

1. INTRODUCTION

1.1 What is the name of your organisation?

HORDEUM s.r.o.

1.2 What stakeholder group does your organisation belong to?

Breeder of S&PM; Supplier of S&PM; SME company; Company operating on national level

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)

If the European Community would have been homogenous in terms of economy and competitiveness, the problems would have been defined in the context correctly

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

Overestimated: Sustainability issues; Underestimated: distortion of internal markets, because the smaller EU countries will have problems to conform to some scenarios

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)

Ensuring non-discriminatory conditions for SME breeders in smaller EU countries against large multinational breeding and seed companies with strong capital and broad scientific-research bases. All the scenarios address only redistribution of activities which stem from present legislation.

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

reducing costs for national authorities

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

5

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

1

Empower users by informing them about seed and propagating material

3

Contribute to improve biodiversity, sustainability and favour innovation

2

Promote plant health and support agriculture, horticulture and forestry

4

3.6 Other suggestions and remarks

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)

Abolishing the EU legislation on S&PM marketing; No Change to technical provisions and continued high input of official authorities. Complete freedom for Member States to decide on possible cost recovery

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Unrealistic are scenarios 2, 3 and 5 they will be regarded as very discriminatory for SME breeders and smaller seed producers.

4.4 Do you agree with the reasoning leading to the discard of the "no-changes" and the "abolishment" scenarios?

No

4.5 Other suggestions and remarks

In section 1 and 2, scenario 4 would be clearly specified types of crops covered by the compulsory registration and crops species with non-registration (voluntary registration). According to scenario 4, section 1 should be officially tested varieties mandatory registered under the supervision of national authorities. Those tests will include mandatory DUS tests and tests for yield and value for use (for example cereals).

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)

In scenario 3, the impact on SME having to perform registration themselves, this will have the same adverse impacts as in scenario 2. In scenario 5, the economical impacts on registration are not well elaborated. Despite the argumentation which says that there will be some cost saving, we fear that the opposite will happen since the registration costs under CPVO will be surely more expensive than in most of the Member States. Uneven economical conditions of some of the (new) Member States and companies have to be taken into consideration. If not, there is a threat of liquidation of SMEs.

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

The negative impact of scenario 1,2 and 3 on SME competitiveness is underestimated

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

Rather negative

Scenario 2

Very negative

Scenario 3

Very negative

Scenario 4

Fairly 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:

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?

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:

Improving competitiveness will not be achieved with scenario 2, 3 and 5, since only bigger companies will afford to test new varieties themselves. New national variety and biodiversity also has to be a part of sustainability, that is, large number of different varieties that will decrease the risks stemming from monoculture farming.

7. OTHER COMMENTS

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

Scenario 4 should be more clarified and elaborated in terms of the harmonized description in section 2 and the question whether in section 1 the tested varieties will be tested officially OR under official supervision. If these issues will be clarified, this scenario will provide a choice for the operator, how costly he shall register and certify his varieties. If other please describe the main elements of that scenario: Abolishing the EU legislation on S&PM marketing, No change, including assessment of economical impacts.

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:

