

1. INTRODUCTION

1.1 What is the name of your organisation?

Swedish Forest Agency

1.2 What stakeholder group does your organisation belong to?

Competent Authority (CA) involved in S&PM certification and control

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

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2. PROBLEM IDENTIFICATION

2.1 Are the problems defined correctly in the context of S&PM marketing?

Yes

2.2 Have certain problems been overlooked?

Yes

2.2.1 Please state which one(s)

Forest reproductive material (FRM) is not mentioned. It is unclear how FRM fits into the proposed scenarios in the review of the legislation on S & PM.

2.3 Are certain problems underestimated or overly emphasized?

Overestimated

2.3.1 Please indicate the problems that have not been estimated rightly

Swedish suppliers and consumers are satisfied with the current directive on marketing of FRM (1999/105/EC) and express no need to change this legislation. The administrative burden is not considered high and costs need not to be reduced.

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?

No

3.2.1 Please state which one(s)

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 opinion

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

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)

Yes, the previous scenario 1 should not have been discarded since it is particularly suited for FRM.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

The scenarios may be defined correctly in the context of marketing of certain S & PM. However for FRM, scenarios 2-5 are not realistic. The main reasons are: i) Seeds from forest trees are not certified; ii) DUS- or VCU testing is not performed on FRM; iii) Species, subspecies or artificial hybrids are the taxonomic levels which mainly are used in Swedish forestry, whereas clones or varieties are used to a significantly smaller extent; iv) Unique for FRM is the division of basic material into four categories: source identified, selected, qualified and tested. These categories are well established within the EU, and are also strongly connected with and therefore a prerequisite for the trade with third countries within the OECD-scheme. It is thus of great importance to keep these categories in the S & PM legislation. Of the above mentioned reasons, scenarios 2-5 are not adequate to consider for FRM.

4.4 Do you agree with the reasoning leading to the discard of the "no-changes" and the "abolishment" scenarios?

No

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)

Even though the impacts are analysed for several important criteria, a serious flaw in the impact assessment is that the different types of S & PM are not recognized. Consequently for FRM with its unique properties, no guidance is provided whatsoever on how a modified legislation will affect the forestry sector. Note that scenarios 2-5 actually counteract with the policy objectives of the review to "support forestry". An impact assessment of scenarios 2 to 5 for FRM would likely reveal e.g.: i) decreased availability of FRM; ii) a seriously hampered internal marketing and trade within the OECD-scheme; iii) large negative impact by increasing cost and administrative burden for public authorities and for stakeholders of FRM; iv) decreased biodiversity since the supply of FRM for minor species likely will decrease; and v) smaller suppliers of FRM in Sweden will likely be outcompeted as production costs will increase.

5.3 Are certain impacts underestimated or overly emphasized?

Underestimated

5.3.1 Please provide evidence or data to support your assessment:

no answer

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

No opinion

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

Very beneficial

Scenario 2

Very negative

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:

no answer

6. ASSESSMENT OF SCENARIOS

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

Scenario 1

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

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:

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7. OTHER COMMENTS

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

In Sweden, 55 % (22.5 million hectares) of the land area is productive forest land. Regeneration with genetically and phenotypically locally adapted FRM consequently is a top priority for forestry and for a sustainable forest management. One important aspect of the directive 1999/105/EC is to ensure, by the master certificate, that suppliers of FRM give consumers the proper information primarily on the origin and genetic background of the FRM. This is of major importance due to the exceptionally long rotation time of forest trees and thus their need to adapt to various abiotic and biotic environmental changes including for instance climate, pests and diseases. Given the multifunctional roles of forests in Europe with its great economical, ecological, environmental and social values, it is particularly remarkable that the Commission so far has not taken special consideration to FRM, neither in the proposed scenarios for the revised S & PM legislation, nor in the option and analysis document. The Swedish forest agency therefore appeals to the Commission to in the further review process of the S & PM legislation, carefully consider the unique conditions which characterize forestry and FRM. The Swedish forest agency regards it of utmost importance to, on the whole, keep the content in directive 1999/105/EC unmodified, even in the case of a common S & PM regulation and when merging with other legislations. This may well be accomplished by, in the planned common horizontal regulation, clearly stating in all relevant articles and annexes etc., the special conditions which apply to FRM.

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:

The views presented here can be found in a previous statement to the Commission from the Swedish ministry concerning the review of the legislation on S & PM. These views are also more briefly expressed in the response on the option and analysis document to the Commission from the Swedish Board of Agriculture.

