

1. INTRODUCTION

1.1 What is the name of your organisation?

Union Française des Semenciers

1.2 What stakeholder group does your organisation belong to?

Other

1.2.1 Please specify

National association of French seed companies (135 members)

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)

Complexity and fragmentation of legislation: ? Complexity of legislation is mainly due to the overlapping of various directives which were implemented at different times. Nevertheless, it also reflects the biological reality of species involved. Segmentation according to species is necessary but an overall harmonization of the implementation is needed. ? DUS and VCU are not uniformly implemented for each species in all the MS. ? Better consistency should be achieved between S&PM law and Plant Health law: classification of pests & diseases (Regulated or Non-regulated quarantine /deregulated pests and diseases on seeds in line with IPPC criteria). Level of administrative burden: ? The absence of synergy between MS in sharing tasks (e.g. automatic recognition of DUS between MS, no possibility to assess VCU in homogeneous agro-climatic zones, possibly across national intra EU borders) leads to cost increase at national levels. ? At EU level, technical quality in some official examination offices is not always cost-effective. ? The impact of environmental criteria added to the existing ones is not mentioned as increasing costs. ? The private sector could bear, to some extent, the burdens transferred from public authorities. Its wide network of testing stations, spread in various countries, could be easily mobilized but its ability to perform innovation could be affected. Distortions on the internal market: ? The functioning of the common catalogue is not taken into account: delays and access modalities (e.g. fees vary between MS). ? Protocols are not technically implemented in the same manner for each species in the different MS. ? Harmonization in implementing the current system in all MS should be a 1st objective, which does not mean triggering a complete change of the system. Sustainability issues: ? The current regulation already takes into consideration sustainability criteria. ? This survey does not provide a clear definition of sustainability which should not be opposed to productivity. In particular, the need to improve, or at least to maintain, productivity under adverse conditions (e.g. drought, pathologies) should be emphasized. The adaptation of varieties to new economic itineraries and better crop management should be indicated. ? See references listed in §7.2.

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

See above.

2.4 Other suggestions or remarks

General remarks: - The existence of regulation is not a limitation to innovation and, in some cases, supports it. - Speeding up of the registration process was not mentioned in the scenarios (e.g. marketing in advance procedures, two DUS cycles performed in one year, for almost all vegetable species in France). §2.4 - 2nd bullet point ('the provisions contained in the EU S&PM ...'): The link between innovation and the development of low input varieties is somewhat restrictive. Innovation also exists on other issues. Moreover, examples exist where adapted solutions have been already implemented (e.g. introduction of environmental criteria in the VCU system, resistances for pests and diseases in DUS, particularly in vegetables).

3. OBJECTIVES OF THE REVIEW

3.1 Are the objectives defined correctly in the context of S&PM marketing?

Yes

3.2 Have certain objectives been overlooked?

Yes

3.2.1 Please state which one(s)

- 'Independency of food and feed supplying in EU by productivity, quality and consistency of crop productions' is not mentioned. - 'Enhancing of productivity combined with a sustainable agriculture' is not clearly indicated. - 'Food safety and quality in EU through productivity' has not been included as a general policy objective, while S&PM is at the origin of every food pathway. Also lacking : - New requests for food and feed qualities and human health, - Consistency with the principles of EU and other EU legislation: Plant Health law, Variety Protection regulations..., - Compliance with international rules of trade because Europe is the first exporter of seeds. (OECD...). Some of the operational objectives have been completely overlooked in the rating table (§6.2): horizontal framework, enhanced level of information provided by the common catalogue, market transparency & traceability of operators, EU influence on int'l standards.

3.3 Are certain objectives inappropriate?

No

3.3.1 Please state which one(s)

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

1

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

All the general policy objectives contribute to a more competitive agriculture, targeting safety, quality and regular availability for food & feed supplying, as a result of a productive and sustainable agriculture. To us, all of them should be ranked 1st priority.

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)

None of the scenarios is fully in line with the objectives. See additional comments on scenarios 2 & 5 in § 4.5.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Scenario 1: - Only answers to the 'cost objective' and does not fulfil the requirements of the other objectives. - Partly takes into account the objective of cost reduction: impact of cost transfer to the private sector is not weighted. Scenario 3: - Introduces market distortions due to the assessment of VCU and certification being optional. - Exclude ornamentals. And what happens with ornamentals in the other scenarios? Scenario 4: - Goes against the general objectives of competitiveness and innovation. - Presents risks of degrading the overall quality of the varieties on their performance, seed quality and identity. - Would badly influence food security since low quality seeds could be marketed, due to the enforced low seed costs. - Would introduce distortions with a 3-level system which would create confusion and would induce a loss of visibility on markets. - Means serious risk to users' ability to make an informed choice, due to lack of impartial and reliable information. - Would lead to a limited choice of varieties driven by processors on industrial crops, dangerously reducing the number of varieties in some specific species (see the current market position of spring barley varieties in EU). - Presents a risk of negative impact on international trade as a negative model for standard-setting at the international level.

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

Additional comments on scenarios 2 & 5(see above § 4.2.1) Scenario 2: - Delegation to private sector under official supervision is a positive step. - Although some differences between agricultural crops and other ones are mentioned, precisions are needed for inclusion in the list of 'other regulated species'. - No modifications to the current technical provisions are proposed. The current provisions lead to distortions in the common seed market, no fostering for varietal innovation, lack of improvement of the information/traceability for users. Scenario 5: - Does not contain a detailed definition of 'VCU light' and what is expected accordingly. - No differences are made between crops in consideration of VCU. VCU for vegetable is clearly irrelevant and technically not implementable because of the various market sizes and multiple segments of use. Specific relationships between seed suppliers and users with a direct feedback on the performance of the proposed varieties make VCU unnecessary. It would threaten economically this sector, with unnecessary burdens and costs, which would affect its activity and its capacity for innovation. Its competitiveness would be dangerously weakened not only at EU level, but at international level as well. - No access modalities are described for conservation varieties and vegetable varieties with no intrinsic value.

the principle of proportionality. Consequently, it contributes to maintaining biodiversity. Scenario 3: very negative - Optional certification will degrade the markets. Investment flows will consequently be targeted to marketing more than innovation. - The impact on the quality level of varieties will badly affect users, since the system does not provide with a level playing field for private operators. Scenario 4: very negative - The emergence of low-cost operators on the market will increase unfair competition and, in a medium/long term, will inevitably lead to a concentration of operators. This competition will also allow the introduction of low-quality lots, particularly with respect to plant health, which will require stricter phytosanitary controls at borders. - Low prices will have little effect on the use of farm-saved seed, because this practice depends more on a “way of thinking” than cost efficiency. - Due to low margins, the investment flows will be reduced and targeted to marketing only. Innovation will be seriously affected. - This scenario would concentrate more power in hands of a few users (processors, distributors,...). Scenario 5: don't know, as some detailed provisions are missing. - Centralization of registration will drive the registration system towards more harmonized procedures among MS. Consequently, users will have higher transparency and quality of information on varieties. - Reducing the number of testing stations will save costs for authorities on a large scale. - Mandatory VCU, even a light one, could not be implemented technically at a reasonable cost for all crops, due to the numerous markets and growing conditions which should be tested for some crops (e.g. vegetables).

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

The French Seed Union, encompassing a wide range of stakeholders and crops, declares, in a responsible way, that marketing new varieties can solely be valued through a robust regulation(*) based on:

- A European catalogue with:
 - ? a harmonized DUS among member states, at the level of public and private testing stations accredited by CPVO, and partially carried out by private breeders under official supervision (see scenario 2 + automatic recognition of DUS between MS (new feature))
 - ? a VCU for agricultural crops, including the main characteristics leading to a sustainable agriculture, and partially carried out by private breeders under official supervision (see scenario 2)
 - ? a progressive and rational introduction of new criteria, especially those linked to environmental issues (already implementable with scenario 2)
 - ? a centralized system for varieties denomination at CPVO level (see scenario 5)
- ? a possibility to market varieties in advance of listing for trial purposes (new feature)
- Supervision of seed quality as certified or standard categories, achieved through a greater delegation of tasks to the seed industry under official supervision and harmonized with international schemes through controls (see scenario 2 or 5 + new feature)
- Private operators always having the choice between delegation under official supervision and official testing and control (see scenario 2)
- Better traceability of new varieties from the registration in the Catalogue and Intellectual Protection until production and marketing with a simultaneous recording in the European catalogues (new feature)
- Better governance for Seed and Plant material regulation founded on a strong relationship between public and private sectors and on consultation of the whole downstream chain (from breeders to consumers) about long-term objectives (new feature)

(*) Ornamentals, conservation, landraces and varieties ‘with no intrinsic value’ continuing with current specific provisions.

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 our own ranking in § 5.3.1

7. OTHER COMMENTS**7.1 Further written comments on the seeds and propagating material review:**

We want to insist on the specificities of the seed market and products which, for the various groups of species, are: - EU has the most diverse and numerous seed companies in the world. They explain not only the tremendous productivity of European agriculture, but also a capacity for innovation which they can export worldwide. No other area in the world could compete with EU seed activity in terms of creativity, sophistication and diversity. This unique development occurred in the framework of the current regulatory context, implemented decades ago. - A strong framework of public policy is the only way to drive long-term innovation (e.g. answers to global climate changes) in a way that would not be followed by market if left solely to economy rules. - Technological differences cannot be generally perceived by users when purchasing seeds. Thus, a robust assessment is needed. - As the genetic gain is a slow step by step process, breeding and developing new varieties take time. These gains can be valued only in a thoughtful regulatory environment which must not be only influenced by a day-to-day market demand. - Crops specificities deserve particular provisions.

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:

- BRANCOURT-HULMEL et al. - Genetic Improvement of Agronomic Traits of Winter Wheat Cultivars Released in France from 1946 to 1992.- Crop Sci. 43:37–45 (2003). - ROLLAND et al. - Vers une évolution de la création variétale pour répondre aux besoins de l'agriculture durable ? L'exemple du blé tendre. – Dossier de l'Environnement INRA n° 30. - SAMPOUX et al.- Breeding perennial grasses for forage usage: an experimental assessment of trait changes in diploid perennial ryegrass (*Lolium perenne* L.) cultivars released in the last four decades. Field Crop Research, under press. - INRA – CETIOM – AMSOL - ONIDOL.- Tournesol : jamais les variétés n'ont été aussi performantes.- Press release (March 15, 2011). - ARVALIS Institut du Végétal.- Un progrès génétique soutenu et des variétés plus rustiques.- Décembre 2009.

