1. INTRODUCTION

1.1 What is the name of your organisation?
ESGG (European Seed Growers' Group)

1.2 What stakeholder group does your organisation belong to?
International organisation

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
ESGG at FNAMS - 74, rue JJ Rousseau - 75001 PARIS France tel 0033144827333 fax 0033144827340 tgk@thorkofoed.dk

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 objective of productivity and competitiveness of the agricultural production is missing. Seeds are holding genetic progress and are a key element of the competitiveness of farmers who need high quality seed's unit, high yields and seeds adapted to their environment. The seed growers are missing in the analysis paper: they are key to the seed production and will be directly affected by the review of the legislation.

2.3 Are certain problems underestimated or overly emphasized?
Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly
In paragraph 2.3 there is no mention of seed growers even though they are directly affected by the review.

2.4 Other suggestions or remarks
Although we support the general revision of the legislation on the marketing of S&PM, we are against the inclusion of the Council Directive 1999/105/EC on the marketing of forest reproductive material into the revision. This is because of the specific nature of forest reproductive material and its marketing.

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)
As it is said in the Communication of the Commission "CAP 2020", EU has global responsibilities for food security and sustainable agriculture. Therefore improving productivity in a sustainable way should clearly be an objective of this revision. We agree that a revision of the legislation on the marketing of S&PM is needed in order to establish a simple and clear legislative framework which is easy to apply. Nevertheless, simplifying legislation should not lead to the quality of the

S&PM framework being reduced, especially in relation to plant health or variety quality. Furthermore, in respect of the Common Catalogue the objective is not only to improve the level of information provided but also to improve accessibility of the Common Catalogue by making it a real-time, user-friendly web-based application.

3.3 Are certain objectives inappropriate?
Yes

3.3.1 Please state which one(s)
The specific objective which reads “improve farmers' choice and access to a wide diversity of plant varieties” is inappropriate. Wider diversity is not a goal in itself. The improvement of farmers’ choice is indeed an important goal of the S&PM legislation but this choice should focus on varieties which are beneficial, fit for use and for sustainable intensification.

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
3

Empower users by informing them about seed and propagating material
5

Contribute to improve biodiversity, sustainability and favour innovation
2

Promote plant health and support agriculture, horticulture and forestry
4

3.6 Other suggestions and remarks
The issue of costs must be proportionate to the objectives. As seeds are a strategic input for European agriculture, the commission should aim at optimising the costs rather than eliminating them.

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)
No information about seed growers in the various scenarios

4.3 Are certain scenarios unrealistic?
Yes

4.3.1 Please state which one(s) and why
None of the proposed scenarios relates to the seed growers! The problem is that none of them fulfils entirely the objectives of the review. The main purpose of the new legislation must be to

stimulate innovation in plant breeding and progress in valuable characters -sustainability, productivity and quality. In this respect, scenario number 1 is only focused on the reduction of public expenditure, no mention of improvement in terms of simplification and reduction of administrative burden is made. Moreover, scenarios 3 and 4 do not secure the end user that all products comply with common standards for variety identity, quality for use and seed quality; listing and certification must be based on reliable, relevant and sufficient information.

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)
it is important to assess the possible impacts of the different scenarios in relation to the seed growers' sector. The impact on consumer information and protection of each scenario should also be considered.

5.3 Are certain impacts underestimated or overly emphasized?
Underestimated

5.3.1 Please provide evidence or data to support your assessment:
Seed and plant sanitary quality in scenarios 3 and 4 (VCU and certification) in the context of the reduction of the number of available PPP

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
Fairly beneficial

Scenario 3
Rather negative

Scenario 4
Very negative

Scenario 5
Fairly beneficial

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

analysis of impact for scenario 4 is biased because different hypothesis are made in terms of distribution between tested varieties/certified seeds and non tested varieties for the different impacts (plant health and quality, jobs, administrative burden, competitiveness, environment…).

6. ASSESSMENT OF SCENARIOS

6.1 Which scenario or combination of scenarios would best meet the objectives of the review of the legislation?

A combination of scenarios

6.1.1 What are your views with regards to combining elements from the various scenarios into a new scenario?

DUS and VCU tests must be conducted by official authority. VCU test must cover aspects relevant for the end user and the environment. Investments in R&D can only be justified with a high quality official DUS testing system in place, and also a proper, full VCU testing is required. Yield should be a criteria for VCU. Certification: Harmonized certification protocol for control of all seed lots to be commercialized in EU is required. Field inspection, sampling, testing and certification of seed lots to be conducted by accredited suppliers under supervision by official authorities. Suppliers may opt for having this carried out by an official authority: ? All seed lots to be commercialized within EU must be controlled and approved through an accredited certification process. ? In order to secure variety identity, quality, and full traceability in the system, certification rules must be fully harmonized in EU. ? Field inspection, sampling, testing and certification of seeds lots to be conducted by the accredited body, under supervision by the national authority. Alternatively, a supplier may choose to have this all carried out by the official authority. ? Control growing of basic seed lots continues to be conducted by official authorities, and results to be valid in all member states Conservation varieties: « light » registration criteria, restrictions for use (location and quantity, to avoid the development of parallel markets). If a variety has been removed from the list because of weak disease tolerance, it should not come back on the list as a conservation variety.

6.1.1 Please explain the new scenario in terms of key features

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:

See previous answers

7. OTHER COMMENTS

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

ESGG would like to draw the attention of the Commission on the problem of imports of products like bird feed which are sold as "illegals" seeds in the EU. The revision of the legislation should improve the possibility of control to avoid this problem.

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: