

## **1. INTRODUCTION**

### **1.1 What is the name of your organisation?**

Swedish Board of Agriculture

### **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**

Jordbruksverket SE-55182 Jönköping Sweden Tel: +4636156019 Fax: +46 36 710517 email: anders.falk@jordbruksverket.se <http://www.jordbruksverket.se>

## **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?**

Underestimated

#### **2.3.1 Please indicate the problems that have not been estimated rightly**

The consequences for the marketing of plant propagating material in general and for the marketing of CAC material, have not been given much attention. How these are supposed to fit into the legislation is unclear. It is also unclear how the S&PM legislation should be able to fulfil requirements with respect to CPHR, especially the CAC material.

#### **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?**

No

#### **3.2.1 Please state which one(s)**

### **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?**

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**

5

**Contribute to improve biodiversity, sustainability and favour innovation**

3

**Promote plant health and support agriculture, horticulture and forestry**

4

### **3.6 Other suggestions and remarks**

It is difficult to interpret the exact meaning and implications of the prioritisations in 2.4. We see the importance of a transparent simplified effective and proportionate system with reduced administrative burden. The importance of a good plant health and the need to avoid double regulation and to reduce overlaps and inconsistencies is also very important. The possibility to use the certification system for ensuring that quarantine pests are not transmitted offers an interesting possibility for a win-win situation. However, the consequences for the marketing of non-certified seed and plant propagating material must not be overlooked or underestimated. It is important that there is consistency with other EU policies, for instance on forestry production and plant resources. Access to varieties for different growing conditions in the perspective of climate change is another area of importance for the future.

## **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)**

For FRM, it would have been good to have kept the no changes scenario.

**4.3 Are certain scenarios unrealistic?**

Yes

**4.3.1 Please state which one(s) and why**

Scenario 4, a two-level system, seems to open up for a general marketing of non-certified S&PM. We think that is inappropriate. It will lead to less consumer protection, and could also lead to less efficient implementation of the CPHR.

**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**

The no changes scenario should have been kept. It could be relevant for FRM. We find it unclear

how the CPHR is supposed to function in scenario 4. We think certification is necessary, at least for seed including seed potatoes when marketed to the end consumer (usually an individual farmer).

## **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 4, it is argued that the scenario would not lead to increased risks for plant health in the union. The reason for this statement should have been made clearer. The consequences for plant propagating material are not clear.

### **5.3 Are certain impacts underestimated or overly emphasized?**

Underestimated

#### **5.3.1 Please provide evidence or data to support your assessment:**

All these options could be true depending on the scenario and propagating material. Probably most impacts have been correctly described. However, the negative impact on plant health under scenario 4 has been 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)?**

4 = not 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**

Very beneficial

#### **Scenario 2**

Very beneficial

#### **Scenario 3**

Very beneficial

#### **Scenario 4**

Rather negative

#### **Scenario 5**

Neutral

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

Scenario 1 includes a full recovery from the stakeholders of costs incurred by the public authorities. Apart from that, the scenario does not foresee any changes to the technical provisions of the current legislation. We think this scenario is by and large a no changes scenario at least when considered that other scenarios contain very substantial changes. A no changes scenario is suited for FRM, since we don't see any reasons why it should be changed. We do however understand that the no change scenario would still include possibilities to solve problems with overlaps, inconsistencies and relevant linkage to the future CPHR. For scenarios 2 and 3, which are co-systems, we see clear possibilities for positive consequences for many seed and plant propagating materials. With respect to scenario 4, we see a risk with this scenario

in that the control of plant health may be compromised. However, it should be emphasized that the different categories of S&PM are differentially suited for scenario 4. For instance, the scenario could be acceptable for fruit plants and vegetable seeds. However for seed potatoes we do not see this as a good scenario, due to the plant health issue. We are also questioning if this is the right way to go for cereal seed. Scenario 4 would have gained much in credibility if it had been stated clearly in the first place what categories of S&PM it is intended for. We don't see it as a scenario that can be applied to all categories of S&PM. Regarding scenario 5, the centralization scenario, we would see positively on a centralization of the variety registration system. We think it can have positive effects as suggested in the analysis of impacts in the Commissions document. However, the scenario is focused on the centralization as such, which makes it difficult to compare to the other scenarios. We suggest to focus on the other scenarios while considering if certain aspects of scenario 5, like the centralized variety registration, could be applied in a new combination scenario.

## **6. ASSESSMENT OF SCENARIOS**

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

A combination of scenarios

#### **6.1.1 What are your views with regards to combining elements from the various scenarios into a new scenario?**

Scenario 1 or a rescued "no changes" scenario could be best for FRM. Scenario 2 or possibly scenario 3 would do well for most agricultural S&PM. Scenario 4 would probably be best suited for fruit reproductive material, where there already exists a minimum quality and possibility for certification. So a new scenario that is a mix of these scenarios, with the particulars for each S&PM defined, is what we suggest.

#### **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:**

As we see it, the different scenarios are differently suited to the different propagating materials.

## **7. OTHER COMMENTS**

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

We think it should also be considered if it is necessary to keep the national variety lists, or if these could be discarded. That would lead to cost saving through less administration. It should be noted that VCU is not necessary for CPVO to grant a variety protection title. If a CPVO protection title automatically would lead to registration in the common variety list, then either the VCU would be completely discarded, or alternatively other kinds of measures must be taken to ascertain that VCU is actually carried out. For instance, the industry could take responsibility for carrying out the VCU as a post-variety-registration requirement. This question of variety registration and CPVO is only relevant for seed and propagating material that is using the variety concept. For FRM and ornamental plants, the varietal concept is not used.

### **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:**

