

Section A: "Problem the initiative aims to tackle"

Problem 1:

The inception impact assessment states, that "Some Directives do not have specific instruments for protecting conservation varieties (i.e. the directives for fruit and vine)." Denmark finds that there is a need for feasible rules for conservation of varieties of fruit plants. For the time being this is limited to the preservation of genetic diversity, and this exemption is too restrictive for its purpose. And there is no option for "new" old varieties. This was abandoned in 2012 with directive 2008/90.

Denmark finds a need to have it reflected in the text, that the rules on conservation varieties need to be revised. There is a need to evaluate the conditions, including rules on the maintainer and the concept of "region" which in some cases seem to be too narrow. Furthermore, the criteria for what constitutes a conservation variety seem to be too narrow. It should be possible to select in the old varieties, as well as allowing for their adaptation to the environmental conditions, so "new" old varieties could be allowed under the conservation scheme, even if they do not meet the homogeneity requirements for new varieties.

The inception impact assessment states, that "Member States have used the possibility offered by the legislation to deviate or exempt from the applicable rules in different ways, which causes problems for the products marketed in different Member States." Denmark sees it as an advantage that Member States have the option to set stricter national standards than the minimum requirements of the directives when it is beneficial for the quality of the product, even if it is not imposed on plant reproductive material from other MS. We don't see this as a hindering for the well-functioning of the internal market.

Denmark finds, that harmonization should not be a goal in itself, e.g. need for different approach for ornamental seed compared to seed of agricultural species and requirements needed as regards to VCU testing can vary between regions and between Member States as well.

Denmark finds that the text should reflect the problem of double regulation concerning plant health, specifically the regulation of RNQPs. It is therefore essential that the correlation and interaction between regulation 2019/2072 and the marketing directives are looked at. The primary legislative act should be the Big Implementing Act.

Problem 2:

Denmark has no comments on the proposed text.

Section B: "Objectives and Policy options"

The specific objectives:

It is not clear to us what is meant by the specific objective "Eliminate fragmentation of requirements that result in adjustment of cost for operators". In the study, cost differences are mentioned as well as the possibility of certification under official supervision, but they are only examples of the fragmented legislation. We think the objective should be opened up to reflect the different reasons for the fragmentation. However we would like to stress that there should be a possibility for different criteria based on regional differences. A regional approach should not hinder the internal market.

We propose to add examples in the second dot "Increase the efficiency/effectiveness", such as participatory work between Member States in a region and between Member States and operators, e.g. in DUS- and VCU testing, and in seed certification.

There should be a specific objective added looking at the correlation and interaction of the plant health rules and the marketing rules.

There should also be a specific objective as regards to the correlation with the organic regulation

and the requirement for organic plant reproductive material from 2036 and on without exemption. There is a demand for high quality plant reproductive material for organic production as well and as regards to some characteristics such as resistance to diseases even need for higher standards.

Option 1:

Third dot “Establishing and aligning instruments for protecting conservation varieties” What is meant by “protection”: plant variety rights or conservation of plant genetic resources?

Option 2:

As regards to the scope of application mentioned in the first bullet point it is essential to have an eye for the different species adapted to the different groupings, as the concept “One size fits all” does not apply to all groups of species, e.g. fruit plants and agricultural species.

As regards to introducing mandatory sustainability criteria it is important to leave room for regional concerns in relation to e.g. diseases in variety testing and weed in seed certification as well as making it specific to species or production systems and methods. There should be room for optimising resources nationally as regards to variety testing.

Option 3:

We take it that option 3 is the “extreme” option, but if a line should be drawn from the baseline through option 1 and 2 towards option 3, we take it that option 3 should be limited to regulating only the professional sector as goes for option 2 and leaving out conservation networks etc.