1. INTRODUCTION

1.1 What is the name of your organisation?

Direction of Quality - Department of Development - General operational Directorate of Agriculture, natural Resources and Environment - Public Service of Wallonia

1.2 What stakeholder group does your organisation belong to?

Competent Authority (CA) involved in S&PM certification and control; Competent Authority (CA) involved in S&PM variety and material registration

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?

Yes

2.2 Have certain problems been overlooked?

No

2.2.1 Please state which one(s)

2.3 Are certain problems underestimated or overly emphasized?

Overestimated

2.3.1 Please indicate the problems that have not been estimated rightly

In the case of the Forest Reproductive Material, the dir 99/105/CE already implements a system with a large part of "self" control and an official supervision.The distortions of the internal market are already avoided with the current directive.The OECD legislation for FRM is already largely inspired by the EU legislation. Costs harmonization should probably be regulated through state aid legislation rather than S&PM legislation

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?

Yes

3.2 Have certain objectives been overlooked?

Yes

3.2.1 Please state which one(s)

- Contribute to maintenance of small and medium enterprises should also be a general objective of the legislation, in accordance with EU policy - Avoid problem of imbalanced competition where procedures for certification are not the same could be a specific objective

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
4

Empower users by informing them about seed and propagating material
2

Contribute to improve biodiversity, sustainability and favour innovation
3

Promote plant health and support agriculture, horticulture and forestry
5

3.6 Other suggestions and remarks
To our understanding, "empower users" covers also the information on traceability of the material. (important for all kind of material and in particular for FRM where there are no characteristic that permits to distinguish one provenance from another one.)

4. OPTIONS FOR CHANGE
4.1 Are the scenarios defined correctly in the context of S&PM marketing?
No opinion

4.2 Have certain scenarios been overlooked?
No opinion

4.2.1 Please state which one(s)

4.3 Are certain scenarios unrealistic?
Yes

4.3.1 Please state which one(s) and why
Scenario 3 : It is quite difficult to imagine the maintenance of official certification facilities only for export. This scenario is not really compatible with the evolution of seed certification in third countries. Scenario 1: does not encounter the need for a modernisation of current S&PM legislation. Harmonization of costs at EU level appears to be a nearly impossible challenge. Belgium would however consider favourably a “no change” scenario for FRM. Scenario 5: Centralisation will create a too large gap between operators and centralized control. This scenario does not meet the requirement of flexibility, especially for niche markets.

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

Especially for FRM, the current legislation is already in line with the objectives of the review of the EU S&PM legislation. A no change situation would be preferable (or FRM could be added to a scenario in a way that there are no change)

5. ASSESSMENT OF OPTIONS
5.1 Are the impacts correctly analysed in the context of S&PM marketing?
No opinion

5.2 Have certain impacts been overlooked?
No opinion

5.2.1 Please state which one(s)

5.3 Are certain impacts underestimated or overly emphasized?
Overestimated

5.3.1 Please provide evidence or data to support your assessment:
The IA remains quite subjective and not really based on scientific (ecomomic) reasoning Scenario 4 : negative impact on plant health is questionable, as certification could be compulsory if requested by specific risks Scenario 4 : more diversity of varieties on the market to be controlled could lower the possible negative impact on public sector

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
Fairly beneficial

Scenario 2
Neutral

Scenario 3
Rather negative

Scenario 4
Neutral

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:
This view reflects the essential tasks that remain assigned to the official control authority The objective of the official control authority is however not to maintain itself. This is left to political authorities.

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?
No

6.2.1 Please explain:
This evaluation is to "wide" to be able to estimate the level of expected achievement of the objectives.The level of expected achievement will not be the same for all kind of crops since the current situation is not the same for all, since the level of requirements will probably not be the same for all of them. We do not understand why scenario 4 could have negative impact on internal market. The positive impact of this scenario on biodiversity is probably underestimated. Impact on harmonisation of this scenario is questionable. The negative impact of scenario 5 on flexibility is probably largely underestimated.

7. OTHER COMMENTS
7.1 Further written comments on the seeds and propagating material review:
- It appears that the scenarios partially/greatly overlook the problematic of small and medium enterprises in the seed sector. The impact on the sustainability of local or regional SMEs is probably a crucial factor to guide the choice of a suitable scenario. Concentration of new varieties production and seed marketing in the hands of fewer enterprises could be considered detrimental to sustainable agriculture. Whatever the scenario, option of official testing or official control should be maintained to supplement the limited resources of SMEs. - Scenario 4 could probably be adapted to take into consideration the specificity of FRM (to be analyzed more concretely). Certification is not applicable for FRM, but official "super control" of "self control" is required for all steps of the production scheme and direct official control for some steps (seeds harvesting e.g.). Significant differences between an agricultural variety (often issued from breeding and easily identifiable) and a forestry “variety” (selection of populations with a generally high number of different genotypes) need a specific consideration. Control is only feasible through European integrated analyses for the flux of S&PM between operators.

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: