

1. INTRODUCTION

1.1 What is the name of your organisation?

Bingenheimer Saatgut AG

1.2 What stakeholder group does your organisation belong to?

Breeder of S&PM; Supplier of S&PM; International company

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

Bingenheimer Saatgut AG Kronstr. 24 D-61209 Echzell Tel. 0049 - 6035 - 1899 - 0 Fax 049 - 6035 - 1899 - 40 Mail: info@bineenheimersaatgut.de Webpage www.bingenheimersaatgut.de

2. PROBLEM IDENTIFICATION

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

Yes

2.2 Have certain problems been overlooked?

Yes

2.2.1 Please state which one(s)

Where sustainability is focussed in the scenarios, the view is only on varieties e.g. regards to resistances against diseases or dryness. But it has to be also, focussed on the farm-systems themselves, e.g. the organic system or other low-input-systems, which have in particular other demands on varieties than the diemo-mdnstria farm-systems (small crop rotations, high yield focussed, high inpiit of pesticides and fertisiers). The requirements of registration tests (DUS and VCU) are ander standardised conditions and do not pay attention on special needs of e.g. organic bred varieties. The issue biodiversity is not mentioned enoagh. From the point of economy there will be the focus always on those varieties with optimal turnover. So crops with no great importance en the market will be underestimated in breeding and selling. Varieties with other qualities than economic power have disappeared enormously in the last decades and will continue to disappear in future. The only good working maintaining of agricultiirai biodiversity is using it in daily life. Bat the current DUS-eriteria reduce the possibilities of maintaining and marketing of varieties with more intra-varietal genetic diversity. The issile food quality is not mentioned at all. Consumers do not realise the influence of variety-characteristics in food quality. Economie reasons decide in the availability of varieties too mnch, so the comparability e.g. of taste, consistency or digestibility is more and more disappearing. Consumers' choice is running oat more and more. The current system is handicapping small breeders and breeders for special needs and niche markets with respect to global players. So the current concentration on the seed market will emerge, small companies and breeders will disappear more and more, the depeHdency of agricitltntre on few big players will increase.

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

Underestimated: - Biodiversity issues - Consumer's choice - Distinctions of different farm systems regards to variety- abilities Overestimated; Protection of seed users is in some cases overestimated. Ciistomers of seeds suppliers have stricter requirements to seed qualities (germination rate, pureness, seed vigour, healthiness) as the official requirements are. As long as seed-users have the possibility to choose their supplier, they will use this market-power. Suppliers know these reqiirements very well and do all the best to fulfil them. Otherwise they will lose customers.

2.4 Other suggestions or remarks

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)

The Issue of availability of GMO-free seed is not sufficiently considered as an objective in the current registration- system. Within the registration system, GMO-varieties are handled like non GMO varieties. There is no distinction in registration requirements, precondition is only that the modified constructs are deallocated for marketing within the EU. Regarding to cross pollination there is a big lack of protection of non GMO-farming and an appropriate risk-management. The free exchange and use of seeds within the EU market became reality for the formal seed sector, but not for the informal seed sector, which is keeping and increasing biodiversity much better than economy aspects allow. End consumers of food do have a very limited choice, although variety-characters have a big influence in food quality (see above). Also they must have the possibility to choose varieties which are not bred with unwelcome technical methods. So transparency in breeding methods and information about them on the point of seed market is necessary. Regards to the loss of biodiversity caused by the current system we should be very aware about the impacts of our system in other regions of the world, in particular where subsistence economy is reality and important for the survival of people. Regulations must be avoided which harm or even destroy life-basis in other regions and other systems.

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

The promotion of plant health must not be an objective of the registration of varieties; this issue can be regulated sufficiently by the existing plant health legislation that is under revision in parallel.

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?

Yes

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

4

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

3

Empower users by informing them about seed and propagating material

2

Contribute to improve biodiversity, sustainability and favour innovation

1

Promote plant health and support agriculture, horticulture and forestry

5

3.6 Other suggestions and remarks

The promotion of plant health must not be an objective of the registration of varieties; this issue can be regulated sufficiently by the existing plant health legislation that is under revision in parallel.

4. OPTIONS FOR CHANGE**4.1 Are the scenarios defined correctly in the context of S&PM marketing?**

Yes

4.2 Have certain scenarios been overlooked?

Yes

4.2.1 Please state which one(s)

see 4.5

4.3 Are certain scenarios unrealistic?

No

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?**

Yes

4.5 Other suggestions and remarks

42. In case of special needs of farm systems regards to climate change, pest diseases, better nutrient-use it might make sense to take into account not only pure line varieties. An increasing development of populations, family-lines and mixtures may bring very interesting options not only for organic farming but also for low input systems. Those varieties or multi-lines are not included in the available scenarios but should be made eligible for the market and use. Scenario 4 could be expanded for such a group of seeds Scenario 4 seems to offer a very good option for different needs and requirements from breeders and suppliers on the one hand and seed users / customers on the other hand. But if the second group (called "non tested" varieties) is only mentioned for the marketing to non-professional users on the local market, it does not take into consideration the fact, that a real market is existing within the professional food producing for those varieties which should not be managed under group 1 (so called "tested varieties"). Just existing examples originally from organic breeding programmes show their ability for professional use on the one side, but also their problems with the current DUS and CPYO-registration rules (e.g. VCU). Therefore it has to be ensured under this option that adapted DUS and optional adapted VCU requirements have to be installed. But of course it can exist under official supervision, and those varieties are not "non tested" but "privately tested under official supervision" (see attached illustration)

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)

1. Scenario 2: positive impact on competitiveness, markets, trade and investment flows may be expected - but it will be reality only for big companies. Small and medium enterprises will be disadvantaged; partly they will lose their existence. 2. Scenario 2: the impact on environment will

not only be small. Because of the unstoppable erosion of open pollinated varieties, small scale enterprises and small breeders, the concentration of the big companies in only few important cash-cow-crops the impact on environment regards to agricultural biodiversity has to be emphasized large negative; XXX 3. Scenario 3: of course this option will contribute to increasing agricultural biodiversity, so the Impact has to be anticipated as medium positive, not neutral. 4. Scenario 4: of course this option will contribute very dear to increasing agricultural biodiversity, so the impact has to be anticipated as large positive. 5. Scenario 5: for small seed enterprises and breeders in countries outside the francophone or English language there will be maybe a problem in losing their direct partners in the national governmental bodies. Existing experiences show real problems in communication, which leads to a negative impact in registration tests and thus also in market competitiveness. 6. Scenario 5: because of the same reasons a centralisation also will lead to a negative impact in innovation and research. ' 7. Scenario 5: because of the same reasons a centralisation also will lead to a negative impact in innovation and research. 8.- Scenario 5: because of the same reasons a centralisation also will lead to a negative impact in environmental aspects. It will not lead to. increase agricultural biodiversity because of the administrative burdens of registration and communication problems. So the environmental impact has to be anticipated medium negative,

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

see 5.2

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

3 = 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

Very negative

Scenario 2

Rather negative

Scenario 3

Fairly beneficial

Scenario 4

Very beneficial

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:

1. Scenario 2: positive impact on competitiveness, markets, trade and investment flows may be expected - but it will be reality only for big companies. Small and medium enterprises will be disadvantaged; partly they will lose the existence. 2. Scenario 2: the impact on environment will not only be small. Because of the unstoppable erosion of open pollinated varieties, small scale enterprises and small breeders, the concentration of the big companies in only few important cash-cow-crops the impact on environment regards to agricultural biodiversity has to be emphasized large negative; XXX 3. Scenario 3: of course this option will contribute to increasing agricultural biodiversity, so the Impact has to be anticipated as medium positive, not neutral. 4. Scenario 4: of course this option will contribute very dear to increasing agricultural biodiversity, so

the impact has to be anticipated as large positive. 5. Scenario 5: for small seed enterprises and breeders in countries outside the francophone or English language there will be maybe a problem in losing their direct partners in the national governmental bodies. Existing experiences show real problems in communication, which leads to a negative impact in registration tests and thus also in market competitiveness. 6. Scenario 5: because of the same reasons a centralisation also will lead to a negative impact in innovation and research. 7. Scenario 5: because of the same reasons a centralisation also will lead to a negative impact in innovation and research. 8.- Scenario 5: because of the same reasons a centralisation also will lead to a negative impact in environmental aspects. It will not lead to. increase agricultural biodiversity because of the administrative burdens of registration and communication problems. So the environmental impact has to be anticipated medium negative,

6. ASSESSMENT OF SCENARIOS

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

Scenario 4

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

6.2 Do you agree with the comparison of the scenarios in the light of the potential to achieve the objectives?

Yes

6.2.1 Please explain:

7. OTHER COMMENTS

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

The scenario 4 (enhanced flexibility system) opens the best options to fulfil all objectives of the revision. But it has to be adapted / optimised in some issues: Two groups not divided into "tested" and "non tested" but into "officially tested" and "privately tested under official supervision". Therefore adapted DUS criteria and optional adapted VCU are to develop and to be installed. This option will correspond with realities we just have today increasing in special farm systems like the organic agriculture. Then the space for a third group: conservation and amateur varieties (like it is under the current regime, but regulated without limitation of lots or areas or regions. There is another aspect, which is not included in the supplied scenarios, but very important: there does exist an informal seed sector - not only in foreign regions of the world, also in ??????. This informal seed sector has a very important societal task in keeping and increasing biodiversity by maintaining old varieties, keeping them in life (in situ conservation, not only gene banks) and developing new lines and varieties within so called In farm breeding systems. This work has been and will be an important basis for new variety developments and is also the most important contribution to save our common heritage in agricultural biodiversity. Nevertheless it is not recognized by the official authorities. In suggestion not to obstruct but to improve this common task the exchange and selling of those seeds in small scale markets should be officially allowed (a very good example is Switzerland - where all small scale seed marketing is not under, regulation at all). The S&PM review gives the chance to reach the important policy objectives of the EU (reducing costs by keeping a functioning seed market). But the review has to do justice to participants of seed suppliers and seed users; this includes also the needs of special farm systems like the organic agriculture and the informal seed sector. And there is a big chance to integrate other policy objectives like protection and enhance of biodiversity, saving of our common agricultural heritage as well as improving a high level of specific regional markets of

specialities in food and forms of agriculture, combined with the aim of sustainability in nutrition and a basis for the next generations. Only economic aspects will never reach this alone, A regime which protects and improves our common cultural heritage as well as the developing of new varieties is needed. Facing the challenges of climate change and loss of biodiversity requires a fair and flexible system.

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:

