

1. INTRODUCTION

1.1 What is the name of your organisation?

Forest Service, Department of Agriculture, Fisheries and Food (Official Body in Ireland for Council Directive 1999/105/EC - response confined to this Directive)

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?

No

2.2 Have certain problems been overlooked?

No opinion

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 relation to forest reproductive material (FRM) the key problems are overestimated. The revised FRM Directive, 1999/105/EC, relative to other legislation, is not considered to be complex or fragmented. The proposed review is likely to increase the complexity for the very specialised forestry sector. Non-harmonisation is not a key problem – any issues can be adequately addressed under the current system. Level of administrative burden is overestimated for FRM. The current Directive, which was only introduced in 2003, is fit for purpose is not overly complex and is adequately functioning. In this regard the Evaluation of the Community acquis found that 73% of respondents from the forestry area consider that the EU S&PM legislation has been fully effective in facilitating the free marketing of S&PM in the EU.

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 opinion

3.2 Have certain objectives been overlooked?

No opinion

3.2.1 Please state which one(s)

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

With regard to the revised FRM Directive the objectives of the review are largely already in place, for example, registration of suppliers (also caters for joint plant health registration), compatible with the Internal Market, sustainable forest management, compatibility with the international OECD FRM Scheme.

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 opinion

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

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

Empower users by informing them about seed and propagating material

Contribute to improve biodiversity, sustainability and favour innovation

Promote plant health and support agriculture, horticulture and forestry

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 opinion

4.2 Have certain scenarios been overlooked?

Yes

4.2.1 Please state which one(s)

A scenario to cater for the specialised needs of the FRM and forestry sector based on no fundamental modification of the existing and effectively working FRM Directive.

4.3 Are certain scenarios unrealistic?

No opinion

4.3.1 Please state which one(s) and why

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

Do not agree with the reasoning leading to the discard of the "no-changes" for FRM.

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?

Yes

5.2.1 Please state which one(s)

Unnecessary burden and cost for forestry sector of revising and implementing legislation which has only been in place since 2003 following a total redrafting of previous EC FRM legislation.

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

Not relevant

Scenario 2

Not relevant

Scenario 3

Not relevant

Scenario 4

Not relevant

Scenario 5

Not relevant

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

See 7.1

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

As for 4.2.1 - A scenario to cater for the specialised needs of the FRM and forestry sector based on no fundamental modification of the existing and effectively working FRM Directive.

6.2 Do you agree with the comparison of the scenarios in the light of the potential to achieve the objectives?

No opinion

6.2.1 Please explain:

7. OTHER COMMENTS

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

As outlined above the Official Body in Ireland for Council Directive 1999/105/EC on the marketing of forest reproductive material is not in favour of any fundamental modification of the existing Council Directive which only became effective in 2003 following the total redrafting and eventual repeal of the previous two Council Directives, 66/404/EEC and 71/161/EC (in the framework of the Simpler Legislation for the Internal Market (SLIM) exercise). Substantial legislative review has also been carried out in agreeing several implementing measures. The relatively new FRM Directive is fit for purpose and it is working adequately in the forestry sector and the need for a new review of this specific legislation is not understood. Any necessary improvements can more easily be made within the existing legislative framework. After several years of negotiation the current FRM Directive, is now also broadly compatible with the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade.

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:

