1. INTRODUCTION

1.1 What is the name of your organisation?
UK Government

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
The Food and Environment Research Agency Whitehouse Lane Cambridge CB3 0LF Tel:+44(1223)342384 e-mail:andy.mitchell@fera.gsi.gov.uk web:www.defra.gov.uk/fera

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?
Yes

2.2.1 Please state which one(s)
Broadly agree with the general direction but insufficient recognition of the need for lighter legislation and exemptions for niche and closed markets. In the context of consumer protection legislation, we agree that the Regulation should contribute to improved biodiversity and sustainability but these objectives should be enshrined in the recitals rather than in the body of the legislation.

2.3 Are certain problems underestimated or overly emphasized?
Overestimated

2.3.1 Please indicate the problems that have not been estimated rightly
Complexity & Fragmentation of legislation: The impact of fragmentation on regulated companies has been overestimated. For example the case for including FRM in the regulation has not been made. In certain sectors, the need for prescriptive official intervention to meet the policy objectives has been overestimated. Many of the objectives will and are met by industry with a lower level of intervention.

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)
3.1 3.1 General Policy Objective: we agree that the Regulation should contribute to improved biodiversity, sustainability & favour innovation – but these should remain general aspirations rather than primary objectives of the reproductive material legislation. Setting unrealistic objectives could create unnecessary burdens. In this way promote plant health and support

agriculture, horticulture & forestry - this is a repetition of the first objective "ensure availability of healthy high quality seed and propagating material" and is, therefore, unnecessary. 3.2 Missing General Policy Objective: Legislation which minimises the admin burdens and costs on authorities, industry and consumers. Specific Objectives: Suggest deleting “for public authorities and operators” in the first bullet. The objective is to reduce costs for everyone including industry. Suggest amending 3rd bullet to "foster innovation in plant breeding" by deleting "with a focus on varieties that can be grown in a more sustainable manner." 3.3 Operational Objectives: Not necessary to revise all 12 Directives - there is a need to consider de-regulation of ornamentals and maintaining the status quo for forestry. We agree the need for harmonised quality criteria but question the need for prescriptive requirements for how the criteria is achieved. An example is the lack of justification for harmonisation of training – this should remain the responsibility of the MSs. Harmonised training risks increasing costs for some sectors without improving the outcomes. The registration of operators, transparency and traceability are already fit for purpose and would benefit more from flexibility rather than enhancement (which suggests additional measures). The objectives overlook evolving markets and the legislation should recognise and address wider consumer needs.

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
2

Secure the functioning of the internal market for seed and propagating material
5

Empower users by informing them about seed and propagating material
4

Contribute to improve biodiversity, sustainability and favour innovation
3

Promote plant health and support agriculture, horticulture and forestry
1

3.6 Other suggestions and remarks
With reference to 3.4, it only applies where there is no national interest in listing, e.g. for vegetable and fruit reproductive material there is no VCU requirement.Minimising cost is also a high priority

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)
There should be an option to adopt specific elements from each of the scenarios presented to form a separate scenario – e.g. full cost recovery from Scenario 1 combined with the extension of co-system and deregulation of ornamentals from scenario 3 etc. please see suggested alternative at Section 7.

4.3 Are certain scenarios unrealistic?
Yes

4.3.1 Please state which one(s) and why
All scenarios are unrealistic in part; Scenario 1 – while full cost recovery is essential it is completely unrealistic without changing the way variety registration and seed marketing is carried out. Scenario 2 – while a co-system is essential it is unrealistic to consider it without considering technical change and full cost recovery. Scenario 3 – Deregulates too far, there is sufficient justification to retain basic VCU for the important agricultural species. We strongly support deregulation of ornamentals. Scenario 4 - is unrealistic because of the confusion that would be created in the market by open choices for suppliers in marketing material of different varieties in the same sector. scenario 5 - which, other than the element of Entrustment, is completely unrealistic.

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
The UK proposes bringing together elements of all five scenarios i.e. full cost recovery from Scenario 1 combined with the extension of co-system and deregulation of ornamentals from scenario 3 etc. – please see section 7. below

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)
The impacts are rather simplistic and not clearly evidenced based - there is therefore insufficient supporting evidence provided on which to form firm opinions.

5.3 Are certain impacts underestimated or overly emphasized?
Overestimated

5.3.1 Please provide evidence or data to support your assessment:
The UK challenges the assertion that full cost recovery and co-systems have a negative impact on seed quality and costs for private sector operators. In combining full cost recovery and a co-systems, the UK experience is that quality has at least been maintained and costs are broadly comparable to Member States that subsidise. Furthermore, there is no proven negative impact on innovation and research. Scenario 4 risks confusing users and would, therefore, have a significant negative impact on ‘information of users’.

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
Rather negative

Scenario 2
Rather negative

Scenario 3
Rather negative

Scenario 4
Rather negative

Scenario 5
Rather negative

5.5.1 Please state your reasons for your answers above, where possible providing evidence or data to support your assessment:
Scenario 1: the UK already attempts full cost recovery and the lack of change in other aspects would impede full cost recovery in the future. Scenario 2: the UK already has an extensive co-system and the low level of change in other aspects will prevent further progress. The UK supports certain elements which would allow greater flexibility for responsibility sharing with industry as this would reduce cost and stimulate productivity. The UK does not support harmonisation of VCU at more than a very basic level because of the wide range of agronomic and climatic conditions across the Community and the increasing costs resulting from more specific requirements. Scenario 3: the UK supports de-regulation of ornamentals and certain elements which permit greater flexibility but does not support harmonisation of VCU testing methods for the reasons above. Scenario 3 is deficient in not making provisions for niche markets. Scenario 4: the UK supports niche market provisions & the proposed role of the CPVO but does not support extending the scope of the regulations beyond existing species without justification (national derogations set out in Commission Decision 2010/680/EU would need to be retained). The UK is concerned about the confusion that would be created in the market by open choices for suppliers in marketing material of different varieties in the same sector. Scenario 5: the UK only supports the use of entrustment. The UK does not support full centralisation.

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?
Please see alternative scenario at section 7.

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:
Although each of the scenarios has some positive elements none of them meet a sufficient number of the key objectives Insufficient evidence provided in support of comparisons of the scenarios

7. OTHER COMMENTS

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

Alternative Scenario 1. Full cost recovery (scenario 1) 2. Co-system (adaptation of scenarios 2 & 3) – greatly expanded to include the possibility of industry doing additional work and the possibility of some new approaches. 'At national discretion, to provide options for (i) official inspection/testing/sampling/labelling (ii) official supervision of individuals or laboratories for specific work, and (iii) accreditation by National Authorities of a seed company for all certification activities based on the company's quality assurance system.' 3. Species in scope- Deciding which species to regulate should be based on importance with proportionate common criteria to justify inclusion. National derogation systems to be retained. 4. Normal requirements for Registration (adaptation of scenarios 2 & 3) VCU for species that already have it but harmonised on general principles only Differences in climatic/agronomic conditions across the Community make detailed specific criteria unworkable .Derogations for VCU for crops of minor importance, decided by member states following agreed criteria. DUS – (i) regular registration harmonised on CPVO protocols or UPOV guidelines or (ii) registration light - descriptions produced by breeders and officially recognised to make it possible to market certain material such as locally adapted populations without reference to variety. Denominations – harmonised to current rules, with centralised checking by CPVO. (scenario 5) Common Catalogue (scenario 5) – managed by CPVO. National listing – maintained, to allow registration of species with VCU, conservation varieties etc. varieties with EU PVR to be automatically registered where there is no VCU requirement for the species. 5. Normal requirements for Certification Harmonised quality standards (adaptation of scenarios 2 & 3) - to be set for seeds and reproductive material but with minimal specification about how the standards are met, including the respective roles of industry and officials, to give flexibility. Labelling and traceability (adaptation of scenarios 2 & 3) - proportionate rules to be retained. Certification (adaptation of scenario 4) - to be possible for all prescribed species regardless of registration options i.e. with regular DUS or with registration light officially recognised descriptions. A proportionate level of quality assurance for material not belonging to a variety should be possible. 6. Defined circumstances for other requirements (adaptation of scenario 4); Closed markets under contract - such as sugar beet. No registration or certification required. Non-professional use - e.g. amateur vegetable seed, CAC fruit which can be marketed without listing and with minimum quality standards. Preservation seed mixtures - suggest that preservation mixtures containing less than 10% of regulated species need not be subject to conditions other than basic requirements of general liability law. Existing rules to apply to preservation mixtures containing above 10%) Conservation varieties (including landraces) Registration light with existing certification standards. Industrial use - e.g. chicory, mustard, peas for processing, hemp for insulation etc. No registration or certification required. Populations, participatory breeding and other material - Registration light with minimum quality standards. Fruit – registration light (but no mandatory registration for varieties in common knowledge) with a proportionate level of certification available to all material regardless of provenance. Forest Reproductive Material - status quo. Ornamentals (scenario 3) - No registration or certification required. Agree with total deregulation, without prejudice to plant health considerations.

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:

The Foresight Report on Global Food and Farming Futures: http://www.bis.gov.uk/foresight/our-work/projects/published-projects/global-food-and-farming-futures DTZ Report on Economic Impact of Plant Breeding in the UK:
http://www.bspb.co.uk/documents/BSPB%20impact%20final%20report.pdf EU Reports and Statistics, including A Regional picture of farming in Europe
http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-10-044/EN/KS-SF-10-044-EN.PDF