1. INTRODUCTION

1.1 What is the name of your organisation?
National Forest Centre

1.2 What stakeholder group does your organisation belong to?
Competent Authority (CA) involved in S&PM certification and control

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
National Forest Centre T. G. Masaryka 22, 960 92 Zvolen, Slovakia tel. +421-45-5314110, fax: +421-45-5314192, e-mail: nlc@nlcsk.org http://www.nlcsk.org

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?
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
1) We share the opinion that the suggested changes in the regulatory framework are due to the needs expressed in the agricultural sector, the proposed changes were not demanded and do not fit needs of the forestry sector. The Council directive 1999/105/EC on the marketing of FRM fits our situation and functions well. We see no clear need for changes in the current legislation. Changing current situation would cause a major confusion and would be a disadvantage challenging the quarantees of the identity, traceability and quality of FRM. 2) There are several principial differences between the reproductive materials for agriculture & horticulture, viticulture and forestry: *Taxonomic levels within other directives on S&PM differ from those on FRM, where the species, subspecies and provenances are most important. Varieties are a category which is of negligible importance in forestry. *- Due to the long production cycle in forestry and the risks associated with it, maintaining of genetic variability is primarily expected from most forest reproductive materials stability in managed forests. DUS are questionable for both biological and technical reasons (see answer to 2.3). VCUs applicable to, say, few per-cent of the FRM marketed *Testing on FRM of DUS is difficult to make even for many current clones and clonal mixtures of forest tree species – the problem is the proof of their DISTINCTIVENESS based on the phenotypic traits * VCU is difficult to perform due to the longevity /long production cycle of most forest tree species: According to the existing EU law, analogous tests are obligatory for the category “TESTED”, which include clones and clonal mixtures, parents of families, seed orchards and stands. It is not and shall not be COMULSORY BUT OPTIONAL for any of the categories, however. We therefore kindly ask the Commission to take into the consideration the afforementioned logical and technical differences as well as the needs the forestry sector.

2.4 Other suggestions or remarks
* The Council directive 1999/105/EG on forest reproductive materials therefore possesses many specific features as compared with the other S & PM directives, which essential for a correct classification of the FRM according to the genetic quality and nature of their basic materials: - The

categories of basic material are "source identified", "selected", "qualified" and "tested" - Types of basic materials: seed source, stand, seed orchard, parent of families, clones and clonal mixtures; - Origin: autochthonous, indigenous, alochthonous with known origin , unknown. *Traditional, well harmonized classification regarding the genetic and production quality of FRM is in use for over 50 years in both EU and OECD countries. It differs remarkably from other sectors: - Any big change of the law for FRM in the EU would distort overall global harmonization achieved directly and indirectly by means of the OECD Scheme for forest reproductive material.

3. OBJECTIVES OF THE REVIEW
3.1 Are the objectives defined correctly in the context of S&PM marketing?
No opinion

3.2 Have certain objectives been overlooked?
No opinion

3.2.1 Please state which one(s)

3.3 Are certain objectives inappropriate?
Yes

3.3.1 Please state which one(s)
Merging all types of S&PM under one common framework law - despite of clearly different logic (see the previous answers 2.3 and 2.3.1) of the law concerning S&PM for e.g. Agriculture and Viticulture and Forestry - is a political venture and not a necessity driven process. Such a merger has no analogy - at least as far as we are aware of situation in Northern America and Japan.

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
4

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

Empower users by informing them about seed and propagating material
3

Contribute to improve biodiversity, sustainability and favour innovation
2

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?
No opinion

4.2 Have certain scenarios been overlooked?

Yes

4.2.1 Please state which one(s)
Scenario 0: No change of the existing system at least for some types of S&RM - e.g. vitculture and forestry

4.3 Are certain scenarios unrealistic?
Yes

4.3.1 Please state which one(s) and why
Scenario 3: Low burden Co-system: Variety performance testing and official certification are optional. Harmonised tests are developed. Repartition of tasks is as under scenario 2: >>> Due to uncertainties concerning the guarantees of quality, traceability and identity of reproductive materials. Scenario 4: Enhanced flexibility system: Mandatory basic provisions for registration with a voluntary level of higher assurance for registration and certification: >>> This is not possible (at least) for Forest Reproductive Material because there is need to certificate all categories of FRM >>> This scenario will not guarantee traceability and identity (trueness to name) of FRM. Scenario 5 - Centralisation: Centralised EU registration procedure with CPVO managing and making final decisions, and fully harmonised certification requirements is possible only for clones and clonal mixtures (where DUS are feasible). >>> Clones and clonal mixtures make only a minor fraction of the FRM which is marketed.

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

4.5 Other suggestions and remarks

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)
The risks of loosing the very basic guarantees - towards the end users /customers - of the identity, traceability and genetic quality of S & PM.

5.3 Are certain impacts underestimated or overly emphasized?
Underestimated

5.3.1 Please provide evidence or data to support your assessment:
The risks of loosing the very basic guarantees of the identity, traceability and genetic quality of S & PM.

5.4 How do you rate the proportionality of a generalised traceability/labelling and fit-for-purpose requirement (as set out in scenario 4)?
4 = not very 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
Neutral

Scenario 3
Rather negative

Scenario 4
Very negative

Scenario 5
Very negative

5.5.1 Please state your reasons for your answers above, where possible providing evidence or data to support your assessment:
Scenario 3: Low burden Co-system: Variety performance testing and official certification are optional. Harmonised tests are developed. Repartition of tasks is as under scenario 2: >>> Due to uncertainties concerning the guarantees of quality, traceability and identity of reproductive materials. Scenario 4: Enhanced flexibility system: Mandatory basic provisions for registration with a voluntary level of higher assurance for registration and certification: >>> Not appropriate (at least) for Forest Reproductive Material (FRM) because of the weakened guarantees of the identity, genetic quality and traceability of any FRM. >>> This scenario will not guarantee traceability and identity (trueness to name) of FRM. Scenario 5 - Centralisation: Centralised EU registration procedure with CPVO managing and making final decisions, and fully harmonised certification requirements is possible only for clones and clonal mixtures (where DUS are feasible). >>> Totally inappropriate for Forest Reproductive Material resulting in the loss of the identity, traceability and quality guarantees for the majority of marketed FRM. >>> Clones and clonal mixtures make only a minor fraction of the FRM which is marketed.

6. ASSESSMENT OF SCENARIOS
6.1 Which scenario or combination of scenarios would best meet the objectives of the review of the legislation?
Scenario 1

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:
*Merging all types of S&PM under one common framework law - despite of clearly different logic (see the previous answers 2.3 and 2.3.1) of the law concerning S&PM for e.g. Agriculture and Viticulture and Forestry - is a political venture and not a necessity driven process based on the feasibility analyses. Such a merger has no analogy - at least as far as we are aware of situation in Northern America and Japan. *Suggested changes in the regulatory framework are due to the needs expressed in the agricultural sector, the proposed changes were not demanded and do not fit needs of the forestry sector. The Council directive 1999/105/EC on the marketing of FRM fits

our situation and functions well. We see no clear need for changes in the current legislation. * Changing current situation would cause a confusion and challenge (i) the quarantees of the identity, traceability and quality of S & PM for the end users, (ii) international/global standards set by the OECD Agricultural Codes and Schemes.

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: