable material for forestation. By ensuring this it is possible to obtain added value not only in wood production but also in stability, adaptation, resistance and genetic diversity of forest trees as well as biodiversity of the whole forest ecosystems. Damages caused by the use of non-adapted provenances may be seen only after decades with heavy losses in all values mentioned above. The objectives, terms and rules of the Directive on FRM should not be changed. The best way to ensure this is to keep the directive separated from the agricultural and horticultural directives. FRM cannot be included as part of regulation (EC) No 882/2004 on official food and feed control.

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

2

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

3

3.6 Other suggestions and remarks

The seed of good quality and suitable for sustainable production is valuable for the farmer, the industry using the crop and the final consumer resulting safer animal feeds and human food. The registration and inspection effort for good quality seed cannot be seen only as burden. We are very satisfied that market transparency, traceability and registration of suppliers are on the list of objectives. They are basic elements for the reliable seed production and the certification under official supervision by seed industry. The new EU legislation must be in alignment with international rules and standards (UPOV, OECD, ISTA). The EU is strong partner in international seed organizations and can affect the development of international standards. The main role for improving the international standards is still on the organizations instead of EU because they have a possibility to use deep expertise for special sectors and provide scientific material for discussions. The prioritization of the objectives are made from agricultural point of view. In the field of forestry, the first and the last two objectives are the most important ones.

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)

For forest reproductive material the scenario 'no-changes' is the most suitable.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

For the seed sector scenarios 3, 4 and 5 are unrealistic. VCU and DUS -testing are important for the farmer using the seed. Seed certification process with quality standards is the basis for the good quality production. Seed certification only for export would lead to unbalanced situation within EU member states by creating competing private sector seed schemes. Finland is not in favor of centralizing variety registration to CPVO. Growing conditions and consumers' preferences vary so much in different Member States that decisions on national listing must be made on national level. The technical part of publishing Common Catalogue can be done by CPVO. Finland is also not in favor of centralizing all plant breeder's rights to CPVO. Granting plant breeder's rights on national level instead of on community level is cheaper for the applicants especially if the variety is going to be grown only in a few Member States. Also the possibility to use national languages in processes concerning national listing and PBR are important for citizens of small Member States. It is not likely that CPVO can provide equal services on all official community languages. The current requirements for fruit plants and ornamentals are not taken into account. Therefore, it is not possible to say what would be the changes and which scenario would be appropriate for this sector. Scenario 2: variety registration should not be an obligation for ornamentals. For fruit plants, registration requirements should be according to the directive 2008/90/EC. That is to say, also commonly known varieties should be allowed for fruit plants. Variety registration should not be an obligation for certification of fruit plants. For plant

health reasons, it would be important that certified pest free propagation material is also available of fruit varieties which are not registered. Scenario 3: There should be some minimum requirements also for propagation material of ornamental plants (health, genetic uniformity, quality and labeling). Scenario 3: It would be good if voluntary certification for fruit propagation material would be possible to ensure availability of healthy propagation material.

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

Regulation (EC) No 882/2004 on official food and feed control is not relevant for forest reproductive material. It serves no-one's interest to force the seed and the forest material legislation together because the objectives are so different. In the field of forestry the best possible choice is to keep the directive 1999/105/EC as such, because : - it fulfils the short and long run needs of the European forest sector, - it is quite recently updated (1999), - It is recognised as a standard legislation worldwide. This solution isn't proposed in any scenario. For the seed sector scenarios 3, 4 and 5 are unrealistic. VCU and DUS -testing are important for the farmer using the seed. Seed certification process with quality standards is the basis for the good quality production. Seed certification only for export would lead to unbalanced situation within EU member states by creating competing private sector seed schemes. Finland is not in favor of centralizing variety registration to CPVO. Growing conditions and consumers' preferences vary so much in different Member States that decisions on national listing must be made on national level. The technical part of publishing Common Catalogue can be done by CPVO. Finland is also not in favor of centralizing all plant breeder's rights to CPVO. Granting plant breeder's rights on national level instead of on community level is cheaper for the applicants especially if the variety is going to be grown only in a few Member States. Also the possibility to use national languages in processes concerning national listing and PBR are important for citizens of small Member States. It is not likely that CPVO can provide equal services on all official community languages. The current requirements for fruit plants and ornamentals are not taken into account. Therefore, it is not possible to say what would be the changes and which scenario would be appropriate for this sector. Scenario 2: variety registration should not be an obligation for ornamentals. For fruit plants, registration requirements should be according to the directive 2008/90/EC. That is to say, also commonly known varieties should be allowed for fruit plants. Variety registration should not be an obligation for certification of fruit plants. For plant health reasons, it would be important that certified pest free propagation material is also available of fruit varieties which are not registered. Scenario 3: There should be some minimum requirements also for propagation material of ornamental plants (health, genetic uniformity, quality and labeling). Scenario 3: It would be good if voluntary certification for fruit propagation material would be possible to ensure availability of healthy propagation material.

5. ASSESSMENT OF OPTIONS

5.1 Are the impacts correctly analysed in the context of S&PM marketing?

Yes

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?

Rightly estimated

5.3.1 Please provide evidence or data to support your assessment:

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

4 = not 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

Neutral

Scenario 2

Fairly beneficial

Scenario 3

Very negative

Scenario 4

Very negative

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:

The assessment is made for the seed sector (reasons, see 4.3 and 6.1.1.). The assessment is not relevant for the forestry sector.

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 the seed sector the new scenario is modified scenario 2. The variety registration and testing should continue. Especially VCU -testing is very important for the farmer who uses the seed. In conditions like Finland where cold climate, short growing period and acid soil type challenge the profitable crop production. The right variety types are crucial. For variety testing the 'one key several doors' principle must be followed. The link to plant breeders' rights is important to maintain. The national variety catalogue is still needed. The seed inspection and certification process remains unchanged but the tasks can be carried out more by the seed industry. The control of seed industry is based on the registration of all professional suppliers. All companies that are somehow participating of the production; treating, packing or marketing the seed should be registered. Only companies selling the seed in small packages or different ways dealing with amateur seed (like supermarkets) should be excluded of registration. Control of seed market is done by risk-based monitoring. To promote the production of conservation varieties the requirements for the production should be limited to minimum criteria. The criteria should be only 'light' DUS-testing to identify the variety and registration of the supplier. CPVO can continue its good work with present tasks but there is no need to concentrate more administrative or other tasks to CPVO.

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:

In the field of forestry the best possible choice is to keep the directive 1999/105/EC as such. This solution isn't proposed in any scenario.

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:

