

1. INTRODUCTION

1.1 What is the name of your organisation?

DLF-TRIFOLIUM A/S

1.2 What stakeholder group does your organisation belong to?

Breeder of S&PM; Supplier of S&PM

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?

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?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

For the grass and clover market in Europe, the situation on sustainability, biodiversity and need for specific registration for "landraces" is significantly different from the general picture presented in the document. See comments below. **SUSTAINABILITY:** As regards the problem described as "room to strengthen sustainable issues" it has to be underlined that breeders already have a strong focus on sustainable goals in their breeding programs. We believe that sustainable production is obtained when the natural resources/input factors available (land, water, fuel, fertilizer) are used optimal, i.e. often the most productive varieties are also the most sustainable. This gives the lowest carbon emission and greenhouse gas emission per unit feed. Grasses and clovers are used in perennial mixtures, which consist of more species and varieties. This results in high biodiversity in the field/lawns. The sustainability of the mixture depend of the composition, and can be adjusted for fertile, low-input, stressful, long term cultivation etc. conditions. The gene pools available for grass and clover breeders are very wide. Varieties, populations and ecotypes (survivors=landraces) form the basis of new varieties. Most grass and clover species grown in Europe are out-crossing species, where each individual are genetically different, but phenotypic alike. Due to the broad origin and genetic variation within a variety, many varieties may be described as landraces. A very high number of different grass and clover varieties are listed in Europe. **ADMINISTRATIVE BURDEN/BENEFIT:** The problem defined as "high level of administrative burden" underestimates the high public benefit of the MS's investment into the testing of both varieties and seed. It also seems to concentrate on the wish to reduce the administrative burden on the side of public authorities and underestimates the need to also reduce such burdens on companies. **CONCLUSION:** Grass and clover breeding as well as the official test systems of today support development of sustainable varieties, suited for traditional, low-input and organic farming and lawns. There is thus no need for special, less restrictive, registration and certification systems for landraces and conservation mixtures for grasses and clovers. On the contrary, lowering the requirements for certification of such material, will open up for a market of insufficiently tested and poorly documented products of questionable quality –

which will not be of benefit to the end user. It is essential that the future European testing and registration favors investment in research and development by providing an environment which makes the innovation profitable. Allowing conservation mixtures in the market is counterproductive to profitable innovation and does not at all serve the interest of the end user nor the grass and clover industry.

2.4 Other suggestions or remarks

DLF-TRIFOLIUM overall agrees with the ESA position: Comment to the statement made in point 2.4 of the Option and analysis paper: “provisions contained in the EU S&PM marketing legislation on registration of varieties and on certification of individual S&PM lots are strict and time-consuming” We are relying on the provisions on the EU&PM legislation on a daily basis and do not find those inadequately strict and/or time-consuming. On the contrary, we are satisfied with the general criteria of variety registration and seed quality control as laid down in EU S&PM legislation. They must not be questioned as such but they must be maintained and further improved. In fact we are of the view that the existing EU S&PM legislation has generally been a successful tool in facilitating access of new plant varieties to the EU market and creating a common market for seed - and will continue to be so, provided the necessary improvements of its basic pillars (official variety registration and safeguarding the reliable testing of both variety performance and seed quality) are implemented by the new legal tools to be developed in the framework of the Better Regulation initiative.

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)

Favour innovation and fulfilling EU’s global responsibilities for food security

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

For grasses and clovers there is hardly a need to focus on improving sustainability and biodiversity. See the comments under Question 1.

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

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

Empower users by informing them about seed and propagating material

Contribute to improve biodiversity, sustainability and favour innovation

Promote plant health and support agriculture, horticulture and forestry

3.6 Other suggestions and remarks

Highest priority: To ensure availability of high quality VARIEITES, seed and propagating material to meet future changing needs of end user and environment.

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)

Modified scenario 2: Thorough and scientifically sound DUS testing to be conducted by official authorities. VCU testing must cover aspects relevant for the end user and the environment. Trials may be conducted by private operators according to certified protocol, to be controlled and published by the official authorities. Only turf and forage varieties with both a positive DUS and at least one positive VCU report and National listing in one Member State can enter the European Catalogue. A harmonized certification protocol for control of all seed lots to be commercialized in the EU is required. Field inspection, sampling, testing and certification of seed lots to be conducted by accredited suppliers under supervision by official authorities. Suppliers may opt for having this carried out by an official authority. There should be no market for uncertified grass and clover seed in Europe. Conservation mixtures should be avoided, or at least be limited to a max. 0.5% of the quantity of mixtures sold in each Member State.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Scenario 1: As full cost recovery will lead to shift of cost burden from (some) Member States to stakeholders, which is not "compensated" by increased efficiency or flexibility in the Scenario 1, there is no justification for this scenario per se. Scenario 4: We believe that scenario 4 is unrealistic and detrimental to almost all policy goals. It is complex for users and confusing for the consumers, and the reactions of the market to such scenario have been incorrectly assessed. Is CONTRADICTING the general as well as the specific objectives defined in the document: FAILURE to fulfill General Policy Objectives: The proportion of healthy quality seed will decline (to be substituted by uncertified seed). The number of valuable and sustainable varieties available to farmers and lawn-users will be reduced (only very few characters tested). The amount of liable information available to the user will decline. The scenario will be detrimental to innovation, as it reduces the possibility to profit on variety and seed quality. IP cannot be protected (as marketed seed do not enter certification process at any step). FAILURE to fulfill specific objectives: The general policy objectives are compromised. The farmers choice is reduced. Innovation is reduced, and most likely the sustainability of new varieties are reduced as well. As quality values like yield and sustainability are not documented, the market will be driven solely by the prize.

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

No opinion

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 impact on consumer protection of each scenario should also be considered.

5.3 Are certain impacts underestimated or overly emphasized?

Overestimated

5.3.1 Please provide evidence or data to support your assessment:

DLF-TRIFOLIUM agree with ESA position: We have realized that unfortunately the assessment presented in the individual tables after each scenario under chapter 5 and the assessment presented under chapter 6 on several occasions contain important mistakes or typing errors. Also, we are of the view that certain impacts have been incorrectly identified. The interpretation of sustainability as presented in the paper is incorrect and misleading. As also outlined in the Foresight study (2011) we believe that "global food supply will need to increase without the use of substantially more land and with a diminishing impact on the environment: Sustainable intensification is a necessity." Sustainable intensification means raising yields, increasing the efficiency with which inputs are used and reducing negative environmental effects of crop production. The assessment of the impact on sustainability of the different scenarios seems to adopt a different – and to our opinion incorrect – interpretation of sustainability in agriculture.

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

Very negative

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

See previous comments

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?

A) DUS testing to be conducted by official authority. B) VCU testing must cover aspects relevant for the end user and the environment. Trials may be conducted by private operators according to certified protocol, to be controlled and published by the official authorities. C) Only turf and forage varieties with both a positive DUS report and at least one positive VCU report and national listing in one Member State can enter the European Catalogue. D) A harmonized certification protocol for control of all seed lots to be commercialized in EU is required. Field inspection, sampling, testing and certification of seed lots to be conducted by accredited suppliers under supervision by official authorities. Suppliers may opt for having this carried out by an official authority. E) There should be no market for uncertified grass and clover seed in Europe. Conservation mixtures should be avoided, or at least be limited to max. 0.5 % of the quantity of mixtures sold in each Member State.

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

6.2.1 Please explain:

See previous comments

7. OTHER COMMENTS

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

DLF-Trifolium position on future regulation of the marketing of seed of grasses and clovers for forage and amenity

A) DUS testing to be conducted by official authority. B) VCU testing must cover aspects relevant for the end user and the environment. Trials may be conducted by private operators according to certified protocol, to be controlled and published by the official authorities. C) Only turf and forage varieties with both a positive DUS report and at least one positive VCU report and national listing in one Member State can enter the European Catalogue. D) A harmonized certification protocol for control of all seed lots to be commercialized in EU is required. Field inspection, sampling, testing and certification of seed lots to be conducted by accredited suppliers under supervision by official authorities. Suppliers may opt for having this carried out by an official authority. E) There should be no market for uncertified grass and clover seed in Europe. Conservation mixtures should be avoided, or at least be limited to max. 0.5 % of the quantity of mixtures sold in each Member State.

Re. A) DUS testing to be conducted by official authority

- 1) Thorough and scientifically solid DUS testing is vital.
- 2) Official authorities have the expertise and experience in efficient data collection, handling and analysis.
- 3) It is not recommend to compromise the quality of DUS testing by reducing the reference collections significantly.
- 4) Total workload on variety reference collections will increase by using private operators, as every operator has to collect data on a full set of the reference collection.
- 5) Trial locations offered by private operators may not be optimal for the species in DUS test (day length, climate) and may reduce the quality of DUS test.
- 6) Smaller breeding entities may not have the resources to perform a full and thorough DUS test.
- 7) Transfer of DUS trials from officials to private operators may increase the risk of poor DUS and mismanagement of data.
- 8) No cost reduction is expected by use of private operators.
- 9) DUS testing is the basis for PBR as well as certification of later generations, and it is critical to be able to phenotypically identify the protected variety. This has to be done by comparison with seeds from the standard seed samples. Official authorities must be in charge of DUS and standard seed samples.

Re. B) VCU trials may be conducted by private operators, to be controlled and published by the official authorities.

- 1) VCU testing must cover aspects relevant for both environment and use, including productivity and quality.
- 2) Basic harmonization of VCU trials should be aimed, but the trial management protocols as well as the information collected must be adjusted locally, assuring relevance for the individual countries/regions.
- 3) The trials may be conducted by private operators according to protocols certified by national authority and under supervision by official authority.
- 4) Private operators are expected to bring savings due to lower costs per trial unit.
- 5)

Data to be handled and published by official authorities, assuring better transparency and more harmonized interpretations. Re. C) Only turf and forage varieties with both a positive DUS report and at least one positive VCU report and National Listing in one Member State can enter the European Catalogue. 1) In order to enter the EU Catalogue, a new variety must show improvements in characters valuable to the end user and to the environment (e.g. sustainability, yield potential, health) in at least one country and/or one climatic region. 2) A "VCU light", e.g. just measuring health, is not sufficient to assure and demonstrate improvements. Re. D) Field inspection as well as sampling, testing and certification of seed lots to be conducted by the accredited seed supplier according to the official certification protocol and under supervision by the national authority. 1) All seed lots to be commercialized within EU must be controlled and approved through an accredited certification process. 2) In order to secure variety identity, quality, and full traceability in the system, certification rules must be fully harmonized in EU. 3) Field inspection, sampling, testing and certification of seeds lots to be conducted by the accredited supplier, under supervision by the national authority. Alternatively, a supplier may choose to have this all carried out by the official authority. 4) Control growing of basic seed lots continues to be conducted by official authorities, and results to be valid in all member states. Conclusions: 1) New legislation shall stimulate innovation in plant breeding and progress in valuable characters -sustainability, productivity and quality. 2) New legislation shall secure the end user that all products comply with common standards for variety identity, quality for use and seed quality. 3) Listing and certification must be based on reliable, relevant and sufficient information. 4) Investments in R&D can only be justified with a high quality official DUS testing system in place, and also a proper, full VCU testing is required. 5) A modified Scenario 2a is proposed, in which DUS testing remains in the hands of official authorities, while VCU testing may be conducted by either private or public operators. 6) A harmonized certification protocol for control of all seed lots to be commercialized in EU is required. Certification of seed lots to be conducted by suppliers under supervision by official authorities. Alternatively the supplier may choose to have this process carried out by the official authority. 7) Allowing conservation mixtures within the EU is not seen as beneficial for neither the end users nor the seed suppliers. It makes further product innovation in the grass and clover seed sector much less attractive and will limit further progress. Therefore the use of conservation mixtures should be avoided, or at least limited to a maximum per Member State of 0.5 % of the total quantity of mixtures in the relevant category sold in such Member State. The industry has been advocating for this for a long time, and it is vital to include this limitation into the new legislation.

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:

