

## **1. INTRODUCTION**

### **1.1 What is the name of your organisation?**

Private EU citizen, wishing to remain anonymous to avoid reprisals from employer (a seed company).

### **1.2 What stakeholder group does your organisation belong to?**

Consumer; Other

#### **1.2.1 Please specify**

Citizen; gardener; amateur user and producer of foresatry material

### **1.3 Please write down the address (postal, e-mail, telephone, fax and web page if available) of your organisation**

Anonymous to avoid repercussions from employer

## **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)**

Overlooked are the biological, policy, and legal constraints on alternative means of developing, maintaining, improving and using plant genetic resources for food and agriculture (PGRFA) imposed by the underlying systems of variety definition (DUS), intellectual property rights (IPRs), and a willful non-consideration of non-market/non-private models of innovation. The analysts should have looked at how to place farmers at the centre of innovation and maintenance of biodiversity. Also, the project should have addressed problems arising from an increase in the prevalence of retailer or other supply-chain private standards, contract production, and other systems which impose limited choice on farmers. These increasingly constrain biodiversity, flexibility and resilience of the EU's seed and agriculture. The analysis should have considered policy options (competition policy) which address this, including looking at concentration among input suppliers (seeds), and downstream operators.

### **2.3 Are certain problems underestimated or overly emphasized?**

Underestimated

#### **2.3.1 Please indicate the problems that have not been estimated rightly**

Sustainability issues have been under-estimated. The analysis failed to consider options and scenarios to re-centre innovation and sustainability on FARMERS as the key actors in the process of creating, sharing, using and maintaining PGRFA on the basis of societal and market signals. This analysis apparently consigns them to the status of passive recipients of innovation in a very limited, top-down approach.

#### **2.4 Other suggestions or remarks**

The overall analysis, which underlies the discussion of problems, options and scenarios, has been flawed by a fundamental bias in favour of a very limited conception of innovation possibilities in plant breeding and seed production. The analysis assumes that privately-funded plant breeding will always produce the greatest public welfare, and does not even consider the possibility of market failure to produce public goods, or of alternative systems, such as participatory plant breeding, in which farmers help to direct breeding programs, varietal development and evaluation, and seed production.

## **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)**

Objectives are mostly OK, except "functioning of the internal market" too often ends up being implemented as "keep rules in place that favour current private seed companies". Key missing objective is how to allow farmers to regain their rightful place as key participants in the development and use of PGRFA. A number of EU policies would be served by placing farmers back in the innovation equation; stopping the exodus from rural areas by re-casting farming as a high-skill, high-value and creative profession; strengthening the rural economy; promoting the Knowledge-Based Bio-Economy, etc. Finally, agriculture cannot be in the hands of a system which, like the financial system, has become "too big to fail" and so defies appropriate policy setting. Thus, objectives should include: -increase open, non-proprietary systems of PGRFA development -allow/enable/promote farmer-driven crowd-sourcing of information regarding agronomic performance of varieties -increase true choice, flexibility and resilience of innovation and PGRFA; do not narrow germplasm choices and increase vulnerability through over-reliance on a few oligopolists.

**3.3 Are certain objectives inappropriate?**

Yes

**3.3.1 Please state which one(s)**

Inappropriate: "improve the competitiveness of the S&PM sector on the international market". Despite the ability of high-value seed exports to earn a return for a handful of seed companies, this objective is, at best, a sideshow and distraction compared the urgent need to EU get seed policy to work for EU farmers. Export earnings for a few companies serves no general policy objective associated with the legislation.

**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**

1

**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**

2

**Promote plant health and support agriculture, horticulture and forestry**

3

**3.6 Other suggestions and remarks**

There is in the analysis a general over-emphasis on the concept of "variety", but this is never clearly defined in the analysis. Nor is it very clear, in reality, in the existing legislation and implementations: "variety" can mean almost anything that a limited group of experts have decided.

The process is subject to significant opportunity for conflict of interest, and/or of capture by industry and other so-called professionals. The analysis has not considered how less constraining definitions of "variety" could help foster alternative sources of innovation. Question 3.4 is not appropriate as it assumes the primacy of PVP certificates. This is questionable, as explained elsewhere in this survey. 3.5 confirms the very elitist, patronising conception of farmers' roles: they do not gain power only by informing them. They should be at the centre of systems to develop and evaluate new varieties. THEY should be informing researchers and other farmers of the results of trials in their own fields, across a multitude of environments, tied together through advances in information technology and telecommunications. Farmers are not passive receivers of information; they are its beating heart.

#### **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)**

Need to consider a scenario which includes re-cast of PVP legislation. Scenarios should have looked at less elitist systems of innovation, including participatory plant breeding and PVP systems which put farmers at the centre of innovation.

##### **4.3 Are certain scenarios unrealistic?**

No opinion

##### **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?**

No opinion

##### **4.5 Other suggestions and remarks**

In general, analysis should NOT assume that CPVO/UPOV systems are the appropriate status quo. They are an integral part of any system of innovation, and it is disingenuous to consider them separately. Registration of breeders and suppliers is OK in theory, but must assume that every farmer is a potential breeder and seed producer, and the requirements must be proportionate. Otherwise, this would raise technical barriers to farmer-breeders, putting this out of reach of those best placed to ensure appropriate innovation. New technology in the area of telecommunications and IT should help enable this. A "lighter" system of registration should not be limited to traditional varieties or niche markets. 4.3 is a poor question: should ask if they are appropriate or not.

#### **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)**

Did not consider the impact of PVP system; should have presented scenarios for PVP reform.

##### **5.3 Are certain impacts underestimated or overly emphasized?**

No opinion

**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)?**

1 = 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**

Rather negative

**Scenario 2**

Rather negative

**Scenario 3**

Rather negative

**Scenario 4**

Fairly beneficial

**Scenario 5**

Rather negative

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

Impacts are not correctly assessed because of the pervading assumption that current PVP and DUS approaches are the most appropriate.

**6. ASSESSMENT OF SCENARIOS**

**6.1 Which scenario or combination of scenarios would best meet the objectives of the review of the legislation?**

Scenario with new features

**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**

Re-cast S&PM and PVP legislation to place farmer at the centre of innovation in the development and use of PGRFA. Avoid DUS, VCU, and registration schemes which arbitrarily and disproportionately exclude farmer-breeders from the innovation equation; Objectives should include: -increase open, non-proprietary systems of PGRFA development -allow/enable/promote farmer-driven crowd-sourcing of information regarding agronomic performance of varieties - increase true choice, flexibility and resilience of innovation and PGRFA; do not narrow germplasm choices and increase vulnerability through over-reliance on a few oligopolists.

**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:**

Competition policy should take a hard look at concentration in the seed industry and use of standards and the VCU, DUS and plant health systems to limit competition and participation by farmer-breeders. the system has been captured by industry.

**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:**

