1. INTRODUCTION

1.1 What is the name of your organisation?

Federal Ministry of Agriculture Food and Consumer Protection (BMELV) - Federal Plant Variety Office (BSA)

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?

Rightly estimated

2.3.1 Please indicate the problems that have not been estimated rightly

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?

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?
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
2

Secure the functioning of the internal market for seed and propagating material
1

Empower users by informing them about seed and propagating material
4

Contribute to improve biodiversity, sustainability and favour innovation
3

Promote plant health and support agriculture, horticulture and forestry
5

3.6 Other suggestions and remarks

4. OPTIONS FOR CHANGE
4.1 Are the scenarios defined correctly in the context of S&PM marketing?
Yes

4.2 Have certain scenarios been overlooked?
No

4.2.1 Please state which one(s)

4.3 Are certain scenarios unrealistic?
No

4.3.1 Please state which one(s) and why

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

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)?
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
Rather negative

Scenario 2
Very beneficial

Scenario 3
Fairly beneficial

Scenario 4
Fairly beneficial

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:
In our view scenario 1 would have a negative impact because the status quo is more or less maintained which conflicts with the general objectives of the review. In general we consider scenario 2 as appropriate for the majority of the agricultural species. This should be combined with elements of scenarios 3 for agricultural species of low economic significance and optional VCU requirement (to be defined by the MS). For conservation varieties resp. varieties dedicated for niche markets and in addition for fruit reproductive material scenario 4 is considered fairly beneficial as it reduces administrative burden for authorities and costs for the suppliers. Scenario 5 could apply to species for which VCU is not required, e. g. vegetable varieties.

6. ASSESSMENT OF SCENARIOS
6.1 Which scenario or combination of scenarios would best meet the objectives of the review of the legislation?
A combination of scenarios

6.1.1 What are your views with regards to combining elements from the various scenarios into a new scenario?
Please refer to our comments under 5.5.1

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:

As a general remark we are of the opinion that the principle of full cost recovery should apply to all scenarios and not only to scenario 1. With respect to harmonised VCU testing methods we believe that a harmonised EU-wide approach is unrealistic. However, we could imagine to develope harmonised VCU testing networks on a regional level between neighbouring MS. As far as the role of the CPVO is concerned we support the enhancement as outlined in Working Document Nr. 12 under part B number 3 (with the exception of the coordination of VCU trials). Furthermore we support the idea of leaving ornamentals outside the scope of S & PM.

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: