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Seed marketing legislation in the future: Views of competent authorities of the Member States

Sweden: Eva Dahlberg, Swedish Board of Agriculture

It is an honour for me as a part of the European Presidency Trio to have the privilege to speak at this conference on this important subject.

intervention_france.pdfSeed and propagating material of different species, and in many cases varieties of those species, are of interest from many different aspects and in many different sectors. It is traded both within the Community and with third countries. The seed itself has significant importance as the start of the growth of all kinds of plants, regardless of the final use of the plants.

We may often think of seed of the large agricultural crops when we talk about this subject or the *acquis*, and we may think of the professional farmers and horticultural producers, but we should not forget that the forest sector, the parks and the hobby gardeners also are covered by the present *acquis*.

It is a challenge to meet the expectations and needs of such a diverse group of stakeholders. The users, producers and authorities may have different or even conflicting interests. However, I am convinced that all parties involved want to ensure both availability as well as high quality of the seed and propagating material, and of the registered varieties, even if the views on the means to achieve this may differ.

Sweden has welcomed and supported the work to analyse and evaluate the seed *acquis* when it started some years ago in the Council, and we have participated throughout the work of the evaluation in the Commission.

We rarely live in the best of worlds – there is always room for improvements. Sweden has approached this work with that attitude, to be open to explore significant changes and new paths to reach the goal of effective and competitive producers that ensures high quality seeds for the consumers.

Before I comment on the suggestions in the report itself, I would like to point out three significant characteristics of Sweden to you:

- 1) An agricultural and horticultural production, which stretches from a more continental climate in the south to the Arctic Circle in the north. To safeguard this we emphasize that farmers in the Nordic countries need varieties that are well adapted to their conditions and requirements.
- 2) Forests cover a large part of Sweden's surface and are of very high importance for Swedish industry and economy. This means that also the forest reproductive material is of great importance; even though of course the forest surface is not replanted every year, it is definitely a very long-term crop with high economic value.
- 3) With a vivid interest in gardening, we have a distinct amateur, hobby or leisure garden sector, which includes growing your own vegetables.

General comments on the report

The conclusion of the report to recommend the scenario 'Modify' is probably the most realistic alternative. We see that there is room for improvements in the *acquis*. Many companies work in several Member States, and there is a need for a system that is fairly similar in legislation and implementation. It would not be useful to apply a voluntary system where requirements for certification, labelling or registration differ from country to country.

Generally we look favourably on many of the suggestions of the report. Evidently simplification is an important factor and goal. The challenge lies in drafting a new legislation that is considered to be a simplification as well as to reduce the administrative burden - and for it to remain so after the proposal has gone through the whole decision process in Council and Parliament and when it in the end is adopted.

Sweden acknowledges that the report shows that, in general, some official involvement is regarded as positive. However, at the same time, when looking to the future we are of the opinion that we should always analyse what, or to which degree, tasks should be undertaken by the state.

For example: Can stakeholders other than the authorities carry out more of the tasks? Should decisions remain as official decisions but to a higher degree be based on the compilation of results of work done by the industry?

We also think that the possibility of an accredited third party should be analysed. Within these analyses, efforts should be made to include lessons learnt from different systems such as, for example, the Canadian.

We should of course in all our analyses acknowledge that the market may be imperfect and that it does not consist of equally strong players. There are many different dimensions in the market and the players may have differing interests. The seed market is also heterogeneous as we are in fact talking about different markets depending on which species we are discussing. The companies involved in the seed business also differ largely in size and may for such reasons have varying demands or/and prerequisites.

The Community and the Member States also need to respect undertakings we have made in international organisations and agreements.

Sweden supports that developments in other neighbouring legislative sectors, especially the plant health aspects, are considered and that links are improved when appropriate.

Sweden has good experiences of using bilateral agreements regarding the DUS testing, where we nowadays do not carry out DUS testing in many species. We also, in most cases, use the same DUS report for both the National List and the Plant Breeders Rights.

It should be analysed whether official testing of the Value for Cultivation and Use of a variety should continue to be a prerequisite for the registration of a variety of the agricultural species.

The new legislation should aim to be compatible and take advantage of future technological advances and developments. One such issue could be to explore the incorporation of molecular techniques and markers within the system for registration of varieties.

Harmonisation

When you have a Community-wide legislative system and a common market for the products, you should also have a tool for supervising the harmonisation in operating this system. In the seed sector, the closest thing to the Food and Veterinary Office we have had for the follow-up of the system of implementation have been the Comparative Trials. Unfortunately, during the last five years or so, the Commission has given them very low priority.

Another way of ensuring harmonised implementation would be to have a higher degree of exchange of practices, which at the moment takes place more or less on a bilateral basis, or at the more informal network with meetings of the Certification Authorities.

Legislative framework

Concerning the legislative framework, the formal nature of the legal act is not the most important issue for Sweden but rather that the content and the implementation lead to the desired degree of harmonisation.

When drafting the new seed legislation, we should also look at what, or how much, should be decided by Council and what should be decided through committology in the future. The possibility to keep the technical aspects up to date implies that it has to be easy to amend the legislation when necessary.

We therefore also think that it is more important to structure the future legislation distinctly regarding the legal and technical provisions, than to split it along the pillars “identity”, “registration” and “marketing”.

There is also a delicate balance in drafting legislation that allows for necessary flexibility for national adaptations in Member States and at the same time ensures a harmonised approach.

In closing, I would like to wish both the Commission and all of us the best of courage and luck in dealing with the challenges that still lie ahead of us to bring this review to a conclusion.