OPTIONS AND ANALYSIS OF POSSIBLE SCENARIOS FOR THE REVIEW OF THE EU LEGISLATION ON THE MARKETING OF SEED AND PLANT PROPAGATING MATERIAL

DG Health and Consumers
European Commission
Brussels

Please return this questionnaire no later than **30.05.2011** by:

1.- mail to: SANCO-CONSULT-E7@ec.europa.eu

2.- or by post to the following address:

European Commission
Health & Consumers Directorate-General
Mr Walter De Backer
Office : F/101, 02/176
B-1049 Brussels

THE RESPONSES TO THIS QUESTIONNAIRE WILL BE MADE AVAILABLE TO THE PUBLIC

NAME OF THE ORGANISATION	European Forest Nursery Association
STAKEHOLDER GROUP	☐ **Competent Authority (CA) involved in S&PM certification and control** ☐ **Competent Authority (CA) involved in S&PM variety and material registration** ☐ **Breeder of S&PM** ☐ **Supplier of S&PM** ☐ **User of S&PM** ☒ **Professional user of raw material produced by agriculture, horticulture or forestry** ☐ **Consumer** ☐ **Other, please specify:** **----------** ☐ **SME company** ☐ **Company operating on national level**

	☐ **International company** **----------** ☐ **Organisation operating on national level** ☒ **International organisation**
COUNTRY	
ADDRESS: (postal, e-mail address, telephone, fax and web page if available)	**European forest Nursery Association** **C/o 25 Kenton Drive,** **Shrewsbury, England SY2 6TH** **Tel&Fax +44 1743 357252** **Email andyg.gordon@btopenworld.com**

1. General questions

Question 1:

1.1 Are the problems defined correctly in the context of S&PM marketing?

Yes ☐ **No** ☒

1.2 Have certain problems been overlooked?

Yes ☐ **No** ☒

If yes, which _____

_____

1.3 Are certain problems underestimated or overly emphasized?

Rightly estimated ☐ **Underestimated** ☒ **Overestimated** ☐

Which ones:_____

1.4 Other suggestions and remarks: Some issues peculiar to forestry do not seem to have been fully considered.

Question 2:

2.1 Are the objectives defined correctly in the context of S&PM marketing?

Yes ☐ **No** ☒

2.2 Have certain objectives been overlooked?

Yes ☐ **No** ☐

If yes, which ones:_____

2.3 Are certain objectives inappropriate?

Yes ☐ **No** ☐

If yes, which ones:_____

2.4 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)

1☐ **ensure availability of healthy high quality seed and propagating material;**

2☐ **secure the functioning of the internal market for seed and propagating material;**

5☐ **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.

2. 5 Other suggestions and remarks:

Question 3:

3.1 Are the scenarios defined correctly in the context of S&PM marketing?

Yes ☐ No ☒

3.2 Have certain scenarios been overlooked?

Yes ☐ No ☒

If yes, which ones:_____

3.3 Are certain scenarios unrealistic

Yes ☐ No ☐

And, if so, why?_____

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

Yes ☒ No ☐

3.5 How do you rate the proportionality of a generalised traceability/labelling and fit-for-purpose requirement (as set out in scenario 4)?

1 = very proportional, 2 = fairly proportional, 3 = proportional, 4 = not very proportional, 5 = not proportional at all. 5

3.6 Other suggestions and remarks: It would not fit the peculiarities of forestry

Question 4:

4.1 Are the impacts correctly analysed in the context of S&PM marketing?

Yes ☐ No ☐

4.2 Have certain impacts been overlooked?

Yes ☐ No ☒

If yes, which ones:_____

4.3 Are certain impacts underestimated or overly emphasized?

Rightly estimated ☒ Underestimated ☐ Overestimated ☐

Please provide numeric data to support your comments wherever possible.

4.4 What are your views with regard to combining elements from the various scenarios into a new scenario?

New options needed ☒ New option not needed ☐

Question 5:

5.1 Do you agree with the analysis of the potential of the various scenarios to attain the objectives?

Yes ☒ No ☐

If not, please justify _____

5.2 Which scenario or combination of scenarios would best meet the objectives of the review of the legislation? Please justify.

Scenario 1 ☐ **Scenario 2** ☐ **Scenario 3** ☐ **Scenario 4** ☐ **Scenario 5** ☒ **Other scenario** ☐

If other please describe the main elements of that scenario:

_____

5.3 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 ☐ **No** ☐

5.4 Other suggestions and remarks: Not relevant in forestry

2. How do you assess the possible impact of the various scenarios on your organisation or on the stakeholders that your organisation represents

Type of impact	Not relevant	Very beneficial	Fairly beneficial	Neutral	Not very beneficial	Not at all beneficial	Don't know
Scenario 1: Cost recovery	☐	☐	☐	☒	☐	☐	☐
Scenario 2: Co-system	☐	☐	☐	☐	☒	☐	☐
Scenario 3:Reduced burden Co-system	☐	☐	☐	☐	☒	☐	☐
Scenario 4: Enhanced flexibility	☐	☐	☐	☐	☒	☐	☐
Scenario 5: Centralistion	☐	☐	☒	☐	☐	☐	☐

3. Written comments on the S&PM review

1. Only two country delegates (Hungary and Sweden)had taken part in any discussions on the document within their own country i.e. were sent copies of the document by their authorities and had been asked to comment. We found it deeply disturbing that all the other 11 member countries of EFNA were prepared to make decisions which might affect forest nurseries without giving our representatives the chance to comment.

2. We again felt that the idea of including forest reproductive material in one common directive along with other crop species was not logical and we would rather stick with our relatively up-to-date Directive (1999) and make some changes to it rather than to re-write it completely as part of a multi-crop directive.

3. One of our delegations, Sweden, had decided upon Option 1 in their internal discussions as they felt it would involve few changes to the current directive. They could not therefore support the view of other members of EFNA present who felt that Option 5 offered the best prospects for forestry and most closely matched the Option (3) which we supported in June 2010 when various options were last presented to us. However many details were missing from the Options - Supplier's documents were not specifically mentioned in option 5, nor was it clear how Source Identified and Selected categories of FRM, which we regard as VITAL would be covered.

4. Our major concern all through the review has been in the lack of uniformity between member states in the level of surveillance and document checking. This results in very large differences in costs to the nurseries which inevitably affects nursery prices and hence competitiveness in a common market place.

5. In February 2011 we had a meeting with DG Sanco about the additional certification requirement imposed in Southern Germany, which until November 2010 had not been open to nurseries outside Germany. We noted that in Option 5 such additional certification procedures would have to be subject to approval at EU level and this pleased us. However our contacts with Germany lead us to believe that they will not back down from their demand

for DNA analysis as proof of conformity with collected material and we can foresee major battles ahead on this issue. Without the Centralised certification procedure and fully harmonised certification requirement specified in Option 5 we feel there is no hope whatsoever of FRM being freely marketed throughout the EU.

6. We are aware of the very great differences in cost of FRM surveillance procedures in different member states and have undertaken as a matter of some urgency the collection of costs for this from our members. Your consultants may already have been able to gather these data during their review but if it would be of interest to you we will be happy to forward to you any new findings we make on this issue.

4. Please make reference here to any available data/documents that support your answers, or indicate sources where such data/documents can be found

1. ……
2. ……..