1. INTRODUCTION

1.1 What is the name of your organisation?
GEVES (Groupe d'Etude et de contrôle des Variétés Et des Semences) - France

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; Other

1.2.1 Please specify
GEVES is responsible in France for the studies required for the registration of the varieties on the official catalogue, for the legal protection (Plant Breeder's Rights) at the national and european level, for the control of quality and varietal conformity of seeds and plants (certification)

1.3 Please write down the address (postal, e-mail, telephone, fax and web page if available) of your organisation
GEVES, Rue Geroges Morel, BP 90024, 49071 Beuacouzé Cedex France Manager : Sylvie DUTARTRE (sylvie.dutartre@geves.fr) Deputy Manager & SEV Manager (varieties sector) : Joël GUIARD (joel.guiard@geves.fr) Manager SNES (seeds sector) : Joël LECHAPPE (joel.lechappe@geves.fr) tel : + 33 (0) 2 41 22 58 00 / www.geves.fr

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)
- If the first objective of the regulation is to give or not the administrative authorization to market the S&PM, the other main objective recognized by a majority of stakeholders is to promote innovation and development of new characteristics to answer the request of all users, from the farmers till the consumers. - Its' why, this regulation, and particularly the VCU testing, is a real tool for the public authorities to orientate the genetic improvment according to objectives not "necessarily" looked for by the free market like sustainability of farming or protection of the environment. - It's also a benefic way to maintain breeding activities for small crops with specific characteristics for the farmers or the consumers but economically not supported in the situation of a free market without regulation. The risk without regulation is to create in Europe the same situation than in the USA, Canada or Australia: an uniform offer of varieties for the biggest markets and the loose of the diversity of the current offer in Europe completely adapted at the diversity of the agro economic conditions. - In France but also in others members states, VCU testing evaluates for a long time the candidates varieties for their performance and quality in conditions with controlled biotic and abiotic factors (comparison with and without pesticides, less fertilizers or less water). New development are necessary to answer the request of the users and the civil society in terms of productivity, quality and regularity of the production but also in terms of food and feed quality and security. We currently develop this new approach in France through the VCUS (S for sustainability) thanks to the regulationon current S&PM. This regulation is a strong policy and economical tool to reach this objectives with slightest reasonable cost, for the administration but also for all the stakeholders and the whole supply chain.

2.3 Are certain problems underestimated or overly emphasized?
Overestimated

2.3.1 Please indicate the problems that have not been estimated rightly
- For the cost estimation, it's important to consider not only the direct cost supported by the administrative authorities but also the cost supported by the applicants and the supply chain

which participate at the VCU networks under official supervision. Don't forget that actually, only 10% of the official VCU trials in France are realized directly by the official agency and 90% are realized by applicants, technical institutes, cooperatives, … The transfer of VCU trials performed by the seed industry and the supply chain under official supervision is already a reality in France. - Other important point : the cross subsidization of the studiesbetween crops have 3 positive consequences : (a) to maintain the VCU evaluation for crops (species) concerning small markets (oat, lupin, sorghum …) or crops (species) with an important cost trial per variety (fodder crops) / (b) to maintain a comparison and references results between all candidates varieties created by all seeds companies, from the smallest till the biggest ones. (c) to maintain genetic diversity which also means maintaining diversity between seed companies and breeding programs.

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?

No

3.2 Have certain objectives been overlooked?

Yes

3.2.1 Please state which one(s)

- Answers to the global food crisis, the climatic change and the importance of the reduction of the inputs in agriculture (nitrogen, pesticides, water, ...) are the main objectives for the public policies, the agriculture sector and the civil society in general. It would be a strategic error to reduce the effort realized since the sixties' on productivity, quality and regularity of the agricultural and forestry productions. - The main question is "how to maintain or develop the effort?" in this new context. The genetic innovation is an important tool to develop more diversity of varieties for better adaptation toconditions and constraint situations. Traceability and quality of the S&PM is also the guaranty to maintain along the whole supply chain the characteristics of the variety chosen and the healthy high quality of the S&PM but also of the feed and food productions. - The last point is the importance of the varieties information delivered to the different actors of the whole supply chain. This information must be reliable, impartial, official, available but also diverse and useful. VCU networks using results data produced before, during and after registration under official supervision is a right way to optimize the global costs of the regulation but also the return on investment of each stakeholder in the whole supply chain.

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

- As explain before, the main objective is not to reduce the costs but to optimize and to adapt the regulation as regard the objectives of productivity, regularity of the production and food & feed sanitary security.

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

Secure the functioning of the internal market for seed and propagating material

Empower users by informing them about seed and propagating material

Contribute to improve biodiversity, sustainability and favour innovation
1

Promote plant health and support agriculture, horticulture and forestry

3.6 Other suggestions and remarks
- For question 3.4, don't forget that the registration is a public authorisation for marketing through a compulsory regime whereas the PBR is a private voluntary right. If technically, the same DUS tests and results would be used for these two different objectives, legally the applications are completely different. And, for agricultural crops, DUS is not sufficient. In case of registration, official VCU testing is also necessary for the reasons explained above.

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)
The main question is to reach the objectives defined above (productivity, quality, regularity, sustainability, traceability, feed and food sanitary security, ...) by an optimize approach of the current regulation which has allowed and still allows a great flexibility and efficiency. This evolution must be technically and financially acceptable for all stakeholders and public authorities concerned by the genetic improvment and its capacity to answer to the new requests of the market and the civil society.

4.3 Are certain scenarios unrealistic?
Yes

4.3.1 Please state which one(s) and why
- DUS : Scenario 2, 3 and 4 propose to replace the distinction between varieties by the identity of each variety. This option would mean an important distortion between breeding companies, some with their own incomplete reference collections without the candidate varieties applied by other breeders, the others having their registration based on the official reference collection. Don't forget that the DUS tests are based on phenotypic criteria observed in the same location between candidate varieties and already registered varieties. It's not only a comparison between data declared in a global date base. About cost, DUS tests done at the level of breeders would mean an drastic increase of the cost compared to the situation with test done by the authorities and the possibility to cooperate between member states - VCU : Scenario 3, 4 and 5 proposed are clearly incompatible with the objectives of harmonization and forget the role of the official regulation to promote the innovation and the answers of the agro economic and environmental diversity as explained above. No harmonization also between companies creating distortions between the biggest ones and the smallest and the risk of a reduction of the diversity of varieties as its necessary to answer to a stronger segmentation of the market.

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)
- the impact on employment and jobs are clearly overlooked. Is it really serious to imagine that “a part of the staff could potentially be recruited by private companies” based on their specific expertise, especially if the regulation on which is based their expertise is strongly reduced or stopped! - More important and certainly crucial is the loss of the expertise (DUS but also VCU) of a great number of employes or experts for the smallest crops (species) given up by the industry because of their too small markets or not competitive at the international level.

5.3 Are certain impacts underestimated or overly emphasized?
Underestimated

5.3.1 Please provide evidence or data to support your assessment:
- The positive impact on continuous and officially recognized genetic improvement : read Brisson & al 2010

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
Fairly beneficial

Scenario 2
Fairly beneficial

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:
DUS and VCU testing must be compulsory, the decision of registration at the national level before the european level, with a possible harmonisation and a certain centralisation for DUS, a VCU testing under supervision with a complementary new approach based on sustainability (VCUS)

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?

For registration : For DUS - The regulation about DUS testing must take into account the “one key - several doors” principle in order to provide a good efficiency level between DUS testing for national listing and DUS testing for plant breeder’s right. Out of this principle, it would be necessary to repeat the DUS test in case of application for both purposes. - DUS tests must be done by official bodies according to the CPVO protocols under the Quality System developed by CPVO. For a given species, DUS tests could be undertaken by more than one member state within the EU to take into account the variety diversity (earliness, type of development) - DUS decision in on member state can be done on a the basis of results obtained in another member state as soon as they fulfill the CPVO requirements - Results of a first year of DUS test done by the applicant subject to an official supervision could be used to speed up the test done by the official body. More generally, when necessary additional results produced by the applicant according to a protocol defined by the competent authority in the member state can be taken into account. - Based on the requirement stating that a candidate variety must be distinct from any variety belonging to the reference collection based on the common catalogue and from any candidate variety applied before, a system with the two years done by the applicant would mean a large workload and extra cost for maintaining reference collections in different applicant premises. In addition, each candidate variety would not be compared to the other ones. - About re registration, the control of the variety conformity against the initial description and : or the original seed lot must be the only condition. For VCU - Due to the diversity of the agro climatic conditions and of the technological quality criteria among the EU member states, the VCU evaluation must be defined at the national level and based on national or European networks covering similar agro climatic conditions. Each member state can establish the VCU protocol according to the importance of the species in its territory. - A minimum set of common criteria must be defined at the EU level to characterize the new varieties for information of users - VCU testing networks can be established with the participation of private stakeholders under official supervision in order to get technical and cost efficiency - The VCU results must be publicly available to anyone in the EU - VCU regulation for registration is a tool for public authorities to promote new developments in plant breeding policy. General axis can be given at the EU level but their implementation must be defined at the national level. - According to the elements above, coordination by the CPVO seems not relevant for VCU.VCU evaluation left to private sector or optional would suppress the role of the public authorities in the orientation of plant breeding programs and lead to a market drive system.Re registration must not include a new VCU evaluation, the use of the variety during the first registration period being the basis to get more information on the actual value of the variety For certification : We supports the approximation with the status of plant health. • Need to set up and implement an organization of the delegation system of analysis under official supervision consistent with the "plant health" system with: o National Reference Laboratory: responsible for Inter-laboratory Proficiency Testing (IPT), controls of official analysis control of analysis performed under official supervision, animation of laboratories network. When appropriate, direct official analyses o Approved laboratory, in charge of direct or analyses performed under official supervision o Licensed laboratory performing the internal analysis of self-monitoring and / or analyses under official supervision (1). (1) : It appears here a difference in the French system at least, between - the plant health system where company laboratories (ie recognized laboratories) perform “auto-control analyses” and not “analyses” under official supervision - the system of seed certification which company laboratories (so-called licensed laboratories) where certification tests would be "under official supervision". • To ensure an harmonized and equivalent system between Member States, whatever the scenario chosen, it is essential to build on EU Reference Laboratories whose role would be the harmonization of supervision’s methods (including the definition of standard methods to be applied (ISTA), the process control of official analyses and analyses performed under official supervision and intensity controls, such as inter-laboratory comparison tests). • It is essential to maintain official direct analyses or exams, whatever the scenario chosen (2) (2): Explanation: - Some seed companies cannot afford to have their own laboratory or subcontract to another seed company analyses under official supervision (e.g. for competitive reasons) - Or in case of major non conformity of a licensed laboratory, it should be possible to make direct official tests until a return

to a reliable situation of the laboratory.

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:
The remarks, recommendations and propositions above would be taken to propose an alternate scenario, scenario optimized, adapted and flexible with the main objectives proposed

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: