

## **1. INTRODUCTION**

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

Ministry of Agriculture and Forestry, Finland

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

Competent Authority (CA) involved in S&PM certification and control; Competent Authority (CA) involved in S&PM variety and material registration

#### **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**

Ministry of Agriculture and Forestry, PO Box FI-00023 GOVERNMENT, FINLAND tuula.maki-  
valkama@mmm.fi www.mmm.fi This answer consist only response of Ministry of Agriculture and  
Forestry of Finland concerning fruit and ornamental propagating material sector

## **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?**

No

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

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

Overestimated

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

Problem that is overestimated: In the sector of propagation material of fruit plants, there is neither requirement for obligatory certification nor EU legislation in force at the moment. Certification is done voluntarily and according to national legislation in some member states. It is therefore logical that also costs of certification vary. There is no requirement for inspection of every lot of propagation material before marketing either. Also according to the directive 2008/90/EC it will be possible to market non-certified CAC propagation material. This all applies also to ornamentals. Problem that is underestimated: In the fruit and ornamentals sector: Non-harmonized requirements for registration and labeling in the marketing directives and plant health directive. When same suppliers or same plant species are involved, the requirements should be harmonized to make the requirements easier to fulfill by the suppliers (for example the plant passport in the plant health legislation and supplier's document in the marketing directive).

#### **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?**

Yes

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

No

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

**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 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**

5

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

3

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

4

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

1

**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)**

Look at the comments below at the points 4.3.1 and 4.5.

**4.3 Are certain scenarios unrealistic?**

Yes

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

All scenarios have been written from the seed sector perspective. there are only some indications what certain scenarios would mean for fruit and ornamental sector. Finland is worried how well the different scenarios will be understood and this questionnaire answered by the stakeholders acting in the fruit and ornamental sector, since several interpretations may arise by them. Even worse would be that they don't answer at all due to low understanding of the meanings. Finland has indicated this item already previously to the Commission.

**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

Fruits and ornamentals: The current requirements for fruit plants and ornamentals are not taken into account. Therefore, it is not possible to say what would be the changes and which scenario would be appropriate for this sector. Scenario 1: For fruits "no change for technical provisions" would mean that suppliers are registered, varieties can be marketed if they are protected, officially registered or commonly known. There are no obligatory certification requirement in place, since also CAC material can be produced also in the future according to 2008/90/EC. These requirements do not apply to fruit varieties which are grown for preserving genetic biodiversity. "Complete recovery of registration and certification of costs by public authorities" would hence mean that costs of supplier registration, and variety registration and officially recognized descriptions would be turned to the suppliers. For ornamentals the "no change for technical provisions" would mean that suppliers are registered, varieties can be marketed if they are protected, officially registered, commonly known or listed in the suppliers list of variety description. There would be no certification requirement but instead general plant health and quality requirements. There would be no requirements for ornamental which are produced/grown for preserving genetic biodiversity. "Complete recovery of registration and certification costs by public authorities" would hence mean that only the costs raising from the suppliers registration would be turned to suppliers costs. Furthermore, in cases where supplier wants to officially register a variety, the costs are turned to them. Scenario 2: It is not clear if "variety registration continues to be an obligation for the crops covered by the EU legislation" means for all varieties EU legislation covers or for those varieties which currently have this obligation for registration? Furthermore, it is not clear if "the certification requirements for lots of S&PM remain unchanged" means that certification is obligatory for those to which it is currently already obligatory and remains optional for those species to which it is currently already optional? For fruit plants, registration and certification requirements should be according to the directive 2008/90/EC. That is to say, also commonly known varieties and CAC category should be allowed for fruit plants. Variety registration or certification is not currently an obligation for ornamentals and should not be an obligation for ornamentals in the future either. Scenario 3: It is not clear if "the identity testing as part of the variety registration continues to be an obligation for crops regulated by the EU legislation" means only those crops which already currently have this obligation or all also crops which does not currently have this obligation? There is no explanation why ornamentals would no longer fall within the scope of S&PM? To our understanding the scenario 3 (and also 4) goes closer to the current ornamental directive (suppliers' label, minimum quality and health criteria, registration of suppliers). There should be some minimum requirements also for propagation material of ornamental plants (health, genetic uniformity, quality and labeling, registration (traceability)). It would be good if voluntary certification for fruit propagation material would be possible to ensure availability of healthy propagation material. Scenario 4: What are the costs to MS/suppliers if all administrative tasks at the EU level related to variety registration will be attributed to the CPVO? Can supplier use his/her own language when communicating with the CPVO? \*\*\*\*\* Adaptation to physical environment (VCU) is very important to us, for example effective temperature sum requirement and winter hardiness. Variety registration should not be an obligation for certification of fruit plants. For plant health reasons, it would be important that certified pest free propagation material is also available for fruit varieties which are not registered. Fruits and perennial ornamentals are grown for several years and infection of pests such as viruses, viroids, phytoplasma and bacteria cannot be visually seen in most cases when propagating material are bought. It is also consumers' right to be able to buy healthy fruit plants and ornamentals and therefore pest free propagation material should be available to them (for example commonly known varieties). Fruit and ornamentals sectors differ here from the seed sector that also ordinary people/consumers commonly plant these plants in their yards.

### 5. ASSESSMENT OF OPTIONS

#### 5.1 Are the impacts correctly analysed in the context of S&PM marketing?

Yes

#### 5.2 Have certain impacts been overlooked?

No

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

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

Rightly estimated

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

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

1 = very proportional

**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**

Rather negative

**Scenario 2**

Fairly beneficial

**Scenario 3**

Fairly beneficial

**Scenario 4**

Very beneficial

**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:**

Scenario 4 (and 3) are closest to the current legislation of fruits and ornamentals (suppliers registration, optional variety registration, officially recognised descriptions, optional certification, varieties for biodiversity exempted from the legislation etc.). We don't, however, agree that official variety registration would be pre-requirement for production of certified material (look at the previous comments above in point 4.2). Furthermore, varieties for experimental, scientific and biodiversity should be excluded from legislation as they are now in fruit and ornamentals legislation. In the scenario 2 the possibility to move certain tasks to be carried out under official supervision is a good thing. Scenario 1 would increase stakeholders costs and as such is not applicable. It would be applicable if certain flexibility for variety registration and certification choices could be offered at the same time. Scenario 5 sounds like a very costly system. There would be also a language issue involved here. Certification has to be optional for fruits and ornamentals which is not in the scenario 5.

**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**

New scenario (which is close to scenario 4): Fruits: Registration of suppliers, registration of varieties but different registration requirements for protected, officially registered and commonly known varieties. Option for producing certified material. Possibility to produce CAC material also. Variety registration should not be pre-requirement for production of certified material (look at the previous comments above in point 4.2). Knowledge of varieties environmental performance (winter hardiness (ability of sustain certain minus temperature for certain time), day length and effective temperature sum requirements). Possibility to market commonly known varieties. Varieties for biodiversity excluded from legislation as well as varieties for experimental and scientific purposes. Optional variety registration and certification requirements are carried out under official supervision by suppliers' costs. Ornamentals: Registration of suppliers, no obligatory requirements for variety registration or certification but minimum requirements of health, genetic uniformity, quality, labeling and information on environmental performance (If perennial plant are not capable of growing after Finnish winter period it has to be indicated in the label and such plants should be marketed as annual plants in Finland. In addition, flowering ornamentals should also flower in Finnish day length). Possibility to market commonly known varieties. Varieties for biodiversity excluded from legislation as well as varieties for experimental and scientific purposes. Optional variety registration and certification requirements are carried out under official supervision by suppliers' costs. Variety registration should not be pre-requirement for production of certified material (look at the previous comments above in point 4.2).

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

Yes

**6.2.1 Please explain:**

**7. OTHER COMMENTS**

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

Finland thinks that S%PM legislation could also be analysed from the invasive alien species perspective.

**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:**

