

## **1. INTRODUCTION**

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

Institutes for Breeding Research on Agricultural Crops, Breeding Research on Horticultural and Fruit Crops and National and International Plant Health of the Julius Kühn-Institute, Federal Research Centre for Cultivated Plants

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

Competent Authority (CA) involved in S&PM certification and control; Breeder of S&PM

#### **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 opinion

#### **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**

Complexity and fragmentation of legislation

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

The 12 directives and their problems are heterogeneous. Not all problems identified are relevant to all directives (e.g. there is no high level of administrative burden related to Dir 98/56/EC (ornamentals)). The need for improvement should be analysed individually for each of the 12 directives in order to choose well adapted solutions for each sector. Standardization of rules and procedures should not lead to enhancement of regulations in sectors, where they were not necessary in the past.

## **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?**

No

### 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**

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)

For each sector (agricultural species, fruit plants, vitis, vegetables, potatoes etc.) appropriate and justified elements of the scenarios should be combined. Agricultural species should have stricter rules than other regulated species. Market access for conservation varieties and material preserving genetic diversity should be liberalised.

**4.3 Are certain scenarios unrealistic?**

Yes

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

Scenarios with mandatory DUS or VCU testing of ornamentals are unrealistic. In the past stakeholders opposed to mandatory testing because the market for ornamental varieties is changing very quickly. Scenario 3 proposes the abolishment of the directive for ornamentals without any reflection of reasons and impacts. A thorough analysis and discussion about common objectives in respect of marketing of ornamentals in cooperation with the ornamental industry is necessary.

**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

To 4.1: According to the graphical presentation of scenario 1 (which should be the status quo) fruit plants have the same conditions as agricultural species in respect of control of lots. This is not the case. The situation of fruit plants is given in the right part of the graphic (other regulated species), but the right part is not appropriate for propagating material and plants of ornamentals and vegetables. For both sectors there is no need for official examination and official labelling. In both cases the supplier is responsible solely.

## **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 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)?**

3 = 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**

Rather negative

#### **Scenario 3**

Rather negative

#### **Scenario 4**

Neutral

#### **Scenario 5**

Neutral

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

Our Institution would not benefit from the cost recovery scenario because the practical implementation is done by the German Federal States. Scenarios 2 and 3 offer no liberalisation for conservation varieties/niche markets.

## **6. ASSESSMENT OF SCENARIOS**

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

Scenario 4

#### **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?**

Yes

**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:**

