

1. INTRODUCTION

1.1 What is the name of your organisation?

Danish Seed Savers Association "Frøsamlerne" - NGO dealing with variety conservation and biodiversity

1.2 What stakeholder group does your organisation belong to?

Supplier of S&PM; User of S&PM; Consumer; International organisation; Other

1.2.1 Please specify

National organisation, NGO

1.3 Please write down the address (postal, e-mail, telephone, fax and web page if available) of your organisation

Address: Drøwten 9, 8830 Tjele. E-mail: froesamler@gmail.com. Web: www.froesamlerne.dk. Telephone (private phone of president): +45 9854 4462

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)

The contradiction between strict European S&PM regulation for the benefit of the largest stakeholders, and the vital European "role in global food security" (quote from Options-Analysis paper). We need to strengthen the role of peasant farmers and small markets in S&PM production and marketing in developing countries - not restrict these through trade agreements favoring the largest actors in the market. EU seed legislation is in violation of the FAO treaties to which the member states are signatories!

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

Underestimation of the contradictions between user empowerment/freedom of choice of end consumers/farmers' choice and the restrictions present in most scenarios, even to some extent the most liberal. Underestimation of the colossal damage already done to the genetic basis of European food crops by the present legislation, the contradiction between "access to a wide diversity of plant varieties" (quote from Options-Analysis paper) and the restrictions proposed, and of the urgent need to support, not restrict, the remaining biodiversity.

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?

No opinion

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 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

4

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

5

Empower users by informing them about seed and propagating material

2

Contribute to improve biodiversity, sustainability and favour innovation

1

Promote plant health and support agriculture, horticulture and forestry

3

3.6 Other suggestions and remarks

4. OPTIONS FOR CHANGE

4.1 Are the scenarios defined correctly in the context of S&PM marketing?

Yes

4.2 Have certain scenarios been overlooked?

No opinion

4.2.1 Please state which one(s)

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?

Yes

4.5 Other suggestions and remarks

5. ASSESSMENT OF OPTIONS

5.1 Are the impacts correctly analysed in the context of S&PM marketing?

Yes

5.2 Have certain impacts been overlooked?

Yes

5.2.1 Please state which one(s)

The gross restrictions on freedom of choice and free movement of goods respective to the end consumers - gardeners, farmers and small seed producers/retailers, or any S&PM producers and sellers in the smallest geographic areas. The impact on regional and global food security through restriction of farmers' rights, including the right to breed, exchange and sell original S&PM, both in the EU and not least in the developing countries.

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

Environmental impact in the broadest sense is greatly underestimated in most if not all scenarios. The already existing legislation has led to major impoverishment of our plant genetic resources. Most of these scenarios will have a catastrophic effect on development of low-profit sustainable, experimental, and niche varieties and skew the market toward a limited but (in the short run) profitable crop genetic base.

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**

Very negative

Scenario 2

Very negative

Scenario 3

Rather negative

Scenario 4

Very 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:

Like all NGOs working with conservation varieties, we are already on (or over) the edge of non-compliance with EU S&PM legislation. Under all scenarios except S.4 we would certainly be operating in defiance of the law (and none of us intends to give up our fight for biodiversity). This would be a textbook example of laws creating extensive lawlessness (as with the classic examples of prohibition of alcohol in the US in the 1920s, or laws against same-sex relations). We support the removal of restrictions/registration on suppliers, both small commercial suppliers and NGOs, who propagate and distribute conservation and niche market varieties, irrespective of "region of origin". A major unaddressed problem with the current legislation on conservation varieties (and some of the scenarios) is the inequality and discriminatory restriction of access to a wide range of crop varieties. It is true that conservation varieties arise in a region of origin. But we know from the work of Vavilov that all our crops have a strong link with a region of origin. This has not prevented us from drinking and growing coffee, wheat, maize etc. over most of the world. As

an NGO our focus is first on varieties of Danish origin. but since Denmark is a tiny area with thousands of years of agricultural interaction with the Scandinavian region, the Baltic region, the Northern European, the Northern Euroasian, the British etc., even our conservation varieties have a wide geographical origin. And it is now more vital than ever for our food security as well as our human rights that gardeners and farmers have the right and possibility to evaluate the greatest possible diversity of crops.

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?

Yes

6.2.1 Please explain:

7. OTHER COMMENTS

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

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:

