

1. INTRODUCTION

1.1 What is the name of your organisation?

Bayerische Landesanstalt für Landwirtschaft

1.2 What stakeholder group does your organisation belong to?

Competent Authority (CA) involved in S&PM certification and control

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

Am Gereuth 8 85354 Freising Herbert.Kupfer@LfL.bayern.de Telephone: 49 8161 713641 Fax: 49 8161 713625

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

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

: differences of fees at EU-Level; positive effects of a harmonised framework for costs; positive effects of sustainability issues (varieties with a high productivity [yield] use less fertilisers and water; developing varieties that need lesser treatments with pesticides is already done)

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?

No

3.2.1 Please state which one(s)

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

reduce costs and administrative burden for public authorities and operators without compromising the general policy objective: "foster innovation in plant breeding with a focus on varieties that can be grown in a more sustainable manner";

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

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

3

Empower users by informing them about seed and propagating material

4

Contribute to improve biodiversity, sustainability and favour innovation

5

Promote plant health and support agriculture, horticulture and forestry

2

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

4.2 Have certain scenarios been overlooked?

Yes

4.2.1 Please state which one(s)

"no changes to current technical provisions but simplification and harmonisation in legislation"

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Scenario 3 and 4 - Certification (officially or under official control) of lots, which will be intended for export is still necessary, where other lots were marketed solely under suppliers' label; Maintenance of two variety testing and certification systems; - most Member States would like to continue having VCU on a voluntary basis on their territory; - when abandoning obligatory VCU testing there is no official information for post registration networks, which increases costs for post registration variety testing and/or is slowing down transfer of innovation into farming practice - certification only for varieties, which are tested in VCU for health and adoption to physical environment, but not for yield; Scenario 5: higher administrative burden and costs for control are expected

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?

No

5.2 Have certain impacts been overlooked?

Yes

5.2.1 Please state which one(s)

Impact on SMEs (high transaction cost); loss of impartial variety-information for stakeholders

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

Underestimated - impact on the structure of breeders: private variety performance testing and certification systems favour large international seed companies, which is seemingly the main objective of the better regulation approach; - possible loss of official variety testing results for stakeholders; - negative impacts for health and quality of S&PM Overestimated - positive impacts on competitiveness and seed prices, when VCU and certification are abandoned (current system costs are less than 3% of the market value, which is quite low; new system will never turn cost to nil)

5.4 How do you rate the proportionality of a generalised traceability/labelling and fit-for-purpose requirement (as set out in scenario 4)?

5 = not proportional at all

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

Fairly beneficial

Scenario 3

Very negative

Scenario 4

Very negative

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:

no answer

6. ASSESSMENT OF SCENARIOS

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

Scenario 2

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?

No

6.2.1 Please explain:

- information of users would be less with Scenario 4+5 - farmers' choice and degree of innovation would be less with Scenario 3,4,5 - reduction of costs in the same way for authorities and the private industry is not possible with Scenario 3,4,5; there are hidden costs for the public sector, which are not overseen (potential costs for risk based monitoring) - health and quality of S&PM would turn out be lower with Scenario 5 - competitiveness would not improved with Scenario 3,4,5

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:

