1. INTRODUCTION

1.1 What is the name of your organisation?
Copa-Cogeca

1.2 What stakeholder group does your organisation belong to?
Breeder of S&PM; Supplier of S&PM; User of S&PM; International organisation; Other

1.2.1 Please specify
seed growers

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?
Yes

2.2.1 Please state which one(s)
The objective of productivity and competitiveness of the agricultural production is missing. This objective is essential because growers face a world market. Seeds are a key element of the competitiveness of growers who need high quality seed's unit, high yields and seeds adapted to their environment. The seed growers are missing in the analysis paper: they are key to the seed production and will be directly affected by the review 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
Although we support the general revision of the legislation on the marketing of S&PM, we are against the inclusion of the Council Directive 1999/105/EC on the marketing of forest reproductive material into the revision. This is because of the specific nature of forest reproductive material and its marketing. According to the Directive, in forestry it is necessary to use reproductive material genetically and phenotypically suited to the site and of high quality. In addition, forestry seeds should be tested, as far as possible, by internationally accepted techniques. There are no varieties for forest reproductive material and therefore, variety-related tests are not included in the Directive. Instead, according to the Directive harvesting and marketing of forest reproductive material is based on an origin, which is indicated in a Master certificate specific for forest reproductive material. This means that both terminology and practices used for forest reproductive material differs significantly from others and there is a risk that combination leads to more complicated system and misunderstanding. Moreover, according to forest owners, producers of forest reproductive material as well as authorities the directive functions well. Overestimated problem: The cost reduction of the State expenses is overly emphasized considering the impact of the seed legislation on sanitary, quality and productivity issues. Underestimated problem: in paragraph 2.3 there is no mention of seed growers even though they are directly affected by the review.

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)
Productivity for the competitiveness of the agricultural sector and fulfilling the EU's global responsibilities for food security and globally sustainable agriculture are missing. We agree that a revision of the legislation on the marketing of S&PM is needed in order to establish a simple and clear legislative framework which is easy to apply. Nevertheless, we would point out that simplifying legislation should not lead to the quality of the S&PM framework being reduced, either in relation to plant health or variety quality. Seed and propagating material are the starting point for all of agricultural production. They are the original input for all food, feed and industrial use supply chains. Therefore, we must ensure that there are official controls in place to make seeds and propagating material available to farmers who conform to uniform, officially defined specifications relating to germination capacity, plant health and variety correspondence. Official testing of new varieties must also be continued. Furthermore, in respect of the Common Catalogue the objective is not only to improve the level of information provided but also to improve accessibility of the Common Catalogue by making it a real-time, user-friendly web-based application.

3.3 Are certain objectives inappropriate?
Yes

3.3.1 Please state which one(s)
The objective which reads "improve farmers' choice and access to a wide diversity of plant varieties" is inappropriate. Wider diversity is not a goal in itself. The improvement of farmers' choice is indeed an important goal of the S&PM legislation but this choice should focus on varieties which are beneficial, fit for use and for sustainable intensification. Also, the issue of costs must be proportionate to the objectives. As a matter of fact the commission should aim at optimising the costs rather than eliminating them.

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

Empower users by informing them about seed and propagating material

Contribute to improve biodiversity, sustainability and favour innovation
2

Promote plant health and support agriculture, horticulture and forestry
3

3.6 Other suggestions and remarks
We wish to highlight the issue of illegal imports of seeds from third countries, namely unlisted

varieties (i.e. vegetables) and false declarations of uncertified seeds (i.e. grass seed imported as bird feed). We urge the European Commission and the Member States to adopt a thorough control system for seeds and propagating material. We also call for an end to be put to illegal trade from countries which do not have the same security systems for preventing the transmission of resistant diseases as this trade creates unfair competition for those farmers and companies which respect the law. Illegal trade in fruit and vegetable and horticultural seeds and propagating material releases undefined products on to the market, threatens the health of plants and destroys the delicate balance of biodiversity in many areas of the EU which are at risk of genetic erosion. In addition to this, it also spreads new parasites and viruses.

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)

We would like to propose a modified version of scenario 2.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

None of the proposed scenarios relates to the seed growers! The problem is that none of them fulfils entirely the objectives of the review. The main purpose of the new legislation must be to stimulate innovation in plant breeding and progress in valuable characters -sustainability, productivity and quality. In this respect, scenario number 1 is only focused on the reduction of public expenditure, no mention of improvement in terms of simplification and reduction of administrative burden is made. Moreover, scenarios 3 and 4 do not secure the end user that all products comply with common standards for variety identity, quality for use and seed quality; listing and certification must be based on reliable, relevant and sufficient information.

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)

We believe it is important to assess the possible impacts of the different scenarios in relation to the seed growers' sector, which is not the case in the paper. Also the impact on consumer information and protection of each scenario should also be considered.

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

Both underestimated and overestimated. Underestimated: ? Seed and plant sanitary quality in scenarios 3 and 4 (VCU and certification) in the context of the reduction of the number of available PPP; ? Control costs for frauds (in case less and less seeds are certified as in scenarios 3 and 4). Overestimated: analysis of impact for scenario 4 because different hypothesis are made in terms of distribution between tested varieties/certified seeds and non tested varieties for the different impacts (plant health and quality, jobs, administrative burden, competitiveness, environment…). Also, the positive impact on competitiveness in scenario 4 is unrealistic compared to the calculated extra cost for the variety tested seed (+3%).

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
Neutral

Scenario 2
Fairly beneficial

Scenario 3
Rather negative

Scenario 4
Very negative

Scenario 5
Fairly beneficial

5.5.1 Please state your reasons for your answers above, where possible providing evidence or data to support your assessment:
Please see the reasoning under Q 5.3

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
We suggest an amended scenario 2 based on the following principles: A) DUS and VCU tests to be conducted by official authority. VCU test must cover aspects relevant for the end user and the environment. Investments in R&D can only be justified with a high quality official DUS testing system in place, and also a proper, full VCU testing is required: ? Thorough and scientifically solid DUS testing is vital. ? Official authorities have the expertise and experience in efficient data collection, handling and analysis. ? It is not recommend to compromise the quality of DUS testing by reducing the reference collections significantly. ? Total workload on variety reference collections will increase by using private operators, as every operator has to collect data on a full set of the reference collection. ? Trial locations offered by private operators may not be optimal for the species in DUS test (day length, climate) and may reduce the quality of DUS test. ? Smaller breeding entities may not have the resources to perform a full and thorough DUS test. ? Transfer of DUS trials from officials to private operators may increase the risk of poor DUS and

mismanagement of data. ? No cost reduction is expected by use of private operators. ? DUS testing is the basis for PBR as well as certification of later generations, and it is critical to be able to phenotypically identify the protected variety. This has to be done by comparison with seeds from the standard seed samples. Official authorities must be in charge of DUS and standard seed samples. ? VCU testing must cover aspects relevant for both environment and use, including productivity and quality. ? Basic harmonization of VCU trial protocols should be aimed for. The protocols and methods should be harmonized, but the trials as well as the information analysis must be carried out locally, assuring relevance for the individual countries/regions. The way to measure a criteria should be the same in all countries in order to have a EU catalogue with useful information for growers and to provide farmer the same confidence in any seeds and plant propagating material traded across Europe. ? The trials may be conducted by private operators according to protocols certified by national authority and under supervision by official authority. B) A harmonized certification protocol for control of all seed lots to be commercialized in EU is required. Field inspection, sampling, testing and certification of seed lots to be conducted by accredited suppliers under supervision by official authorities. Suppliers may opt for having this carried out by an official authority: ? All seed lots to be commercialized within EU must be controlled and approved through an accredited certification process. ? In order to secure variety identity, quality, and full traceability in the system, certification rules must be fully harmonized in EU. ? Field inspection, sampling, testing and certification of seeds lots to be conducted by the accredited body, under supervision by the national authority. Alternatively, a supplier may choose to have this all carried out by the official authority. ? Control growing of basic seed lots continues to be conducted by official authorities, and results to be valid in all member states. C) It is important to guarantee the consumer the quality of all use of seeds: ? Conservation Varieties may only be grown and sold if they have a variety with documentation from a previous listing. If a breeder has taken a variety of the list because of fungal diseases or other things, then the varieties may not be grown as Conservation Varieties. ? Conservation Varieties may only be grown for special purposes, where the specific quality can be documented.

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:
According to the proposed analysis, scenario 4 is the best in terms of fulfilment of the objectives. However, as explained previously, we believe that certain conclusions are biased by the choice of wrong hypothesis terms of distribution between tested varieties/certified seeds and non tested varieties for the different impacts (plant health and quality, jobs, administrative burden, competitiveness, environment…).

7. OTHER COMMENTS
7.1 Further written comments on the seeds and propagating material review:
- As to scenario 5, the commission has not taken into account the new costs that they will have to bear in relation to the expansion of the role of CPVO. - We would like to strengthen the EU farmers' involvement in the CPVO activities and to reinforce the cooperation between Copa-Cogeca and CPVO and therefore to get the farmers more active. - We do not believe that it is realistic to assume that propagation of pre-basic materials (fruit trees) can take place in open fields. This should be done in glasshouses in order to keep insects away for obvious phytosanitary reasons. In addition to this, Community standards must be applied in the same way, with uniform checks in all Member States, in order to avoid the spread of diseases and parasites which are dangerous for European fruit and vegetable and horticultural production (e.g. the palm weevil, the chestnut gall wasp, cameraria, Chinese beetles, sharka (plum pox), bacterial fire blight, etc.).

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: