

1. INTRODUCTION

1.1 What is the name of your organisation?

APVD-Association of Plant Variety Owners in Denmark

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?

Yes

2.2.1 Please state which one(s)

see 2.3

2.3 Are certain problems underestimated or overly emphasized?

Overestimated

2.3.1 Please indicate the problems that have not been estimated rightly

As mentioned below the problem definition is not correctly and some problems has been overlooked and some are underestimated and some are overestimated. See below for detailed understanding and explanation why this is difficult to answer with a simple yes or no. The administrative burden should of course always be minimized as much as possible (Both public and private) but only if the variety registration and certification rules in force can keep the quality at least as high as today. In Denmark there has already been a big and steadily increasing involvement from the industry side in variety registration and certification, and the full cost is actually paid by the industry already. Increased cooperation and partnership between the public and the private is needed within this area to keep the total cost down and keep the entire system effective. Especially within VCU and certification is increased private-public partnership and cooperation needed. Some degree of centralisation in EU is also needed to keep cost down and this is especially needed within DUS, where one key several doors principle is necessary. We feel and have always felt that a cost sharing between public and industry would have been fair because all stakeholders are benefitting from the system. The consumer gets today the benefit from traceability, health and sustainability without an excessive public administrative burden. Of course a higher degree of harmonisation between the countries individual national fees for variety registration would give a more level playing field. As regards the problem described as "room to strengthen sustainability issues" it has to be stated that breeders and officials in VCU already take into account sustainability goals. (Value for cultivation and use has always for us been understood as both productivity and sustainability) The reason is among others that sustainability is optimised when the amount of natural resources (land, water, fuel, fertiliser,) used per unit of production is lowest, i.e. when production is kept high with lowering of the input

2.4 Other suggestions or remarks

We would like to comment on some statements that are made in point 2.4 of the Options and

analysis paper: APVD are of the opinion that the existing rules for variety registration and certification are needed, and not too strict and not too time consuming. The system has favoured the development of sustainable and productive varieties for the benefit of all stakeholders, consumers, society, farmers, suppliers and breeders and has been successfully in this respect. Of course this system can be improved but the basics must remain. We are in total disagreement with the written statement, that the current system has not helped access for new varieties giving higher yield on same land surface with less need for fertilisers, pesticides etc. In Denmark the VCU- system has actually favoured the development of such environmental friendly 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)

- for agricultural crops: ensuring the productivity and sustainability for EU farming with breeding and variety registration of high yielding, healthy and resistant varieties with high product quality and good environmental growing characteristics. - fulfilling the EU's global responsibilities for food security and consumer protection and globally sustainable agriculture. Secure that EU seed and breeding industry is competitive worldwide e.g. by continued legal varietal access to global export through EU-VCU admittance in OECD catalogues.

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 cannot be a goal in itself. 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 for society and farmers, fit for use and fit for long run sustainability.

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

As stated above there are certain objectives which have been overlooked and which – being very crucial for the S&PM legislation – should be added to the priority list. These are: For agricultural crops : ensuring the best and improved varieties for production and sustainability and favour access to innovation. Fulfilling the EU's global responsibilities for food security and globally sustainable agriculture and keeping the global competitiveness of the EU- seed chain, especially with VCU recognition in OECD seed trade.

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)

We believe 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, therefore APVD welcomes the possibility to combine elements from the different scenarios.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

We believe that scenario 3 and 4 is complete unrealistic and harmful to almost all policy goals. They are complex for users and confusing for consumers and the reactions the market may produce in case of such scenarios have been incorrectly assessed

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 protection of each scenario should also be considered.

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

Especially in scenario 3 and 4 the impacts on competitiveness, markets, trade, investment and innovation are mistakenly rated as positive but the result will be very negative instead.

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

Fairly beneficial

Scenario 2

Rather negative

Scenario 3

Very negative

Scenario 4

Very negative

Scenario 5

Fairly beneficial

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

no answer

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 preferred scenario is based on elements from scenario 2 and especially here with higher partnership between public and private (Mainly in VCU and certification and not necessarily with full transfer to the private) combined with some increased centralisation elements from scenario 5-especially within the DUS area where introduction of one key several doors principle is crucial.

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:

We have realized that 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. Also, we are of the view that certain impacts have been incorrectly identified. The interpretation of sustainability as presented in the paper is generally incorrect and misleading. 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 the 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.

7. OTHER COMMENTS

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

Development of improved varieties in agriculture is a need for both society and farming. Only if new varieties are clearly identified (DUS) and recognised as improvement for cultivation and

use (VCU) will they benefit to society, consumer, and farming in EU. A reliable and efficient certification system is needed to secure identity and secure traceability and consumer protection in the food chain

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:

