

## **1. INTRODUCTION**

### **1.1 What is the name of your organisation?**

Austrian Agency for Health and Food Safety (AGES)/ Federal Office for Food Safety

### **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**

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## **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)**

The diversity of the different sectors is not considered adequately, the differences and specific principles of some plant species groups are not taken into account sufficiently. The lack of EU thresholds for GM Adventitious Presence in seed is not considered; this has also an impact on distortions in the internal market due to different national requirements. The same is true for the ban of certain treatments (eg insecticides) on national level. So a totally harmonised EU market is a very challenging and maybe unrealistic goal.

### **2.3 Are certain problems underestimated or overly emphasized?**

Overestimated

#### **2.3.1 Please indicate the problems that have not been estimated rightly**

The sector for Forest propagating material does not see the need for a change; the current legislation is considered modern and very well suitable. In the fruit and vine sector generally spoken there is also no strong necessity for change at the moment and the same is true for ornamentals.

### **2.4 Other suggestions or remarks**

The assumptions in 2.4 "How would the problems evolve, all things being equal" are not applicable for all sectors (see 2.1.3)

## **3. OBJECTIVES OF THE REVIEW**

### **3.1 Are the objectives defined correctly in the context of S&PM marketing?**

Yes

### **3.2 Have certain objectives been overlooked?**

Yes

#### **3.2.1 Please state which one(s)**

Consumer protection (free choice, protection against fraud), protection against unfair competition and support of a competitive agriculture – these are major goals that should be more stressed.

### **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?**

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**

4

**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**

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?**

No

**4.2.1 Please state which one(s)**

**4.3 Are certain scenarios unrealistic?**

Yes

**4.3.1 Please state which one(s) and why**

The proposed scenarios are not incorrect or unrealistic per se. However, the diversity between the different sectors and the differences between variety/material registration vs certification make it hardly possible to cover all aspects in one scenario. As an example in Austria Scenario 2 fits well for seed certification/inspection, since a successful authorization system has been already implemented and we would like to expand it to all categories. We have already registered all operators and have applied a risk based enforcement control system (control plan as required by 882/2004). But scenario 2 would need some modification for variety registration and is not applicable for other sectors like forest, vine, fruits, ornamentals to the full extent.

**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)

As stated before the impacts of a scenario are not the same for agricultural crops as for fruits or forest etc. There is also a difference between seed and propagating material and between variety registration and certification. The conclusions that were drawn try to combine too many variables.

#### 5.3 Are certain impacts underestimated or overly emphasized?

Overestimated

##### 5.3.1 Please provide evidence or data to support your assessment:

Impacts are mainly seen from a financial standpoint and cost orientated. Some assumptions seem to be taken for granted; such as that saved expenses for VCU testing and official certification would go to breeding programmes. (5. on page 22) But one could also make the assumption that this money is just lost because of company's saving programs; then you would not see a positive impact on innovation and research. . Scenario 2: In AT "examination under official supervision" is widely used in the seed certification system and the implementation had no negative effect on quality or health of agricultural crops; when the system was implemented, measures have been taken to keep the same level. The change to this system had hardly any impact on employments and jobs in the public sector; there was a shift in activities and we see that for quite a number of companies the official inspection is still of high interest. (eg it is cheaper for them to use official field inspectors and/or not to build up an own lab work force). It has also to be considered that a certain number of staff has to be retained in the public sector in order to keep the expertise for control activities. From a certification standpoint there is no negative environmental impact and the impact innovation and research is the same as for Scenario3-5. The impact on competitiveness, markets is at least medium positive, since the speed of the process will increase and higher flexibility for the companies will occur. Scenario 3: From a certification point of view the (large) positive impact on administrative burden and costs for authorities and private sector is overestimated. A general statement that seed certification duplicates the work done by S&PM suppliers is not correct for Austria; there is a strong dependence on species. Scenario 4: The savings in Point 3 were estimated on one third of the lots certified; since there is quite some difference between species, in our opinion it is very difficult to do a sound estimation. The large positive impact on administrative burden on costs seem to be overoptimistic, for example in this estimation it seems that no monitoring/control activities for compliance with legal provisions are taken into consideration and the synergies in plant health and S&PM official inspections - as currently already existing in some MS - are not included in the assessment. Scenario 5: 2.Impact on employment and jobs: for certification it is neutral, not "small negative impact2 (This shows again the problem of a "combined assessment"). The reduction of possibilities for national more stringent requirements could lead to a negative impact on quality from the consumer's point of view.

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

No opinion

#### 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**

Very beneficial

**Scenario 3**

Rather 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:**

Scenario 2 is already implemented to a high extent and is working very well; a system is in place that fits well the sector and all stakeholders. The expansion to all categories and more species will increase flexibility and lead to a high quality system with moderate costs - and with security for all relevant parties. For the Austrian certification system the scenarios 3-5 would need a lot of changes and we cannot really see the benefits (neither financially nor organizationally).

**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**

The scenarios should be redefined for each sector: For agricultural crops Scenario 2 with modifications for DUS and VCU (see comments from the Austrian CA for Variety/Material Registration) is the scenario with suits best our needs. The approach to conservation varieties and niche markets should be re-evaluated (especially regarding quantitative restrictions)

**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:**

As stated before we disagree with some of the assessments and assumptions. The mixing of all sectors, of registration/certification etc. leads to a distortion of results. And it is not clear how the judgement regarding consistence with EU policies was made.

**7. OTHER COMMENTS**

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

The reasoning behind question 5.4 is not evident.

**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:**

See "Evaluation of the Community 'acquis' on the marketing of seed and plant propagating material (S&PM) - Qualitative questionnaire "(April 2008) and "Questionnaire on monitoring of the quality of S&PM in the Member States" (July 2010)

