1. INTRODUCTION

1.1 What is the name of your organisation?
Association générale des producteurs de blé et autres céréales (AGPB)

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

1.2.1 Please specify
AGPB is a national organization representing the French growers of wheat and other cereals. As such, our members are all seed purchasers and users, and a number of them are also seed growers

1.3 Please write down the address (postal, e-mail, telephone, fax and web page if available) of your organisation
23, 25 avenue de Neuilly F-75116 PARIS (France) Tel +33 1.44.31.10.97 Fax + 33 1.47.20.44.03
Email: nferenczi@agpb.fr Web site: www.agpb.fr

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)
Seed growers are not being considered in the “options and analysis” paper, even though they are important in the “seed chain” and will be affected by legislative changes.

2.3 Are certain problems underestimated or overly emphasized?
Overestimated

2.3.1 Please indicate the problems that have not been estimated rightly
“Too much focus on productivity in VCU requirements, not enough on environment”: this problem has been largely overestimated. Actually we don’t see any such problem, at least in the French situation. Environmental factors have been part of the VCU requirements for years, such as tolerance against diseases and pests, resistance to water stress etc. More recently (“Grenelle de l’environnement”), the authorities have even changed the name of VCU to “VCUE” (from “VAT” to VATE”) and introduced yield tests under low input cultivation. As a matter of fact, given the general trend of levelling cereal yields and the key objective of increasing production for food safety, there is a risk of having not enough focus on yields in VCU requirements. “EU strict and inflexible legislation does not help innovation”: we doubt this is a real problem. Indeed the current, strict legislation may limit the number of “fake innovations”, i.e. “me too” varieties genetically similar to existing ones and introduced for pure marketing purposes. However we believe compulsory DUS and VCU tests is the best way to favour “true innovations”, i.e. varieties being really novel i.e. genetically and agronomically different from existing ones.

2.4 Other suggestions or remarks
If the current legislation was really “inadequately strict”, this would affect the competitive position of the European seed industry. On the contrary, this industry appears strong and the EU is the first seed producer and exporter worldwide. This of course doesn’t apply to GMO seeds, which we understand don’t fall within the scope of this review. However, the term “inadequately strict” would perfectly apply to the EU GMO legislation, which clearly harms the global competitiveness of the EU seed industry, and of EU agriculture as a whole. There is a particular issue with S&PM in Europe regarding niche markets. This includes niche species (“minor crops”) as well as major species when it comes to their genetic adaptation to agro-climatic niches (e.g. in Nordic

countries). In such cases, the market size may be too small to justify specific plant breeding investments (similarly to the case of plant protection products). To some extend this may also apply to “medium size” markets in Europe where genetic investments appear insufficient e.g. durum wheat, protein crops, soya, sorghum etc. Since such problems are due to market size more than legal requirements, we believe the solutions don’t lie primarily in loosening the seed legislation but rather in supporting the seed industry, either through public research or by raising specific public/professional funding.

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)

Among the 9 general and specific objectives listed in the “options and analysis” paper, there is one which is clearly missing: contributing to food security in Europe and the world by ensuring that the seed industry delivers more productive varieties which are adapted to market requirements. Yields are a key to the future, given the expected growth in agricultural production needed to feed the world (+70% by 2050 according to FAO) and the relative trend of yields levelling off in Europe in the last few years. Genetic progress has been the first factor contributing to cereal yield growth since 1950, and experts see it as also a major contributor in future yield growth towards 2050. Improving the competitiveness of European agriculture is also a general objective which has been overlooked. Plant breeding can contribute to this objective by delivering low priced, highly productive S&PM which are adapted to (changing) agro-climatic conditions and enable farmers to sustainably produce high quality, low cost crops that meet market needs.

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

The general policy objectives include “contribute to improve biodiversity, sustainability and favour innovation” and the specific objectives include “foster innovation in plant breeding with a focus on varieties that can be grown in a more sustainable manner”. We think these are not correctly worded: - Biodiversity is an ambiguous word that needs to be more specifically used. This generally relates to the number of natural species and falls out of the scope of the S&PM marketing legislation. This can relate to the number of cultivated species. In this case it is a matter of market demand, agricultural policy and genetic conservation policy, also outside this scope. Minor crops have been discussed in section 2.4. Biodiversity can finally involve genetic diversity within cultivated species. Several research papers suggest that genetic improvement in cereals has not significantly reduced genetic diversity, therefore we doubt this should be an objective of this review - There is a focus on sustainability while productivity is missing. This is in line with the statement in the “options and analysis” paper that sustainability is neglected in the current system as opposed to productivity, and this has been discussed in section 2.3.1. We would like to mention that, according to scientific literature, for a given (needed) agricultural production at EU or global level, highly productive cereals cultivated while conserving natural areas generally deliver less negative environmental impacts than the full area cultivated with low productivity cereals (see references in section 6.2). High productivity is not only an objective but also a key factor to improve sustainability. The operational objectives include “enhance the role of the Common Catalogues by increasing the level of provided information”. We share this but believe information should not only be increased but above all be made available more quickly: the delay between listing in a national catalogue and publication in the EU common catalogue is currently several months. The EU catalogue should be updated in a matter of hours and accessible on the internet.

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
2

Empower users by informing them about seed and propagating material
3

Contribute to improve biodiversity, sustainability and favour innovation
5

Promote plant health and support agriculture, horticulture and forestry
4

3.6 Other suggestions and remarks
The objective of improving productivity is missing. We would rank it first priority. The fourth objective includes biodiversity, sustainability and innovation. We are therefore not comfortable giving prioritizing it (see section 3.3.1). If it was worded “Contribute to favour innovation” we would give it top priority. Regarding question 3.4: automatic registration in an EU catalogue as soon as a CPVO protection is granted, would mean that registration for marketing would no longer require VCU tests which we oppose.

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 miss a scenario combining key objectives of cost optimisation (scenario 2) and EU harmonization (scenario 5 with full harmonization of VCU methods and closer links with plant health legislation) while imposing high VCU and certification standards and keeping a scope of subsidiarity for VCU.

4.3 Are certain scenarios unrealistic?
Yes

4.3.1 Please state which one(s) and why
Scenario 3 and 4 are unrealistic. By making VCU requirements (as well as DUS in scenario 4) and certification in the EU market only optional, these scenarios would certainly fail to meet most objectives of the legislation review. They would drop public incentives to innovation, destabilize the current organization of seed growers, and lead to a market with seeds of lower performance and great difficulties for users to access reliable market information. Moreover this would end the EU’s leading role in international standard setting and would loosen seed quality control globally since all OECD seed certification schemes would be dropped.

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)
Three important impacts have been omitted: - Impact on agricultural productivity and production - Impact on seed growers - Impact on the information and protection of seed users

5.3 Are certain impacts underestimated or overly emphasized?
Underestimated

5.3.1 Please provide evidence or data to support your assessment:
Negative impacts on plant health have been underestimated in scenarios 3 and 4, since the abandoning mandatory certification for seeds marketed within the EU would most probably lead to more phytosanitary problems. This would also be in contradiction with the revised Directive 2000/29 where transferring the control of several pests to the scope of the seed/certification regulation is being considered. Cost savings for authorities have been overestimated in scenarios 3 and 4, where, in absence of a mandatory certification, the cost for authorities to control statements on private labels would largely increase. Moreover in scenario 3, several member states would surely maintain mandatory VCU in their territories, which would lead to extra administrative burden. The impacts on competitiveness is excessively optimistic in scenario 3, where the analysis focuses on cost savings for breeders resulting in lower farmer price for seeds and more, low performance variety on the market. We believe this would not benefit the farmers since the quality of seeds would decrease and, above all, the reliability of the available information on seed performance would drop. The impacts on competitiveness is also overoptimistic in scenario 4 where the paper mentions that niche operators would benefit and non tested varieties would result in lower seed prices, leading to less use of farm saved seeds. Regarding niche markets, we think (section 2.4) that this should be dealt with by specific, public/private funding. Regarding lower prices, we doubt that -3% would significantly decrease the use of farm saved seeds, while we think “me too” varieties would negatively affect the competitiveness of innovative breeders. The impact of scenarios 3 and 4 on research and innovation would not be positive, given more “me to” varieties on the market doesn’t mean more innovation. Moreover, mandatory environmental testing in scenario 4 would bring not boos research, since this is already included in breeders’ programmes (and included in French VCU). The impact of scenario 2 on the environment is incorrectly assumed negative, on the sole basis of minor crops being abandoned leading to decreased cultivated biodiversity, while this should not be in the scope of the seed marketing law (see section 2.4). The impact of scenarios 3 and 4 on the environment should be rated negatively: again more marketed varieties don’t imply more biodiversity, while more, low performance varieties surely result in more land and resources needed for a given production level (see section 3.3.1). The impact of Scenario 5 on innovation appears doubtful, since the harmonization of VCU requirements towards ‘light’ values for use, may lower incentives vs. member states with currently higher VCU requirements.

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
Fairly beneficial

Scenario 2
Fairly beneficial

Scenario 3
Very 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:
As discussed in section 5.3.1, scenarios 3 and 4 clearly have a negative impact on the competitiveness of agriculture and the seed industry in Europe, as well as innovation and the environment. Moreover other impacts have been neglected by the evaluation (see section 5.2.1): these scenarios would negatively affect agricultural productivity, would jeopardize the current contractual organization of seed growers, and negatively impact the information and protection of seed users Scenario 1 appears neutral, since this would have a minor effect on the costs and their allocation between stakeholders, with no other significant change. Scenarios 2 and 5 appear both fairly beneficial, since these would maintain compulsory registration and certification of seeds for agricultural crops, while allowing for progress in EU harmonization and overall cost efficiency, which would be beneficial for innovation, the environment, the competitiveness of the seed industry, farmer costs and productivity, and finally the competitiveness of EU agriculture.

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?
A combination of scenarios 2 and 5 (with a few new features) would best meet the objectives of the review of the S&PM legislation with following key features: DUS - Mandatory and fully harmonized at EU level including methods and protocols - Requirements to be unified at CPVO level including list of reference varieties - Tests supervised by national authorities - Mutual recognition of DUS tests between member states - In the long term, DUS test supervision could be passed on to CPVO - Tests implemented by CPVO-entrusted stations that can by either official, suppliers, agricultural organizations, or testing service providers - Full cost for testing to be born by suppliers VCU - Mandatory for agricultural crops and partly harmonized at EU level - Criteria to include cultivation and use - List of criteria, definition of criteria & testing methods fully harmonized at CPVO level - Requirements for each criterion to be set by national authorities - Tests supervised by national authorities - Tests implemented by CPVO-entrusted stations that can by either official, suppliers, agricultural organizations, or testing service providers - Full cost for testing to be born by suppliers Registration for marketing - Variety denomination to be approved by CPVO - Listing in national catalogues decided by MS authorities - Automatic, real time update of EU catalogue, freely available on the internet - Breeders and suppliers to be registered, valid for both S&PM and plant health legislation Certification - Mandatory and fully harmonized at EU level - Carried out by suppliers under supervision by national authorities - Closer links with phytosanitary legislation and Regulation 882/2004. No change to legislation on conservation varieties and landraces

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:
The impact of scenario 2 on plant health and quality of seeds, on user information and on innovation is not negative but neutral. It should have a small, positive impact on harmonization through harmonized VCU criteria. Scenario 3 has a negative impact on innovation and competitiveness. Scenario 4 has a negative impact on information of users, sustainability/biodiversity and competitiveness. Its impact on innovation and farmers' (real) choice is not positive. The impact of Scenario 5 on innovation appears doubtful, since the harmonization of VCU requirements towards 'light' values for use, may lower incentives vs. member states with currently higher VCU requirements.

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:
Glendining, M.; Dailey, A.G.; Williams, A.; Evert, F.K. van; Goulding, K.W.T.; Whitmore, A.P. (2009) Is it possible to increase the sustainability of arable and ruminant agriculture by reducing inputs? Agricultural Systems 99 (2-3). - p. 117 - 125.