

1. INTRODUCTION**1.1 What is the name of your organisation?**

Pioneer Hi-Bred International

1.2 What stakeholder group does your organisation belong to?

Breeder of S&PM; Supplier of S&PM; International company

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**

44 Avenue des Arts 1040 Brussels, Belgium +32 2 675 0550 <http://www.pioneer.com/landing/>
Pioneer operates in 23 EU countries, including 15 research centers, 313 research testing sites, and eight seed production locations. Main crops: maize (corn), sunflower, oilseed rape (canola), soybean, alfalfa, cotton and sorghum varieties are commercialized

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?

Yes

2.2.1 Please state which one(s)

The problems listed do not take into consideration the considerable changes in the structure of European seed markets since the establishment of the S &PM EU regulation 50 years ago. The number of breeders has decreased due to consolidation in some crops while at the same time the number of varieties offered to growers has increased, maintaining a high level of genetic diversity. Thus, breeders today are larger and more sophisticated operators, with much greater capacity for collecting, analyzing and presenting information regarding the value and performance of their products to growers than was the case 50 ears ago. They are thus uniquely and ideally positioned to test their varieties across a multitude of environments and to convey that information to growers, obviating the need for mandatory systems of VCU testing at national or EU level. Seed producers have absorbed technological innovation and are providing high quality varieties to Europe's farmers. However, the role of distribution channels in some Member States, as potential "gate-keepers" of information regarding the value and performance of plant varieties, has not been considered.

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

NB: Although the response form above allowed only ONE choice, the following detailed explanation is split between problems which are underestimated and those which are overly emphasized. Underestimated: Complexity and Fragmentation are underestimated : today there is de facto no EU regulation in seeds but rather different regulations in each of the 27 Member States. There is little in common among national systems for variety registration or for seed certification; a variety may be registered in one MS and refused registration in another where it may nonetheless be cultivated via the EU catalogue listing. Distortion of the internal market is resulting from this competition. In order to access the market through the EU catalogues, varieties have to be listed in at least one MS. Thus, applicants can choose a non-target-market MS to seek this authorisation, rendering the original VCU trialling not meaningful for the environment in which the variety will ultimately be used . In practice, farmers do not rely on VCU data but rather on other types of trials to get information on variety performance. For example, an unpublished

survey made by the French maize association shows that more than 30% varieties grown in France have not been registered there. There are many cases of varieties listed in a MS and marketed very successfully elsewhere through the EU catalogue. Overly emphasized: High level of administrative burden for public authorities: the burden does not result from the S & PM EU regulation per se but primarily from the various, sometimes divergent, implementations and interpretations by Member States. The latter have exaggerated certain of the current regulation requirements (Example is the lack of mutual recognition and use of registration data from one MS to another) and they have thus entered into a competition to establish what they estimate as the best registration/ certification system. This has created very burdensome and costly features in some cases. Sustainability issues : A high degree of consideration for sustainability already exists in Europe's seed markets. Thus, the description provided does not reflect the actual situation. True sustainability involves a balance between productivity and agro-environmental growing conditions. Currently available varieties have been developed and ultimately chosen (by breeders and users) on the basis of actual performance in a wide range of different agro-environmental conditions. Over the years, tolerance to climatic stress, and resistance to diseases have improved due to breeding for adaptability to growing conditions; this has been confirmed in registration tests. This trend of improved performance –productivity and agro-environmental footprint- will continue since the factors of abiotic stress and disease continue to evolve and to present new challenges to Europe's farmers.

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)

Ensure identity of varieties marketed should be added to the 2nd general policy objective

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

Availability of high quality seeds is best "regulated" by the growers themselves. Best practices in other sectors demonstrate that the market is the most efficient determinant of optimal quality, and seed should be no different; the users themselves are the best placed to determine how to define "quality", and their choices will drive the breeding community to most efficiently meet those needs. However, regulation has a crucial role to play in eliminating fraud and dishonest practices. Empower users by informing them: Availability of relevant information regarding product performance is better fulfilled by developing and disseminating such information at the local level based on local trialling networks rather than by collecting data in a more global network at national or EU level. Contribute to improve biodiversity , sustainability and innovation this objective is not well expressed! Biodiversity and sustainability are legitimate objectives, while innovation should be seen as an important way to achieve these objectives.

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?

Yes

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

3

Secure the functioning of the internal market for seed and propagating material

1

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

2

3.6 Other suggestions and remarks

Relating to Question 3.4 on access to EU catalogue after protection has been granted by CPVO we are in favor IF the access to the EU catalogue is done on request from applicant. Some varieties are protected but without marketing objectives like parental lines for hybrids.

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)

See 4.5 below

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Scenario 4 is unrealistic has it denies the DUS of varieties which we consider as the main tool needed to secure the functioning of the market.

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

The scenarios presented establish an artificial distinction between "agricultural species" and "other regulated species", when this distinction in fact neither promotes nor is required to secure the functioning of the internal market or the plant health objectives. Thus any scenario should include at least these concepts (internal market and plant health objectives) for registration . Additional specificities may be required on a case-by-case basis. Note that hybrid varieties and non-hybrid varieties (even within the same species, such as oilseed rape) may require different approaches in order to ensure sufficient levels of investment and innovation.

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)

One impact has been overlooked : it concerns users , mostly growers but also processors and end-users

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

Our estimation of the impacts with the additional one Scenario 1 Scenario 2 Scenario 3 Scenario 4 Scenario 5 Impact on plant health and quality of S&PM - - - xx ? Impact on employment and jobs in the public sector - - x xx - Impact on administrative burden and costs for authorities ?? - ??? xx ? Impact on administrative burden and costs for private sector operators xx ? ?? ?? - Impact on competitiveness, markets, trade and investments flows x - ? X - Impact on innovation and research x - ? x ? Environmental impact - - - x - Impact on users x - ? x ?

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**

Not relevant

Scenario 2

Neutral

Scenario 3

Very beneficial

Scenario 4

Very negative

Scenario 5

Fairly beneficial

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

Scenario 1 is only addressing the cost issue for public bodies and ignores all other stakeholders interests Scenario 2 is not providing enough changes in the system. One positive step is the VCU and certification taks transferred to the private sector under official controls. Since these 2 features are already implemented in some MS it does not provide for a big change in the implementation of S & PM regulation. Scenario 3 is the most adapted in our views to provide a level playing field

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**

Our proposed scenario for EU listing is built on DUS: • MAINTAIN the DUS requirement as a pre-

requisite for placing a variety on the market (and as a reference for PVP protection). ? Centralise DUS testing under the CPVO with one set of test data to serve throughout the EU territory for both variety registration and PVP certificate ? Promote the use of up to date DNA profiling rather than current isoenzyme analysis in addition to morpho-physiological description which will facilitate distinction as well as identity determinations. ? Pioneer also supports greater participation of companies carrying out portions of the DUS testing, under appropriate accreditation. • Denomination and EU listing by CPVO • REMOVE VCU requirements where they are currently required. • REPLACE the certification label by a standard label with post-control spot-checking by official body.

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:

There are discrepancies between the scoring on the table and the justifications provided in some parts of the texts.

7. OTHER COMMENTS

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

Fostering innovation is put forward by some to justify the need for a highly-regulated market. However, when comparing innovation in lightly- or non-regulated systems (such as the US) with Europe, it is clear that a “lighter touch” can be at least as effective at achieving innovation, if not more so. Furthermore, it is important to note that any lack of evidence of innovation in certain non-hybrid crops may be more a result of differences in IPR law regarding farm-saved seed than seed regulatory systems per se. Please note that the question 5.3 allows only one choice from among “rightly estimated” “over estimated”, “under estimated” and “no opinion”. Our response in the table is more detailed and provides our views for each impact for each scenario.

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:

