

1. INTRODUCTION

1.1 What is the name of your organisation?

Wirtschaftliche Vereinigung Zucker- WVZ

1.2 What stakeholder group does your organisation belong to?

Other

1.2.1 Please specify

WVZ – Wirtschaftliche Vereinigung Zucker – is representing the sugarbeetgrowers, the sugarindustry and sugartraders in Germany.

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?

Yes

2.2.1 Please state which one(s)

To 2.1 “Complexity and fragmentation of the legislation”: The problem definition states that “more fundamental changes may need to be considered” – but with view to the sugarbeet-seed-legislation we would like to underline as it was also the conclusion of the final report, that fundamental changes are not needed in the legislation: there is a balanced, long established and proven framework with a focus on the Common Catalogue working in the sense of the chain “breeders - farmers - sugarindustry”. Therefore it has to be ensured that there are official controls to conform uniform, officially defined specifications relating to germination capacity, plant health, variety correspondence etc.. “High level of administrative burden”: The problem definition states that the administrative burden needs to be lowered for the public sector – not recommending, that for the sugar-beetsector there works a modellike practice of Public Private Partnership (PPP). Therefore it has to be stressed out, that the system has to be cost effective for the public and private sector. “Sustainability issues”: we would like to stress, that sustainability is optimised when the amount of natural resources like land, water, fuel, fertiliser used per unit of useful crop production is the lowest, i.e. via the most productive varieties. To 2.2: The “Options and analysis paper” rightly states that the objective – when the S&PM legislation was first developed – was to improve the productivity of agriculture in order to ensure food security in the EU. This objective is still among the key objectives the S&PM legislation has to focus on, also in respect of the role of productive agriculture in view of sustainability – see 2.1. The lack of consistency between national variety lists and the Common Catalogue is an issue the review of the S&PM legislation should seek to find a solution to.

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

The problem defined as “high level of administrative burden” underestimates the model like benefits of the above mentioned PPP-system for the testing of both varieties and seed for sugarbeets. In the problem definition of “complexity and fragmentation of legislation” the benefit of a single Regulation seems overestimated. What counts is the content, which is reliable as mentioned in the beginning, not the number of legislative instruments.

2.4 Other suggestions or remarks

“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” - the impact of this issue seems to be overestimated. We agree that there is room for improvement in this respect but we are satisfied with the general criteria of variety registration and seed quality control as laid down in EU S&PM legislation. These criteria must not be questioned as such. They must be maintained and could be further improved. It is clear from the national lists and the Common Catalogue that the current system already allows for a wide choice of varieties.

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)

To 3.1: It seems that the objective of fostering innovation is placed into a too restrictive context of sustainability. It is indeed very important to select sustainable varieties but the main focus of breeding and innovation in breeding should be on productivity which is the best way of taking care of sustainability matters. It has to be underlined that innovation in plant breeding, the creation of new and more varieties also contributes to biodiversity. We consider that innovation is a separate and overall objective of the S&PM legislation and as such it could be identified as an individual objective. To 3.2: Fulfilling the EU's global responsibilities for food security and globally sustainable agriculture seems to be not stressed enough. Official testing / testing under official supervision of both variety performance and seed quality is crucial for agricultural crops especially for sugarbeets. It's characteristics and description are less specific than for other crops. In the long term this abstention from using innovation would not just jeopardise the farmers' competitiveness but also the goal of sustainability, since varieties would be used which are not the most productive and effective ones. In addition, varieties of agricultural crops must perform well under a wide range of environmental conditions which can not be influenced. Farmers must be put in a position that this ability of varieties to perform well under these conditions is sufficiently tested for in a reliable way. In respect of the Common Catalogue the objective is not only to improve the level of information provided but also to improve accessibility of the Common Catalogue by making it a real-time, user-friendly web-based application.

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

The objective which reads “improve farmers' choice and access to a wide diversity of plant varieties” is inappropriate. Wider diversity is not a goal in itself in the framework of the seed marketing legislation. The improvement of farmers' choice is indeed an important goal of the S&PM legislation but this choice should focus on varieties which are beneficial, fit for use and fit for sustainable intensification.

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

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

To 3.4: Not all varieties that are applied for listing are protected. Not all varieties that are protected are placed on the market (this is, in particular, the case for hybrid parent lines). Plant variety protection is only based on distinctness, uniformity, stability (DUS) whereas registration of agricultural crops also should involve value for cultivation and use (VCU) testing. In some cases breeders only apply for national plant variety protection and not protection on EU level. To 3.5: All the objectives listed in the table are important, but it might give a misperception of the priorities - therefore one could change the list of priorities.

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)

For us it seems, that none of the scenarios as defined in the "Options and analysis paper" can achieve the desired goals. A combination of elements presented in the different scenarios might lead to a better scenario. We can imagine a combination of elements from scenarios 2 and 5 with the addition of some new elements.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Scenario 1: On the one hand, this scenario uses existing expertise, competence and structures. On the other hand it will certainly mean increased costs (direct and indirect) for the whole sector and focuses on one of the identified objectives but none of the others. Therefore it's inconsistent with the overall aims of the review. Scenario 2: The text states, that a transfer of responsibilities is not considered to raise any concerns. However, in the summary tables there is an X given as assessment result. This conclusion can not be seen. Scenario 3: This scenario seems to be unrealistic and detrimental to almost all policy goals. It's even no good because testing becomes optional. Scenario 4: For this scenario we see the same arguments like for scenario 3. Scenario 5: Major impacts of this scenario could be increased unfair competition from insufficient distinct varieties for example non tested for DUS – validation of the description of such varieties will be missing, so, such varieties can be very close look-alikes of tested varieties.

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?

No

5.2 Have certain impacts been overlooked?

Yes

5.2.1 Please state which one(s)

The impact on consumer information and protection (consumers cover the actors of the whole chain including farmers, growers, processors) – also with a view to traceability - of each scenario should also be considered. If certain elements of the legislation are taken away, there is less information to consumers and with that also reduced protection of consumers which would also be contrary to the trend in other policy areas.

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

Distinctness, uniformity, stability (DUS)- and value for cultivation and use (VCU)- tests have strictly to be conducted by official authority. VCU test must cover aspects relevant for the end user and the environment. 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: Thorough and scientifically solid DUS testing is vital. Official authorities have the expertise and experience in efficient data collection, handling and analysis. It is not recommend to compromise the quality of DUS testing by reducing the reference collections significantly. DUS testing is the basis for plantbreeding 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. VCU testing must cover aspects relevant for both environment and use, including productivity and quality. 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. The protocols and methods should be harmonized. The way to measure a criteria should be the same in all countries in order to have a EU catalogue with useful information for growers.

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

Don't know

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

The long established system of variety proving is elementary part of the integrated system for sugarbeets and it's characterized all over Europe as being unique which should be main-tained:

1. A network-structure of the whole chain of breeders, sugarbeetgrowers, sugarindustry and science 2. high grade innovation and flexibility of the proved parameters (for example tolerances or resistences); 3. high efficiency of costs; 4. high selections pressure because of the national definition of VCU and maximal reali-zation of the breeding innovation in practice; 5. competition, transparency and quality of the results lead to the given high acceptance of farmers and sugarindustry.

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?

The main purpose of the new legislation must be to stimulate innovation in plant breeding and progress in valuable characters -sustainability, productivity and quality. In this respect, scenario number 1 is only focused on the reduction of public expenditure, no mention of improvement in terms of simplification and reduction of administrative burden is made. Moreover, scenarios 3 and 4 do not secure the end user that all products comply with common standards for variety identity, quality for use and seed quality; listing and certifi-cation must be based on reliable, relevant and sufficient information. As already stated we are of the opinion that a combination of some elements from scenarios 2 and 5 can be taken as a basis for a new scenario together with some new elements. The main issue for sugarbeets is a testing body under official and accredited supervision testing the value for cultivation and use (VCU) as compulsory tests.

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:

It seems to us, that the tables should be corrected – therefore below you will find a changed version: see word file

7. OTHER COMMENTS

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

Once again we would like to stress out, that the most important issue for sugarbeetseed is a official testing as it is foreseen with the system of national lists and the Common Catalogue. The variety is the most important component for innovation. Therefore an official testing is needed. Basis therefore is the Common catalogue and the national lists. For example, especially the resistancebreeding is a main element of integrated plant protection – which is an important element for the “National Action plans for plant protection” as foreseen in the new EU-directive 2009/128. Sugarbeets can not – as it is a classical element for cereals – been described registerly and therefore they can not been differentiated in this way. This description can only been organized by the official testing, so, these testings are crucial. This official testing is the central element of the integrated varietyprovingsystem and modellike for PPP – getting out the sugarbeet of the Common Catalogue wouldn't reduce neither burocracy nor costs.

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:

