

1. INTRODUCTION

1.1 What is the name of your organisation?

Union Française des Semenciers

1.2 What stakeholder group does your organisation belong to?

Other

1.2.1 Please specify

National association of French seed companies (135 members)

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)

Complexity and fragmentation of legislation - Complexity of legislation is mainly due to the overlapping of various directives which were implemented at different times although it reflects the biological reality of species involved. An overall harmonization of the implementation is needed defined by species / or group of species (for example, flower seeds or vegetable seeds or tomato seeds, etc.) - DUS and VCU are not uniformly implemented for each species in all the MS. - Better consistency should be achieved between S&PM law and Plant Health law: classification of pests & diseases (Regulated or Non-regulated quarantine /deregulated pests and diseases on seeds in line with IPPC criteria). ? The private sector could bear, to some extent, the burdens transferred from public authorities. Its wide network of testing stations, spread in various countries, could be easily mobilized but its ability to perform innovation could be affected. Distortions on the internal market and on the common Catalogue ? The functioning of the common catalogue is not taken into account: The non existence of a catalogue for amateur market at the EEC level is not acceptable All old standard varieties should be maintained at the EEC cost. There is no reason for a specific company to pay the fees for registration an old standard variety. It should be a public service (as far as these varieties do cover requirements) There should also be translations of old standard variety names into each language of the EEC

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

see 2.2.1

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?

Yes

3.2.1 Please state which one(s)

Food safety and quality in EU through productivity' has not been included as a general policy objective

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

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

4

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

1

Promote plant health and support agriculture, horticulture and forestry

2

3.6 Other suggestions and remarks

The general idea is to contribute to a more competitive agriculture, aiming to safety, quality and regular availability and at the same time to allow the market to act locally in biological way and with short distance distribution or direct distribution. Therefore authorise various solutions.

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)

SCENARIO 5 : - No access modalities are described for conservation varieties and vegetable varieties with no intrinsic value.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Scenario 1 - Only answers to the 'cost objective' and does not fulfil the requirements of the other objectives. - Partly takes into account the objective of cost reduction: impact of cost transfer to the private sector is not weighted. Scenario 3 - Introduces market distortions due to the assessment of VCU and certification being optional. - Exclude ornamentals. And what happens with

ornamentals in the other scenarios?

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)

Impact on end users

5.3 Are certain impacts underestimated or overly emphasized?

Overestimated

5.3.1 Please provide evidence or data to support your assessment:

Approach on conservation varieties/niche markets : there should be a public service. It should not be liberalised but, it is the service of the EEC to do the registration. Private companies could contribute to maintain these varieties by seed production respecting the standard original type registered

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

4 = not 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

Rather negative

Scenario 4

Rather 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:

Scenario 1: rather negative the costs for SME of the private sector has an impact on their ability for innovation and research. Need to improve the conservation varieties / niche market system.
Scenario 2: fairly beneficial - Delegation under official supervision to the private sector suits our stakeholders' capabilities and request. - This scenario does not reduce innovation and the access to market for minor crops via the respect of proportionality principle. Consequently, it contributes

to maintain biodiversity. But, still, there is a need to improve the conservation varieties / niche market system with a public service. Scenario 3: very negative - Optional certification will pull down the markets. Investment flows will consequently be targeted to marketing more than innovation. - The impact on the quality level of varieties will badly affect users, since the system does not provide with a levelled playing field for private operators. Scenario 4: very negative - The emergence of low-cost operators on the market will increase unfair competitiveness and, in a medium/long term, will force to concentration of operators. - Low prices will have little effect on the use of farm saved seed, because this practice depends more on a "way of thinking" than cost efficiency. - Due to low margins, the investment flows will be reduced and targeted to marketing only. Innovation will be seriously affected. - This scenario would concentrate more power in hands of few end users (processors, distributors...). Scenario 5: don't know, as we miss some detailed provisions - Centralization of registration will pull up the registration system towards more harmonized procedures among MS. Consequently, users will have higher transparency and quality of information on varieties. - Reducing the number of testing stations will lead to save costs for authorities at a large scale. - Mandatory VCU, even a light one, could not be implemented technically at a reasonable cost for all crops, due to the numerous markets and growing conditions which should be tested for some crops (e.g. vegetables).

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

The French Seed Union, encompassing a wide range of stakeholders and crops, declares, in a responsible way, that marketing new varieties can solely be valued through a robust regulation(*) based on:

- A European catalogue with: ? a harmonized DUS among member states, at the level of public and private testing stations accredited by CPVO, and partially carried out by private breeders under official supervision ? scenario 2 + automatic recognition of DUS between MS (new feature) ? a VCU for agricultural crops, including the main characteristics leading to a sustainable agriculture, and partially carried out by private breeders under official supervision ? scenario 2 ? a progressive and rational introduction of new criteria, especially those linked to environmental issues ? already implementable with scenario 2 ? a centralized system for varieties denomination at CPVO level ? scenario 5 ? a possibility to market varieties in advance of listing for trial purposes ? new feature
- A supervision of seed quality as certified or standard categories, achieved through a greater delegation of tasks to the seed industry under official supervision and harmonized with international schemes through controls ? scenario 2 or 5 + new feature
- Private operators should always have the choice between delegation under official supervision and official testing and control ? scenario 2
- A better traceability of new varieties from the registration in the Catalogue and Intellectual Protection until production and marketing ? with a simultaneous recording in the European catalogues (new feature)
- A better governance for Seed and Plant material regulation founded on a strong relationship between public and private sectors ? consultation of the whole downstream chain (from breeders to consumers) about long-term objectives (new feature)

(*) Ornamentals, conservation, landraces and varieties 'with no intrinsic value' continuing with current specific provisions, but helped by a public EEC service

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:

We want to insist on the specificities of the seed market and products which, for the various groups of species, are: - Technologic differences cannot be generally perceived by users when purchasing seeds. Thus, a robust assessment is needed. - As the genetic gain is a slow step by step process, breeding and developing new varieties take time. These gains can be valued only in a thoughtful regulatory environment which must not be only influenced by a day to day market demand. - Crops specificities deserve particular provisions.

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:

