

TONIO BORG

MEMBER OF THE EUROPEAN COMMISSION

Brussels,

03. 05. 2013

01003209

Dear Mr Schrefel,

Thank you for your letter of 19 April 2013 which you sent to my Cabinet, and in which you express your concerns regarding the on-going revision of the EU legislation on plant reproductive material (PRM).

I would like to reassure you that the Commission proposal on PRM, which is about to be finalised, delivers concrete benefits, not only for the provision of high quality and healthy material to breeders and producers on the internal market, but also for the promotion of biodiversity and for the specific needs of particular segments of the market, such as organic producers and niche markets, which are often of special interest to micro-enterprises.

From the wide consultations which have been carried out, the Commission is aware that a variety of options for market access of different kinds of PRM are necessary to respond to the different purposes for which such material is used. The first drafts on which you base your concerns have considerably developed and changed further in the past months.

First of all, I would like to point out that the compulsory registration of seeds for any commercial use is already part of the European legislation.

The obligatory system to register and test new improved varieties has allowed the EU to develop to one of largest exporters of seed of the world. Moreover, the EU has the obligation to follow international standards on seeds on varietal identification and certification. The rules in the new proposal on testing of new improved varieties have been made more flexible than the current ones as regards e.g. uniformity criteria or insofar as they allow tasks to be carried out by operators.

Compared with the internal draft from last year, more flexible rules are now made available for the registration of old traditional varieties. For such material, a description according to the standards is often not available; therefore, other evidence may be put forward when applying for registration of the variety, such as historical data or practical knowledge. Furthermore, the proposal recognises that certain material may be marketed without any variety registration, either because it responds to specific needs, such as in terms of resilience, or because a particular segment of the market, such as small farmer breeders or micro-enterprises, require it for their special purposes.

Mr Christian Schrefel
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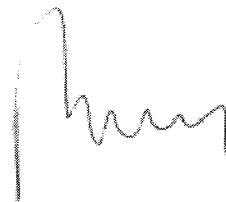
In terms of legal requirements thus a number of derogations to variety registration have been introduced, partly for the first time, for old traditional varieties, heterogenous plant material (not fulfilling the variety definition) and niche market material. The rules on marketing of PRM have been adapted to type of material, the production systems and the size of business. Moreover, a number of current requirements for the old traditional varieties (on the so called conservation and amateur varieties) have been abolished: There is no variety testing, no seed certification, no quantitative restrictions, a flexible determination of region(s) of origin for production and no area marketing restrictions.

Material will be available for all kinds of production systems and needs: improved varieties for sustainable agriculture, better testing covering the needs of organic agriculture, heterogenous material for organic or other low input systems, traditional varieties adapted to regional or local conditions and niche market material for small scale production.

The proposal will also exclude from its scope certain activities, since they are carried out by non-professional operators or since they serve special purposes, like the conservation of genetic resources. In addition, the stakeholders which you represent will benefit in the same way as other operators from the improvements in terms of simplification and reduction of administrative burden which the proposal introduces, not the least when it comes to maintaining fees for the registration of traditional varieties at a lower level or to excluding micro-enterprises completely from registration fees.

Thus, the proposal strikes a proper balance between the legitimate interests of stakeholders, consumers and civil society. I therefore sincerely hope you will be able to support the proposal, once published, in the discussions with the other EU institutions.

Yours sincerely,

A handwritten signature in black ink, appearing to be a stylized name, possibly 'M. H. H.', written in a cursive style.