

1. INTRODUCTION

1.1 What is the name of your organisation?

Agricultural Industries Confederation Ltd.

1.2 What stakeholder group does your organisation belong to?

Supplier of S&PM; International company; Other

1.2.1 Please specify

B AIC is the representative body for the UK seed trade, representing approximately 80 companies involved in the multiplication, certification and sale of certified seed to users.

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?

No

2.2 Have certain problems been overlooked?

Yes

2.2.1 Please state which one(s)

The problems have been identified as the admin burden, sustainability, simplification and harmonisation. The need for simplification, reduction in administration burden and for harmonisation with other areas of legislation and across Member States are correctly defined as problems but there are concerns with the way in which these problems are defined. Sustainability, as it is viewed in the options paper, does not address the wider EU policy concerns of sustainable intensification in order to meet the overarching food production and food security requirements. We would direct the authors to the recent Foresight report on the Future of Food and Farming (The Foresight Report 2011: The Future of Food and Farming, Government Office for Science and Technology). The EU as a productive agricultural region has a responsibility to maintain, and try to increase, that productivity, not to increase the burden on the natural environment in other parts of the world. The Options paper focuses on sustainability only from the point of view of input reduction which is both dangerous and inaccurate. It is also inappropriate for the S&PM legislation to be used in this manner, not least ahead of work currently being undertaken within the EU to determine more closely the efficiency of use of nitrogen in relation to plant varieties. The efficiency of use of inputs is an important component of the sustainability of production and it is disappointing that the paper has effectively chosen to ignore this whole area of work.

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

Earlier comments on sustainability are appropriate here – Sustainability as an objective has not so much been over or under estimated – more misunderstood. There has been under-estimation or more correctly a complete absence of the consideration of flexibility which is disappointing as this had been a strong message in earlier consultations. The need for greater flexibility and adaptability was made in relation to the wider changing environment, both in terms of the seeds market place and the technological advances within the sector. Sadly these areas seem to have been ignored in further developing options.

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)

A primary objective should be to stimulate innovation and ensure and promote the availability of better varieties. The paper, with its narrowly focussed view on sustainability has ignored this objective. A central reason for the original introduction of legislation in this area was consumer protection and this now appears to have been overlooked. It should be reinstated as part of delivering a more holistic view on areas such as sustainability. Given the importance of the seed sector on need for sustainable intensification as outlined in the Foresight report, protection of the sector should be a general objective of the review – an industry cannot deliver policy objectives if it sits outside your sphere of jurisdiction!

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

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

3

Promote plant health and support agriculture, horticulture and forestry

4

3.6 Other suggestions and remarks

Whilst we have completed the above list, we would express a concern that production does not constitute any of the options listed. Again the narrow focus of sustainability is disappointing. We would therefore suggest the most important option is for the availability of high quality innovative clearly identifiable varieties allowing sustainable intensification.

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)

We would express our disappointment that following the previous round of consultation the current paper does not contain what we believe is an acceptable scenario. Scenario 2 would be the closest but it would still give some cause for concern.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

We would question the legal competency for the legislation to require, under Option 1, a mandatory cost recovery process for Member States. Scenario 2, whilst being our preferred option of those offered, gives little new for the UK trade which it does not already achieve through licencing. We do not however support what appears to be an optional registration and certification process as this would create confusion and would certainly not deliver the consumer protection core principles of the legislation. Maintenance of official control within certification remains very widely supported amongst the industry, including use of an official certification indication (label). The ability of the industry to deliver to these requirements however, under official supervision, has now been well demonstrated over a significant number of years in the UK, and more latterly in a number of other member states. We believe extending this wherever possible delivers reduction in costs rather than quality. Scenario 3, from a certification perspective, would reduce consumer protection and potentially devalue the standing of the certification system. We would not support the use of a suppliers label believing again that it devalues the certification process by removing an important independent component. Furthermore in relation to VCU we believe the proposals would again devalue the process and increase confusion for the consumer. Scenario 4 is heavily pushed within the paper but it is a potentially dangerous approach offering the dismantling of the certification process to give an uncontrolled market and removing important components of consumer protection. The likely outcome of this scenario would be a market in which varieties are promoted with little if any independent assessment of their suitability, thereby undermining confidence and potentially limiting innovation within the sector with the market instead flooded with varieties of very little real genetic improvement over those already offered. Additionally we would be concerned that such a confused and unregulated market could offer opportunities for sub-standard material to be "passed off" without the proper independent checks and balances in place. Of equal concern to us under Scenario 4 would be the deregulation of conservation varieties. The current level of regulation which limits both quantity and geographic spread of conservation varieties is entirely appropriate for the claims which are attributed to them. To reduce this light touch regulation further would simply allow loopholes through which sub-standard material could be widely marketed – again making a mockery of the consumer protection objectives of the legislation. Any variety which it is felt is being hampered by the current level of restriction is obviously attracting commercial success and it would be wholly appropriate for it then to be subject to the scrutiny of the full certification system. ough the normal registration process. Scenario 5 extends the concept of centralising activity on the CPVO to its maximum level. This centralisation is appropriate for the oversight of DUS for the purposes of registration and PBR, under the well supported principle of one key several doors for DUS and it is sensible to extend the coordinating role of the CPVO to variety denomination but VCU testing requires a degree of national flexibility albeit working within common high level guidance. The proposal for online publication with continual updating of the common catalogue is welcomed. The dual approach of Scenario 5 means we would have the same reservations expressed for Scenario 4. This scenario is therefore not acceptable.

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

However the no change option potentially offers a less damaging scenario to the ones, 3,4, &5 given above

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)

We would repeat our concerns around the lack of the objective on consumer protection and the implications for consumer protection outlined, particularly in relation to Scenarios 3-5 above..

5.3 Are certain impacts underestimated or overly emphasized?

Overestimated

5.3.1 Please provide evidence or data to support your assessment:

Scenario 1 – There is broad agreement with the exception of the need to refer to consumer protection. Scenario 2 - there is likely to be a positive impact on the admin burden for industry as duplication is reduced. There should also be a positive impact in relation to innovation as more money is retained within the industry. We would not support the view of a negative impact on the environment nor would we believe this scenario would result in a reduced breadth of breeding operation (ie. across species). Scenario 3 – it is quite clear that where there is to be a duplicated system the costs will rise and therefore there will be a negative cost impact on the administration of this scenario. For authorities the problems of maintaining a system for lower throughput will push up the unit costs. From an industry point of view it is likely that costs overall would rise as companies in most of the major species would maintain their certification approach as part of their consumer protection best practice approach. They may however need to increase other costs such as marketing in an effort to ensure the merits of extra protection through certification continued to be clear to the consumer. Scenario 4 – a very similar position on costs to scenario 3. We would certainly not recognise the cost arguments within the options paper, particularly with regard to the admin costs for both authorities and business.

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

Rather negative

Scenario 2

Fairly beneficial

Scenario 3

Very negative

Scenario 4

Very negative

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:

As per answers previously given in section 4

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

Please refer to the answer given to questions 4.2 and 4.3.

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:

Please refer to answers given in sections 4.2 and 4.3. Additionally AIC would support the analysis of the comparison between scenarios that has been provided by ESA in its submission to this consultation.

7. OTHER COMMENTS

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

We support fully the ESA proposal of an alternative scenario that will achieve the goals of better regulation for regulators, the seeds industry and its customers alike. We refer you to the ESA submission to this consultation for the full details of this scenario. We believe an earlier consultation process in this piece of work gave a strong industry indication of the way forward and it is therefore disappointing that the options paper has not reflected this in any way. Furthermore the apparent steering of the paper towards a Scenario 4 solution suggests that the consultation process is lacking in a true desire to seek the views of stakeholders or to adopt a path which is to the benefit of the system users or their customers. From our own consultations with other parts of the industry, including the consuming farmer, there has been a strong correlation in views as to the appropriateness of this options paper exercise and we can conclude there is a strong and consistent opposition to the direction the paper is seeking to push the industry. As has been previously stated, the previous exercise gave a clear indication of the way forward and this has been ignored. The paper comes from a point of setting the industry and some of the objectives in isolation from the rest of the agricultural sector and from the wider policy objectives that the industry has for the next 30-40 years. These objectives will, to be realised, require a strong and innovative seeds sector with breeders given sufficient clarity of signal for them to meet the challenges put in front of them. This they will be unable or unwilling to do in the face of the structure which the Commission appears to see as the way forward. It will serve only to place the EU at the rear, rather than at the vanguard, of the drive for agriculture delivering food, feed and non-food secure and sustainable production.

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:

- The Royal Society (2009): Reaping the benefits – Science and sustainable intensification of global agriculture - Bruinsma, J. (2009): The resource outlook to 2050: by how much do land, water and crop yields need to increase by 2050?, FAO, Rome - The Foresight report (2011): The future of food and farming, Government Office for Science, London

