

1. INTRODUCTION

1.1 What is the name of your organisation?

Ministry of Economics, Agriculture and Innovation - Netherlands

1.2 What stakeholder group does your organisation belong to?

Other

1.2.1 Please specify

National Government

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?

Yes

2.2 Have certain problems been overlooked?

Yes

2.2.1 Please state which one(s)

The goal to feed an ever growing world population (see 2nd World Seed Conference 2009 in Rome) and the role of good quality S&PM plays in terms of food security is not referred to.

2.3 Are certain problems underestimated or overly emphasized?

Overestimated

2.3.1 Please indicate the problems that have not been estimated rightly

The complexity and fragmentation of legislation is overestimated. The present legislation is species or sector oriented, thus making the rules appropriate and relevant for these sectors. Making horizontal rules might lead to problems for these sectors. Some Directives (such as the agricultural seeds directives) could probably be combined. With regard to the other Directives the technical requirements are fundamentally different from each other and therefore difficult to integrate. We therefore strongly favour a sector specific (agricultural seeds, seed potatoes, vegetable seeds, vine, fruits, forestry, ornamentals) approach. In our view the general requirements (marketing definitions, other definitions, registration of suppliers, import requirements, derogation possibilities) could be applied to all sectors, combined with horizontal provisions in the phytosanitary Directive. Where possible, definitions from Plant Health Legislation and Marketing regulations should be the same. The level of administrative burden in terms of cost seems overestimated. For the agricultural species the cost of the inspection/certification system makes up 1.5% - 2% of the marketing value of the reproductive material. In the Netherlands, in vegetable crops ca. 0,4% and ornamentals 0,2%. Fruits: 0,5% .%. The possibility to save on the costs for inspections is limited because inspections will still need to be done for phytosanitary reasons (in most species). A clever combination of inspection for quality and phytosanitary is the way forward. Shifting of the costs to the private sector can be done without fundamentally changing the system, but will not lead to significantly lower costs. The non-harmonised implementation is somewhat overemphasised. EU comparative trials have shown that the quality of the S&PM of the MS in many crops is more or less of the same level. Moreover (small) differences in the implementation are very often the result of different social, agronomic and climatic conditions. Comparative trials have proven to be great harmonisers in practice; it could be a good idea to start them again. The lack of possibilities to strengthen sustainability is greatly overemphasised and does not necessarily improve when the system would change. Productivity (yield) will remain an important factor (see remark under 2.2), combined with insect- and disease resistance.

2.4 Other suggestions or remarks

The statement that the system of certification under supervision is not widely used is not correct. It is used to a large extent in certain Member States and especially by the larger companies – also in the Netherlands. We have positive experiences with certification under supervision; both in terms of quality and costs as in providing required services for companies. It should be noted that for SME's which very often have no laboratories etc. official inspection and certification is cheaper and more efficient. Official inspection should always be possible for smaller SME's

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)

The objective of high yields in order to feed the world population while at the same time arable land decreases has been overlooked. There is a clear need for high productivity, low input agriculture in which good S&PM and new varieties play an important role.

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

The following themes are better dealt with in the light of the CPVR-evaluation: - support innovation in plant breeding with a focus on varieties that can be grown in a more sustainable manner; - improve competitiveness of the S&PM sector on the international (global)market.

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

1

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

2

Empower users by informing them about seed and propagating material

3

Contribute to improve biodiversity, sustainability and favour innovation

4

Promote plant health and support agriculture, horticulture and forestry

5

3.6 Other suggestions and remarks

We believe that the following objectives should be the first priority: - ensure availability of high quality seed and propagating material free of harmful organisms, and properly identified ; - secure the effective functioning of the internal market for seed and propagating material; take away unnecessary burdens (e.g. repeated testing of certified seed potatoes between 2 member states, various certification standards) - promote a more harmonised implementation of legislation

throughout the EU by audits and training (comparative trials). - Ensure/improve responsibility of suppliers for the production and marketing of reproductive material

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)

A species or sector oriented (agricultural seeds, potatoes, vegetable seeds etc) scenario with crop specific rules and standards has been overlooked, or at least got too little attention. The structure of the sector, use of the end product etc greatly differ per sector. In order to have a workable and pragmatic approach we think that a sector specified/oriented scenario for the technical requirements (built on top of a horizontal basic framework) would be advisable.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Scenario 3

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

Re 4.1: We are of the opinion that the principles of full cost recovery (Scenario 1) and the centralisation of the EU registration procedure with CPVO managing, (Scenario 5), could also be applied in any of the other scenario's. The assumption under section 2 of Scenario 3 that 'Seed certification duplicates to a good extent work done by the S&PM suppliers' only applies to larger companies. Most SME have no qualified personnel for field inspection, sampling etc or laboratories and consequently there is no duplication of work. With certification under supervision this duplication is greatly reduced. Re 4.4: Abolishment yes, but no change not definitely. Depends on the cost/benefit of the proposed changes.

5. ASSESSMENT OF OPTIONS

5.1 Are the impacts correctly analysed in the context of S&PM marketing?

Yes

5.2 Have certain impacts been overlooked?

No

5.2.1 Please state which one(s)

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)?

No opinion

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

Fairly beneficial

Scenario 3

Very negative

Scenario 4

Neutral

Scenario 5

Neutral

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

Re 5.1: In general yes, but there are a few misunderstandings. a. The assumption that passing the task of inspections from authorities to the sector will lead to only a limited increase of workload for the private sector is wrong. b. The statement that most of the private sector would benefit from a widened certification under official supervision is incorrect as SME would have higher cost than at present. c. It should be noted that Scenario 3 and Scenario 4 will lead to a disharmonised situation, less transparency and an unlevel playing field. In addition to that a situation in which certain seed lots will be officially certified and others would not be certified, is unworkable as seed companies very often do not know in advance which fields and lots will get which final destination (inside or outside the EU). That is why we view Scenario 3 and 4 as not realistic in itself. Re 5.5: Scenario 1 : Relevant , but this is already the case in The Netherlands. Scenario 2 : fairly beneficial Scenario 3 : negative Scenario 4 : neutral, partly beneficial Scenario 5 : between neutral and beneficial

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

A combination of scenarios + new features (sector specific approach). The core should be Scenario 2. Combined with parts of 1 (full cost recovery) and 5 (towards better implementation of one key, several doors). NL would support basic horizontal legislation for seeds/planting material of all species, with additional specific requirements for the different sectors/crops A possible combined scenario would be transferring of costs to the seed industry (1), the possibility of 'inspection under official supervision' to all crops and categories (2) and the option of having additional / more stringent national requirements for national production(5). However, we feel that the additional / more stringent requirements should not be subject to EU approval.

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:

Re 6.2: We agree with the idea but we have the impression that the application of the positive and negative qualifications is rather arbitrary. An example is the summary of the key impacts under scenario 2 (page 20). The 'Impact on administrative burden and costs for authorities' is qualified as 'large positive' whereas the 'Impact on administrative burden and costs for private sector operators' is qualified as 'small negative'. When private sector operators take over the task of the authorities it will mean that they will bear the full administrative burden and costs and therefore the impact should be qualified as 'large negative impact'. The assumed impacts (-, +, ++, +++, etc) seem a bit (too) subjective.

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:

