

1. INTRODUCTION

1.1 What is the name of your organisation?

Verein Arche Noah, Austrian Seed Savers Association

1.2 What stakeholder group does your organisation belong to?

Breeder of S&PM; Supplier of S&PM; User of S&PM; Other

1.2.1 Please specify

conservation and sustainable use of agricultural biodiversity. International common profit organisation with 9.000 members in several European Countries, aiming at the conservation in situ on-farm and in-garden of varietal diversity, in a combined approach of decentralised on farm management, ex situ conservation of more than 6.000 accessions and participatory plant breeding to ensure the constant adaptation to local conditions and farmers/gardeners needs. Further activities: Capacity building, awareness raising, trainings for farmers and gardeners, research and publications

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

Obere Strasse 40, 3553 Schiltern, Austria info@arche-noah.at, www.arche-noah.at T: 0043-2734-8626 F: 0043-2734-8627

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)

1. The S&PM regulation did, for different reasons, not succeed in providing all users with ADEQUATE S&PM - talking of e.g. organic farmers, small scall farmers, farmers in disadvantaged areas, self suppliers and home gardeners. Those groups have major problems finding varieties in the market that suit their diverse needs. 2. Point 2.2 "Room to strengthen sustainability issues": The problem of negative impact of S&PM EU legislation on agrobiodiversity loss of feed and fodder crops is not taken into account! The aim of a new legislative framework must be at creating coherence between S&PM issues and Biodiversity issues as, for example, defined in the EU Biodiversity Strategy 2020. 3. Point 2.2 "Room to strengthen sustainability issues": The problem of negative impact of S&PM EU legislation on the implementation of "Farmers rights" (ITPGR) is not taken into account! 4. Point 2.3 "Who is affected, in what way and to what extent"? It is again overlooked here that farmers and horticulturalists can not only be consumers of seeds, but also producers of S&PM, they can be breeders of farmers/horticultural varieties and they are stakeholders of varietal diversity. Also in Europe, this is a small but relevant group that is affected by new S&PM regulations, because changes may affect their right to produce, save, use, exchange and sell the products of their breeding and propagating activities and the cost of doing so.

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

1. The S&PM regulation did, for different reasons, not succeed in providing all users with ADEQUATE S&PM - talking of e.g. organic farmers, small scall farmers, farmers in disadvantaged areas, self suppliers and home gardeners. Those groups have major problems finding varieties in the market that suit their diverse needs. 2. Point 2.2 "Room to strengthen sustainability issues": The problem of negative impact of S&PM EU legislation on agrobiodiversity

loss of feed and fodder crops is not taken into account! The aim of a new legislative framework must be at creating coherence between S&PM issues and Biodiversity issues as, for example, defined in the EU Biodiversity Strategy 2020. 3. Point 2.2 "Room to strengthen sustainability issues": The problem of negative impact of S&PM EU legislation on the implementation of "Farmers rights" (ITPGR) is not taken into account! 4. Point 2.3 "Who is affected, in what way and to what extent"? It is again overlooked here that farmers and horticulturalists can not only be consumers of seeds, but also producers of S&PM, they can be breeders of farmers/horticultural varieties and they are stakeholders of varietal diversity. Also in Europe, this is a small but relevant group that is affected by new S&PM regulations, because changes may affect their right to produce, save, use, exchange and sell the products of their breeding and propagating activities and the cost of doing so.

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)

Add objective: Improve the coherence of S&PM issues and Biodiversity Policy Issues and reduce the reinforcing effects of S&PM legislation on Biodiversity Loss. If increasing agricultural biodiversity is an objective of the Review (as stated in 3.1), there must be EXEMPTIONS from the regulations for the large diversity of varieties with very small but specific demand, for which the bureaucratic and financial efforts would never be proportional to the achieved economic benefit and that are therefore discriminated under the current S&PM legislation - like elder varieties, local types of food and fodder crops and varieties developed under special conditions, farmers own breeds. Those exemptions must allow for the exchange and direct sales of such varieties. Otherwise, the S&PM legislation will further on exclude such varieties from the market, a measure without positive effect on the productivity of agriculture, without negative effect on the competitiveness of the related sectors, but with negative effect on the availability of adequate S&PM to some users and certainly with a negative effect on agrobiodiversity. The EU guidelines on conservation varieties and varieties bred for special conditions are not an answer to this question. Efforts to officially register this large numbers of varieties directly compete with conservation and sustainable use of agrobiodiversity.

3.3 Are certain objectives inappropriate?

No opinion

3.3.1 Please state which one(s)

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 opinion

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)

The criteria of uniformity and stability as they are currently defined, exclude a lot of diversity from the market. Seed users who wish varieties that have lower levels uniformity or stability but other strong features, do not get them. The diversity of varieties must have access to the market.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

None of the scenarios provide space for an informal seed sector where unregistered varieties can be sold directly to seed users by unregistered seed providers

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

No opinion

4.5 Other suggestions and remarks

The current conservation directive focusing on limited regionality and restricted quantities with bureaucratic hurdles does not help diversity. An informal seed market instead will allow seed users to go for their own variety features. This informal market is unlikely to be abused by large commercial seed providers, since their customers will insist on certification and testing.

5. ASSESSMENT OF OPTIONS

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

No opinion

5.2 Have certain impacts been overlooked?

No opinion

5.2.1 Please state which one(s)

5.3 Are certain impacts underestimated or overly emphasized?

No opinion

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)?

No opinion

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

Don't know

Scenario 2

Don't know

Scenario 3

Don't know

Scenario 4

Don't know

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:

no comment

6. ASSESSMENT OF SCENARIOS

6.1 Which scenario or combination of scenarios would best meet the objectives of the review of the legislation?

No opinion

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

6.2 Do you agree with the comparison of the scenarios in the light of the potential to achieve the objectives?

No opinion

6.2.1 Please explain:

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:

