

1. INTRODUCTION

1.1 What is the name of your organisation?

Plantum NL; the answers in this questionnaire relate specifically to agricultural crops

1.2 What stakeholder group does your organisation belong to?

Breeder of S&PM; Supplier of S&PM; Other

1.2.1 Please specify

Plantum NL is the Dutch association representing the interests of companies who are active in breeding, tissue culture, the production and trade of seeds and young plants. Plantum NL has about 400 members with activities in agricultural, horticultural and ornamental species.

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)

2.1 Plantum NL is of the opinion that at least part of these problems have not been correctly identified. We have the following comments: Complexity and fragmentation of the legislation: Plantum NL agrees that both simplification and consistency is always welcome. However, - as it was also the conclusion of the final report – fundamental changes are not needed in the legislation. High level of administrative burden in particular for public authorities: Plantum NL thinks that the review should not only look at public burdens but also to the burdens that are born by business. The system has to be cost effective for everyone, public and private. Distortions in the internal market: Stricter national requirements which may be applied by Member States lead to a non-harmonised implementation of the legislation. It is indeed possible that there are somewhat different requirements in some Member States but the fact that there are some differences in the requirements does not necessarily lead to a distortion. It has to be underlined that the stricter national requirements in the context of the S&PM legislation are meant to reflect the environmental conditions that can vary from one Member State to another. This is an important and positive feature of the current legislation which Plantum NL supports and would like to see maintained. Room to strengthen sustainability issues: Strengthening of sustainability of is an important issue, but not the only one. Therefore we do not agree with the problem definition as provided in the “Options and analysis paper” and consequently we do not agree with the Commission’s analysis of sustainability and of related impacts throughout the paper. The Commission seems to have an over simplistic perception and understanding of the meaning of productivity. Productivity is a relation between input and output (including also processing and quality aspects). The problem definition states that the current legislation is focused on productivity which is still an important factor. We would like to underline that productivity is THE key factor in variety testing non the least because it already takes care of important sustainability criteria. (Please also see references under question 2.4) Sustainable intensification means raising yields, increasing the efficiency with which inputs are used and reducing the negative environmental effects of crop production. Therefore, sustainability is optimised when the amount of natural resources (land, water, fuel, fertiliser) used per unit of useful crop production is the lowest, i.e. via the most productive varieties. 2.2 Plantum NL is of the opinion that the following issues were overlooked: - The objective to improve the productivity of agriculture in order to ensure food security in the EU as mentioned on page 3 was not only an important objective in

the past, but still is a very important objective. See remark above. - The lack of consistency between national variety lists and the Common Catalogue has not been considered yet. It is however, important to find a solution for this in the review of the S&PM legislation.

2.3 Are certain problems underestimated or overly emphasized?

Underestimated

2.3.1 Please indicate the problems that have not been estimated rightly

1. As indicated earlier, the problem described as “room to strengthen sustainability issues” is not correctly estimated. In this respect we refer back to our answer provided under question 2.1 and emphasise that sustainable intensification is the right solution to meet the sustainability policy goal. 2. A reference to specific markets for organic crops which are increasing their market shares is made. We are of the opinion that such varieties are important for the genetic pool and breeding work but such markets are going into the direction of extensive agriculture. To produce them may not be a sustainable solution and therefore not consistent with the environmental goal sought by the Commission. 3. The problem defined as “high level of administrative burden” seems to only concentrate on the wish to reduce the administrative burden on the side of public authorities and underestimates the need to also reduce such burdens on companies. Moreover, it underestimates the high public benefit of the Member State’s investment into the testing of both varieties and seed 4. In case instead of 12 Directives 1 Regulation is defining the legislative framework but that 1 Regulation is of very complexity, in the end it will not deliver the desired simplification. The number of legislative instruments is not the decisive point where improvement could be brought but it is the content of such legislative instrument which counts.

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)

3.1 The following objective has been incorrectly defined and placed according to us: We consider that innovation is a separate and overall objective of the S&PM legislation and as such it has to be identified as an individual objective by itself. It should not only be linked to sustainability only as is done in the text now. 3.2: The following objectives have been overlooked: - Fulfilling the EU’s global responsibilities for food security and globally sustainable agriculture. - The intervention/ existence of regulation is important for agricultural crops to avoid a possible market failure by not using the best varieties for sustainable productivity. - The intervention/ existence of regulations also stimulates innovations in agricultural crops. - 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 objective focusing on the need of wider diversity of plant varieties should be explained differently. Wider diversity is not a goal in itself in the framework of the seed marketing legislation. We are of the opinion that farmers should have a choice of appropriate varieties. This choice should focus on varieties which are beneficial, fit for use and fit 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

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

Promote plant health and support agriculture, horticulture and forestry

3.6 Other suggestions and remarks

As to question 3.5: All the objectives listed in the table are important but we feel uncomfortable with this question as it might give a misperception of the priorities as understood by the industry. Therefore we prefer indicating our list of priorities here below: - Availability of high quality, innovative, clearly identifiable varieties allowing sustainable intensification - EU's responsibility for global food security (for agricultural crops) - Availability of healthy, high quality seed and PM - Functioning of the market - Biodiversity - Information of the users As to question 3.4: Our answer given to question 3.4 is justified by the following reasons: - not all varieties that are applied for listing are protected - not all varieties that are protected are placed on the market (this is, in particular, the case for hybrid parent lines) - plant variety protection is only based on DUS whereas registration of agricultural crops also should involve VCU testing - in some cases breeders only apply for national plant variety protection and not protection on EU level

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 as defined in the "Options and analysis paper" can achieve the desired goals needed. A combination of elements presented in the different scenarios might lead to a better scenario therefore Plantum NL welcomes the possibility offered by the Commission to execute such a combination.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

Scenario 1: As full cost recovery will lead to shift of cost burden from (some) Member States to stakeholders which is not 'compensated' by increased efficiency or flexibility in scenario 1 we are of the view that there is no justification for this scenario per se. Furthermore, scenario 1 only focuses on one of the identified objectives but none of the others and it is therefore inconsistent with the overall aims of the review. Scenario 3: We believe that scenario 3 is unrealistic in

relation to agricultural crops. It introduces the possibility of registering agricultural varieties without proper performance testing and certification which leads to massive dis-harmonization and creates a double market. It is complex for users and confusing for consumers and the reactions the market may produce in case of such a scenario have been incorrectly assessed in our opinion. Scenario 4: We believe that scenario 4 is unrealistic. It is complex for users and confusing for consumers and the reactions of the market seem to have been incorrectly assessed. This scenario seems to focus on extending possibilities for niche markets. These extending possibilities are overestimated by the Commission according to us. Therefore, we do not see the need for any additional rules and legislation. However, we can support the current system (Directives 2008/62 and 2009/145) which has been put into place for conservation and amateur varieties.

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 consumer information and protection (consumers cover the actors of the whole chain including farmers, growers, processors) – also with a view to traceability - of each scenario could also be considered. If certain elements of the legislation are taken away, there is less information to consumers and with that also reduced protection of consumers which would also be contrary to the trend in other policy areas.

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

See on separate document (Answer to Question 5 3 Agricultural crops Plantum NL May 2011)

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

Rather negative

Scenario 2

Fairly beneficial

Scenario 3

Very negative

Scenario 4

Very negative

Scenario 5

Don't know

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

Scenario 5 has some interesting elements but we don't understand how it would work in practice. For the other scenarios please see the reasoning under Q 5.3

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?

As already stated under question 4.2 we are of the opinion that a combination of some elements from scenarios 2 and 5 can be taken as a basis for a new scenario together with some new elements. Please see our preferred 'scenario' in a separate document. (Answer to question 6 1 Agricultural crops Plantum NL May 2011)

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:

- We have realized that unfortunately the assessment presented in the individual tables after each scenario under Chapter 5 of the "Options and analysis paper" and the assessment presented under Chapter 6 are on several occasions contain important mistakes or typing errors. - Also - as extensively explained under question 5.3 - we are of the view that certain impacts have been incorrectly identified. For these reasons please find below the comparison of the scenarios – including also our proposed new scenario – as we see it: see table in Annex

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:

