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## EUROPEAN CONFERENCE ON ENSURING SEED AVAILABILITY IN THE 21ST CENTURY

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### **EVALUATION RESULTS OF S&PM LEGISLATION & RECOMMENDATIONS**

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# CONTENT

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1. OBJECTIVES OF THE EVALUATION
2. METHODOLOGY APPLIED
3. POLICY AREA TO BE COVERED
4. FINDINGS & CONCLUSIONS
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*=> THE TWO MAJOR MOTIVATION FACTORS:*

- RESHAPING OF THE SEED INDUSTRY SECTOR, AND*
- EVOLUTION OF THE AGRICULTURAL POLICY*

- To establish objectively how **effectively** and **efficiently** the S&PM legislation has met its original objectives;
- To identify its **strengths** and **areas for improvement**;
- To assess its **robustness** with regard to potential new challenges;
- To analyse the **coherence** of the intervention with other related interventions, and with international standards.



Placed in the context of **BETTER REGULATION**\* initiative, the evaluation aims:

- To **identify current problems** and **needs**;
- To **suggest possible objectives** that the Community should pursue in order to respond to the **identified problems and current and expected future needs**;
- To **identify** different **realistic options** to achieve the proposed objectives, and
- To **analyse the social, environmental and economic impacts of each of those options**, as well as their feasibility, stakeholders' level of support and their strengths and weaknesses.

*\*: Simplification and reduction of administrative burden on the public authorities AND the private sector stakeholders*



## 4 phases:



- Desk research
- Exploratory int.
- Development of :
  - methodology
  - intervention logic
  - Judgement criteria

▪ **Validation through meeting with SG**

- Desk research
- Surveys (Qualitative + Cost)
- Interviews (phone and face-to-face)
- Case studies

▪ **Validation through meeting with SG**

- Primary analysis of contents & statistics
- Interpretation & synthesis
- Recommendations
- Final reporting

▪ **Validation through meeting with SG**



| CRITERIA      | GENERAL QUESTION                                                                                                 |
|---------------|------------------------------------------------------------------------------------------------------------------|
| Relevance     | the extent to which an intervention's objectives are pertinent to needs, problems, and issues                    |
| Effectiveness | the extent to which the intended impacts or the objectives of the intervention are met                           |
| Efficiency    | best relationship between resources employed and results achieved in pursuing the objectives of the intervention |
| Coherence     | the extent to which the intervention does not contradict with other interventions                                |



## Instruments of the activity:

Policy area under evaluation consists of 12 basic directives that find their legal basis in Article 37 of the Treaty of Roma establishing the EU, with the objectives:

- **To improve the productivity** of agriculture by **Ensuring seed lots of high quality** (certification) belonging to varieties with a **high genetic potential** (registration of varieties in official catalogues and testing in view of official listing);
- To establish a **level playing field** leading to **more open markets** through harmonisation.



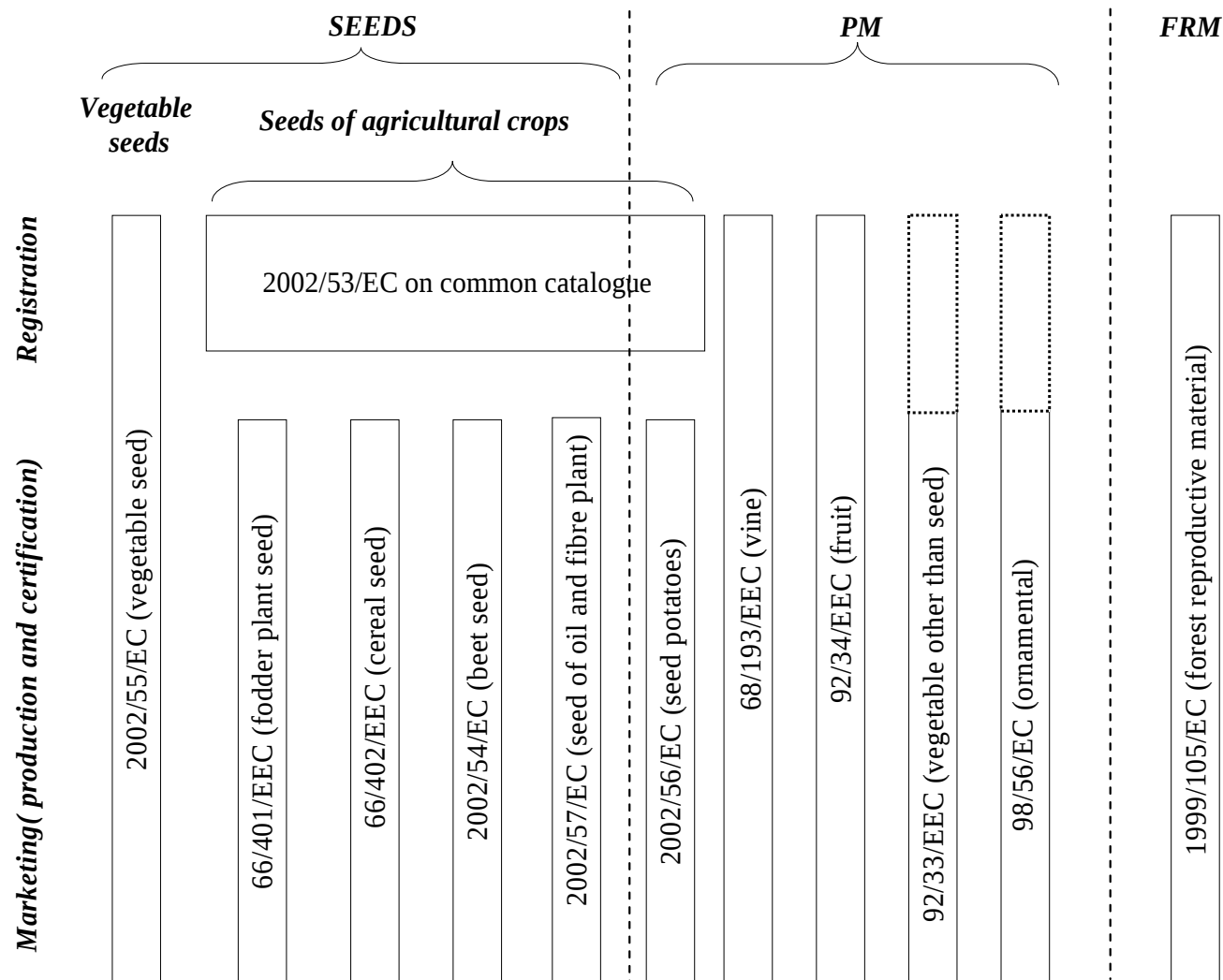
## Analytical framework structure:

| Theme          | Evaluation Question                 | Judgement Criteria                          | Indicators        | Source of information | Results |
|----------------|-------------------------------------|---------------------------------------------|-------------------|-----------------------|---------|
| Climate change | Is average temperature increasing ? | Measurement of temperature on a daily basis | Temperature in C° |                       |         |

=> **LACK OF ROBUST INDICATORS IN MANY CASES** (e.g. competitiveness of individual sectors, VCU, etc...)



### Structure of the 12 basic Directives of the legislation



# SOME GENERAL COMMENTS (1):

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- Complexity and breadth of subject matter;
- Interdependence of issues;
- An evaluation is NOT an audit;
- An evaluation is NOT just a survey;
- An evaluation consists in judging the results of public actions in order to check their conformity with set objectives.
- Range of interests and stakeholders (civil/legal);
- High motivation of the actors for the evaluation (indicators: number of return questionnaires (qualitative and cost, long interviews);
- Fear of not being heard (indicator: weighting methodology, requests to keep costs data confidential).

## SOME GENERAL COMMENTS (2):

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- Good coverage of the « technical » part (specific objectives and means) of the evaluation;
- Poor data collection for the more « strategic » part (intervention logic) mainly due to:
  - Lack of time (only 8 months);
  - Not having the Community Plant Variety Rights Regulation (2100/94) as FULLY part of the evaluation;
  - Sector not used to this kind of exercise.
- Answers to Evaluation Questions as listed in the ToR ONLY!



## Key messages: Original needs and achievements:

- Primary objectives :
  - Improve productivity of agriculture to secure food security;
  - Improve competitiveness of the related sectors;
  - Contribute to the harmonisation of the legislation at Community level.

*Remark: Intervention logic has not been amended since 1962, even if substantial changes have been integrated on a case by case basis (SLIM initiative in 1999).*

- Large majority of stakeholders considers that the S&PM legislation has been effective and remains largely useful



## Key messages: Original needs and achievements:

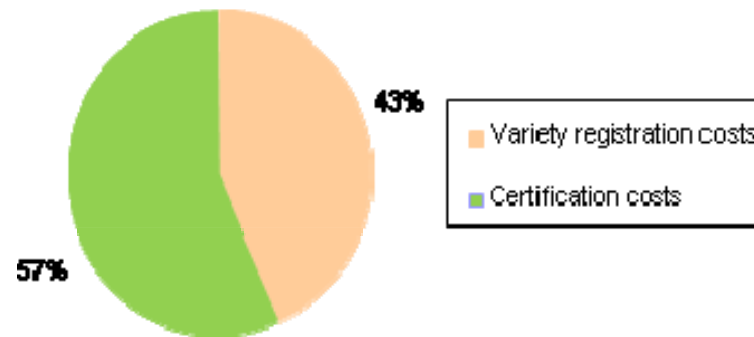
- Strong attachment to the role of the official authorities (at both EU and National level) in guaranteeing the equal access to all players (including SMEs) on the market;
- Commission provisions for both Registration (VCU, DUS, Catalogues) and Certification are largely considered as essential and robust tools for conventional agriculture *[effectiveness]*;
- However, it is noticed that no significant concern has been expressed for S&PM sectors where not all these provisions apply (e.g. vegetable seed) *[effectiveness]*;
- Correct alignment of EU provisions to International standards (OECD and UNECE) and EU related intervention (GM, PPP, plant health, trade policy...and human health)*[coherence]*.



## Key messages: Original needs and achievements (efficiency):

- Costs are considered as reasonable and proportionate for but room exists for cost reduction (especially for Registration);
- Costs are gradually transferred (from public to private) e.g. VCU trials done by breeders, MS moving to certification under official supervision schemes).

FCEC simulation concludes that implementation of the Community legislation costs for competent authorities a little bit less than 3% (2,81%- 120 Mio €) of the domestic market value for the Seed Group.





## Key messages: Original needs and achievements (efficiency):

- Modernization of the *acquis* to be based on projects already under discussion and/or implemented at MS level:
  - Simplification (even if no clear idea did pop-up from the evaluation on how to recast the *acquis*);
  - Role of CPVO: from CPV « Rights » O to a true CPVO;
  - Integration of plant health and seed (operational services);
  - Promote implementation of certification under official supervision.



## Remaining problems or inconsistencies and emergence of new needs:

### ⇒ S&PM Sector:

- S&PM sector acts in an ever-increasing international context in constant evolution:
  - Privatisation of plant breeding activities;
  - Introduction of PVRs;
  - New technologies available for breeders (molecular breeding, GM);
  - Improved processes via technology for seed production (seed cleaning).
- A competitive S&PM sector, with many players, mainly medium and small companies has established in most of crop sectors.



## Remaining problems or inconsistencies and emergence of new needs:

### ⇒ S&PM Sector:

- Larger segmentation between the crops leading to complexity:
  - In cereals, what are today the common denominators between winter wheat and maize ?
- One sector or a group of sub-sectors ?
- The same intervention logic for all sub-sectors (example: chemical sector)?



## Remaining problems or inconsistencies and emergence of new needs:

### ⇒ Governance:

- Actual governance is mainly using:
    - The instrument of Directives that have to be transposed into national legislation;
    - A number of technical elements to be amended at Council level (and at Parliament level too when/if co-decision enters in force for this sector based on Lisbon Treaty);
    - A mixture of legal and technical dimension.
- ... is leading to make decisions difficult to take and time consuming (e.g. conservation varieties) BUT reflects the complexity of the sector, which intensifies.



## Remaining problems or inconsistencies and emergence of new needs:

### ⇒ Internal market:

- Absence of a complete level-playing field:
  - Non-harmonised implementation of provisions e.g. VCU;
  - Additional national implementing measures;
  - Non-harmonised framework for costs and responsibility sharing;
  - Lack of organised circuits for the exchange of information.

.... Balanced by provisions re-establishing the internal market e.g.  
Common Catalogues

- Illegal import and usages of S&PM (although not quantified);
- Establishment of a true internal market for treated seed;



## Remaining problems or inconsistencies and emergence of new needs:

### ⇒ Instruments of the activity (Variety Registration - VCU)

- VCU is perceived as an essential and robust tool for conventional agriculture, but limits exist to test new technologies products and new products for alternative agriculture e.g. organic farming;
- VCU is not a requirement for vegetable seed and vegetable market shows its competitiveness without VCU requirements;
- Lack of credible indicators for assessing effectiveness of VCU;
- The **GxExL** (Genotype x Environment x Legislation) situation : MS specific implementation of EU provisions leads to a non-level playing field, and extremes in assessing value for cultivation (*protocols, costs, number of tests, judgement criteria...*).



## Remaining problems or inconsistencies and emergence of new needs:

### ⇒ Instruments of the activity (Variety Registration - DUS)

- DUS is a robust tool to secure that only distinct varieties are being listed; however uniformity criteria limits registration of landraces and populations;
- Non-uniform implementation of reference collections for DUS testing due to not applicable provisions.



## Remaining problems or inconsistencies and emergence of new needs:

- ⇒ Instruments of the activity (Variety Registration-Common Catalogue)
- VCU as a provision for CC leads to the «27 keys - 1 door» situation: Market access in a given MS can be achieved via 2 channels: national catalogue (preferred one) or CC and leads to 2 main consequences:
    - Competition between National Variety Registration authorities (« hunting for applications »);
    - Easier access to the market based on inconsistencies between MS regulations.
  - Interviewees insist on the necessity to improve the accessibility, the content, the use and the management of the Common



## Remaining problems or inconsistencies and emergence of new needs:

### ⇒ Instruments of the activity (Certification)

- Certification is perceived as an essential tool by the users  
*«certification: excellent, nothing better so far from a farmer perspective and is adding to its comfort » ;*
- However, increased development of Farm Saved Seed volumes and the absence of « certification schemes » in most of the vegetable seed MAY demonstrate that high seed quality can be achieved without certification;
- Largely a cost-driven activity as quality is achieved (higher minimum standards at MS level) => Better Regulation is already under implementation.



## Scenarios for the future

### 1. Status Quo:

- Current problems persist;
- Not in line with Better Regulation approach;
- Large majority of stakeholders have expressed their wish to see the S&PM maintained but revised.

### 2. Modify

### 3. Suppress

- Possibility to threaten the principle of internal market;
- Under self-regulation, industry will further compete with the risk of lowering seed quality;
- No stakeholders nor CAs support.



## Objectives of the ‘*Modify*’ scenario and options to achieve them

### Objective 1. Simplify the current Community legislation

Option 1: Revise existing texts and clean them (removal of inconsistencies, discrepancies and gaps), clarify key definitions e.g. industrial use, select crops to be included.

Option 2: Option 1 + complete recast of the structure based on an horizontal Regulation on registration and certification (legal dimension), the latter with technical annexes per crop and/or group of crops (crops meaning 1 species \* 1 usage)



## Objectives of the ‘*Modify*’ scenario and options to achieve them

### Objective 2. Introduce flexibility within the regulatory framework

1. To make official rules for uniformity of a variety more flexible;
2. To make VCU rules evolve to adapt to any type of agriculture;
3. To adapt requirements for the marketing of seeds to defined categories.



## Objectives of the ‘*Modify*’ scenario and options to achieve them

**Objective 3. Reduce differences between MS to contribute to the creation of a true level-playing field**

1. To promote the coordination of VCU testing, the extension of bilateral or the establishment of multilateral agreements for DUS testing;
2. To restart comparative trials;
3. To audit the implementation of the EU legislation.



## Objectives of the ‘*Modify*’ scenario and options to achieve them

### **Objective 4. Promote cost reduction approaches and introduce flexibility in the operating system**

1. To promote integration of planthealth and certification schemes by possibly integrating plant health & S&PM legislation;
2. To promote the further implementation of the certification «under official supervision»;
3. To extend the certification «under official supervision» to pre-basic and basic crops and to explore other areas where it should be extended;
4. To support the morphological analysis of the variety with molecular tools (already used today by plant breeders).



## Objectives of the ‘*Modify*’ scenario and options to achieve them

**Objective 5. Secure long-term consistency with the other EU policies (GM, PPP, Plant Health... and Human Health/food safety)**

1. To integrate the plant health and S&PM certification schemes;
2. To explicitly mention in the certification provisions the control of GM varieties and the adventitious GM presence in non-GM seed;
3. To implement in the S&PM EU legislation provisions leading to risk reduction in the contaminant in food e.g. mycotoxins;
4. To identify additional links between the S&PM EU legislation and the Food law;

.... And attention should be paid to coherence with CAP (including rural development pillar), the environmental policy e.g. biodiversity, climate change).



## Objectives of the ‘*Modify*’ scenario and options to achieve them

Objective 6. Finalise the current discussion on the extension of the role of the CPVO and further identify synergies with the CPVO expertise leading to significant benefits to the S&PM sectors

1. Unique DUS testing (*one key - several doors*);
2. Use of CPVO database for denomination checks;
3. Quality assurance schemes for DUS testing locations, and QC by CPVO (?).



## Objectives of the ‘*Modify*’ scenario and options to achieve them

### Objective 7. Reinforce provisions dedicated to inform users

1. Suppliers’ documents in the forestry area, which currently suffer from a lack of harmonisation;
2. Small packages which are perceived as not enough defined;
3. Information included in the Commun Catalogues.



## Conclusions

FCEC considers that:

1. This evaluation has been successful in setting-up baselines;
2. It creates conditions to develop collaborative work with all parties;
3. Full consideration by EU (SANCO) demonstrated by this event.

***Good luck and Thank You for your attention !***