

1. INTRODUCTION

1.1 What is the name of your organisation?

Ústřední kontrolní a zkušební ústav zemědělský / Central Institute for Supervising and Testing in Agriculture

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

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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)

Different socio-economic development among MSs.

2.3 Are certain problems underestimated or overly emphasized?

Overestimated

2.3.1 Please indicate the problems that have not been estimated rightly

Overestimated: - Supposed negative influence of current registration system on innovations. - Sustainability issues. Underestimated: - Importance of productivity improving (yield).

2.4 Other suggestions or remarks

In chapter 2.3 should be considered also public competent authorities.

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)

The importance of supervision by the authorities.

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

The risk of food crisis. The risk that farmers will not accept a new system and breeders lose money on sales of seeds and seedlings.

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

Definitions of priorities above are not defined correctly, e.g. the innovations could be applicable in all options.

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)

None of the scenarios is optimal, scenarios are unbalanced, not all important issues are considered in all scenarios. The most appropriate output should combine aspects from certain scenarios.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Scenario 3 - This scenario does not meet all general objectives (health and quality of S & PM, functioning of internal market, information of users, sustainability and diversity). Scenario 5 – It could suppress regional varieties and SMEs as well as biodiversity significantly. It is unacceptable that the (mainly) SMEs with local or regional importance were forced to communicate with authority in a foreign language in a very remote office.

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

Scenario 4 - this scenario proposes different regimes for certain varieties within one species which we think is essentially wrong idea. Generally, different regimes should be applied for group of species or particular species.

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)

EU is not economically homogeneous - is missing the impact on new Member States.

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

Underestimated: - Impact on competitiveness: negative impact of scenarios 3, 4, 5 on SMEs. - Impact on plant health & quality: negative impact of scenarios 3, 4. - Impact on employment & jobs in public sector: we estimate that number of employees involved in registration and potentially affected is significantly higher than 1500 as it is mentioned in the document. Overestimated: - Impact on innovation and research: supposed positive impact of scenarios 3, 4, 5, on innovations and research (especially for SMEs). - Environmental impact: supposed positive impact of scenarios 3, 4. - Impact on administrative burden & costs for private sector operators: Savings expected from reduction of administrative burden & costs (obligatory registration & certification) will not cover the potentially lower incomes from production of uncertified seed (Scenario 3, 4). In the case of SMEs which have no facilities to conduct testing the costs from outsourcing could be even higher.

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

Neutral

Scenario 2

Rather negative

Scenario 3

Very 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 can be very beneficial - if "certain tasks will be performed by industry under official supervision" means that „DUS and VCU will be performed officially and/or under official supervision". Scenario 2 is not at all beneficial - if "responsibilities will be given to the industry to carry out DUS and VCU tests etc....." which is, contrary to the name of Scenario 2 "Co-system, No change to technical provisions but certain tasks performed by industry under official supervision", written in the text of Scenario 2.

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

Regulation for agriculture, vegetable, vine & fruit covered by current legislation: - Registration on national level. - DUS and VCU (obligatory for given agricultural species and vine) and certification performed officially and/or under official supervision. - Responsibility to carry out DUS (and possibly VCU) for minor crops (defined on EU level) could be given to the industry. Official testing should be possible on request. - Harmonisation of VCU testing on the basis of the requirements set up in the MS. - Improvement in management of EU catalogues (published on line, continuously updated, to make them more informative – e.g. hyperlinks to additional information on registered varieties). Regulation for all other species incl. ornamental species - identification, fit-for purpose, labelling, traceability. - responsibility could be given to the industry. FRM left outside the scope of the new regulation.

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:

None of the scenarios meets all general, specific and operational objectives satisfactorily.

7. OTHER COMMENTS

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

Objectives have been defined correctly. However, only scenarios where testing and certification is carried out both officially and under official supervision can achieve these objectives. Scenarios are unbalanced, not all important issues are considered in all scenarios e.g. harmonization, management of common catalogues, cost aspects. It is obvious that most of the scenarios have been designed for big operators having appropriate facilities, human sources, funds etc. to carry out testing and certification tasks. The negative impact on SMEs has been underestimated significantly. Different socio-economic development among MS are not considered. Especially in the area of variety testing the different socio-economic development among MS plays important role. For example operators' testing network functioning in well-developed MS has not been established sufficiently in the new MS. In the case of SMEs, which usually have no facilities to conduct testing, the outsourcing costs could be too high. The idea to harmonise the fees and costs does not reflect different labour and other costs among MS. Biodiversity and environmental issues seem to be overestimated while the productivity and quality improvement is underestimated which does not reflect expected higher food demand in the world in near future. Different regime for group of species or particular species is not considered in the scenarios. Scenarios which presume less extent of official (i.e. unbiased) VCU testing of varieties of agriculture species will not improve farmers' choice as it is claimed. On the contrary, such scenarios will result in significantly higher number of varieties on the market without possibility for farmers to get any relevant unbiased information on varieties which will make farmers' choice dependent on not unbiased information from companies selling the seed. Scenarios which presume less extent of official (i.e. unbiased) VCU testing of varieties of agriculture species will not improve farmers' choice as it is claimed. On the contrary, such scenarios will result in significantly higher number of varieties on the market without possibility for farmers to get any relevant unbiased information on them which will make farmers' choice dependent on not unbiased information from companies selling the seed. Possible list of recommended varieties can never, for technical reasons, to offer objective information on the early sales of the new variety.

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:

