

## **1. INTRODUCTION**

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

Department of nature and forest in Wallonia Belgium

### **1.2 What stakeholder group does your organisation belong to?**

User of S&PM

#### **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?**

No

### **2.2 Have certain problems been overlooked?**

Yes

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

The specificity of the Forest reproductive Material. Forestry needs a long term approach due the nature of the MFR and the necessity to maintain/increase the genetic diversity. It is important for the end user to have the warranty of a well suited material adapted to the site conditions and that can face to climatic changes. For forestry, seed and planting material are often populations with high genetic diversity (not able to fit with the DUS and VCU concept from agriculture crop production and all the scenarii are based on these). Very big differences in the definition for the term « forest variety » and « agricultural variety ». Importance and absolute need for an official control by public institutions (traçability by flux of seed or plants, ... in a long term sector as forestry

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

Underestimated

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

The legislation on the MFR was already reviewed in 1999 and give quite satisfaction to all operators. There are some minor adaptations needed but they can be solved during the review and it is not a reason why a well working FRM system should be changed or put under same rules and terms as agricultural seed. The evaluation in 2008 for the FRM legislation was very good. Why to change ? The purpose of the Directive on the marketing of forest reproductive material (FRM) compared to the agricultural directives' purposes is significantly different. The objectives, terms and rules of the Directive on FRM should not be changed. The best way to ensure this is to keep the directive separated from the agricultural and horticultural directives.

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

Forest policies in Europe (here in Wallonia) are in favour of a forest management in a sustainable way with multifunctional purposes. There is a risk of increasing the use of non-adapted provenances to site conditions and the damages may be seen only after decades with heavy losses for the owners and for the forest ecosystem. There is a closed connection to the OECD scheme in international trade. It needs the necessity to develop in harmony the objectives, the terms and the rules between EU and OECD.

## **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)**

Forestry differs significantly from both agricultural crop production and horticulture. This is also the case with the objectives of the directives on marketing seeds and propagation material. The objective of agricultural crop directives, for example Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed, is to obtain greater productivity by setting uniform, strict rules on the varieties permitted to be marketed in the Member States. The agricultural crop directives are based on varieties (cultivars), and on the tests for distinctness, uniformity and stability (DUS) of the new varieties. The purpose of the Directive on FRM (1999/105/EC) is not to obtain greater productivity. Instead of that, it consists of measures to ensure that the tree species important for forestry purposes are genetically and phenotypically suited to the site conditions where they are used. According to the Directive, the supplier of the FRM must give sufficient information of origin and quality of FRM in order to make it possible to the forest owner to choose suitable material for forestation. By ensuring this it is possible to obtain added value not only in wood production but also in stability, adaptation, resistance and genetic diversity of forest trees as well as biodiversity of the whole forest ecosystems. Damages caused by the use of non-adapted provenances may be seen only after decades with heavy losses in all values mentioned above.

### **3.3 Are certain objectives inappropriate?**

No opinion

#### **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 opinion

### **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**

2

**Secure the functioning of the internal market for seed and propagating material**

1

**Empower users by informing them about seed and propagating material**

4

**Contribute to improve biodiversity, sustainability and favour innovation**

3

**Promote plant health and support agriculture, horticulture and forestry**

5

### **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)**

To have a specific scenario taking into account the specificity of the forest sector (diversity, populations, long term,...). To keep the directive separated from the agricultural and horticultural directives.

**4.3 Are certain scenarios unrealistic?**

Yes

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

Quite all scenarios for FRM.

**4.4 Do you agree with the reasoning leading to the discard of the "no-changes" and the "abolishment" scenarios?**

No

**4.5 Other suggestions and remarks**

Evaluation in 2008 shows that Directive on FRM is still working well and largely accepted. Therefore, the possible revision of the Directive should be done from its own baselines and without abolishing or changing its main objectives, principles and rules. For example, all material can not be put under the term "varieties". There are some detailed questions that have to be solved, like the numbering the labels. These are details that need to be solved and can be solved during the review, but they are not a reason why a well working FRM system should be changed or put under the same rules and terms as of agricultural seed

**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)**

Multifunctional role of forests in Europe Forests fulfil a multifunctional role based on their social, economic, environmental, ecological and cultural functions. Forest policy lies in the competence of the Member States, but the EU can contribute to the implementation of sustainable forest management (SFM) through common policies, based on the principle of subsidiarity and the concept of shared responsibility. The multifunctional role of forests and sustainable forest management has a great importance for the development of society. Regeneration and afforestation of forests, forestation measures and FRM used are key elements of sustainable forest management. Directive on FRM (1999/105/EC) was revised according to the principles of sustainable forest management. After more than 10 years, these principles are still valid. The changes or renewal of the Directive on FRM can not be justified by the agricultural sector's needs for reform.

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

Underestimated

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

Impact on the warranty of the quality og the genetic FRM due to lack of control by official bodies. FRM, especially when the genetic diversity is high to maintain adaptability capacity, are quite now impossible to be indentified by molecular tools, so it need a control on the material's flux through EU.

**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**

Don't know

**Scenario 2**

Rather negative

**Scenario 3**

Rather negative

**Scenario 4**

Rather negative

**Scenario 5**

Rather negative

**5.5.1 Please state your reasons for your answers above, where possible providing evidence or data to support your assessment:**

See all informations listed before. Big increasing of the risk to have commercialisation to the end user (forest owner) of a non adapted material (genetic provenance) due to a lack of official control at all the steps of production and commercialisation of the FRM. Dammages in the multipurposes objectives (wood quality, pest resistance, form,...) for forest are only visible many years (some decades) after commercialisation. This needs public official controls.

**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**

Taking into account a scenario 1 with no change for FRM (1999/105/CE). To have however some reflexion for a partial harmonisation of cost control trough EU. To maintain a strong control by public institutions due to specificity and difficulties of a relevant identification on the field for FRM. Some minor adaptations to this current legislation could also to be done for instance by the harmonisation of the suppliers' document throug EU form and a better definition of the forestry purposes. But it is a necessity to keep the specificity of the FRM apart from the agricultural and horticol rules that are often not adapted to the objectives of the forestry (long term sustainable management for sometimes more than 100 years, multipurposes objectives and obligation to maintain or to increase the genetic diversity: important way to face, on the long term, the climatic change).

**6.2 Do you agree with the comparison of the scenarios in the light of the potential to achieve the objectives?**

No opinion

**6.2.1 Please explain:**

**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:**

