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## Evaluation of the Community *acquis* on the marketing of seed and plant propagating material (S&PM)

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### Inception Report

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### **Acronyms**

CIOPORA: Communauté Internationale des Obtenteurs de Plantes Ornementales et fruitières de Reproduction Asexuée  
CPVO: Community Plant Variety Office  
DUS: Distinctness, Uniformity, Stability  
ECPA: European Crop Protection Association  
EFNA: European Forest Nursery Association  
ESA: European Seed Association  
FCEC: Food Chain Evaluation Consortium  
GM: Genetically Modified  
GURTS: Generic Use Restriction Technologies  
MS: Member States  
OECD: Organisation for Economic Co-operation and Development  
PBR: Plant Breeder's Rights  
PVR: Plant Variety Rights  
PPP: Plant Protection Products  
S&PM: Seed & Plant Propagating Material  
UN-ECE: United Nations – Economic Commission for Europe  
VCU: Value for Cultivation and Use

# Evaluation of the Community *acquis* on the marketing of seed and plant propagating material (S&PM)

*DG SANCO Evaluation Framework Contract Lot 3 (Food Chain)*

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## Introduction

This Inception Report outlines the work carried out by the FCEC (Food Chain Evaluation Consortium) team to date. Since the signature of the contract in December 2007, the team has undertaken a number of activities to facilitate the structuring of the evaluation.

The principal aims of the inception phase have been the clarification of the objectives of the evaluation, the refinement of the methodology and the elaboration of the methodological tools to be applied. This has included the following:

- the development of the intervention logic of the Community *acquis* on the marketing of Seed & Plant Propagating Material (S&PM);
- the refinement of the evaluation matrix;
- the design of the questionnaire for the qualitative survey;
- the identification of the major cost centres for the variety registration and certification activities;
- the design of the questionnaire for the cost survey;
- the development of a database of stakeholders to be targeted during the qualitative and/or cost survey;
- the development of a tentative list of stakeholders for interviews;
- the development of a draft mapping of the registration activity (VCU and/or DUS trials) per Member State and per crop/species (in progress).

Additional activities undertaken during the inception phase have included desk research, 8 exploratory interviews as well as brainstorming sessions for the development of methodological tools.

The present Report brings together in a single working document the demands of the 'Tasks Specification Document' of DG SANCO and the methodology of the FCEC offer, as updated and clarified by the work we have undertaken so far.

## **1. Objectives and scope of the evaluation**

This section reiterates the objectives and scope of the evaluation as stated in the FCEC offer.

### **1.1. Objectives**

The evaluation of the S&PM *acquis* and its implementation in the Community is expected to:

- establish objectively how effectively and efficiently the legislation has met its original objectives,
- identify its strengths and areas for improvement and its robustness with regard to new and potential future challenges affecting this field,
- analyse the coherence of the intervention with other related interventions, and with the OECD and other international standards,
- assess the relevance and the utility of the intervention.

In doing so, this evaluation has both a technical and a strategic component.

Being placed in the general context of the Better Regulation initiative of the Community, the evaluation's primary aim is, in close cooperation with the steering group, to:

- identify the current problems and needs,
- suggest possible objectives that the Community should pursue in order to respond to the identified problems and current and expected future needs,
- identify different realistic options to achieve the proposed objectives,
- analyse the social, environmental and economic impacts of each of those options, as well as their feasibility, stakeholders' level of support and their strengths and weaknesses.

The concepts of simplification and reduction of administrative burden regarding variety registration and seed certification on the public authorities and the private sector stakeholders should be behind the analysis of the relevant options.

### **1.2. Scope of the evaluation**

The evaluation addresses the *acquis* on the marketing of S&PM (*operational scope*), as transposed and implemented by the MS since the origin of the various Community texts (*temporal scope*). Where possible, it will be measured through the effective improvement of the varieties (of plant species covered by the *acquis*) offered on the EU market (*geographical scope*), and the level to which the seed lots offered for sale on the market meet the standards laid out in the annexes to the directives. The impact of the harmonisation of marketing standards at Community level will equally be examined.

Besides the measurement of the impact that the S&PM *acquis* have had on users and producers of these products in the Community, the evaluation will have a forward looking component (*temporal scope*), in that it will examine options to ensure that the *acquis* support a harmonious further

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development of agriculture, horticulture and forestry, and its supply sector, and make recommendations accordingly.

The evaluation will address the specific needs of the marketing of the conservation varieties. The evaluation covers also the issue of the coherence between the seed marketing legislation and the other interventions of DG SANCO, such as the phytosanitary aspect. Equally, the evaluation will look into the impact of the cultivation of GM seed crops.

Lastly, in 12 out of 27 Member States, the *acquis* are just recently introduced. Especially in those Member States there will be scope for assessing the impact (already measurable and anticipated) of the *acquis* on the various stakeholders.

The last two points (conservation varieties and impact of the Community *acquis* in the EU12 MS) will be subject to 2 ‘in-depth’ studies, as explained below under section 7.

### **2. Refinement of the methodological approach**

Overall, the methodological approach follows the tasks described in the FCEC tender: i.e. inception, data collection, data analysis and reporting. The refinement of the methodological approach has mainly concerned the gathering of crops/species into three groups, the representativeness of the sample for the qualitative survey and for the interviews, the reliability of the data on costs as well as the approach for data analysis.

#### **2.1. Gathering of crops/species into three groups**

As suggested by DG SANCO officials during the exploratory interview, the crops/species regulated under the Community *acquis* have been gathered into three groups for the purpose of data collection, data analysis and reporting, as follows:

- The group ‘Seed’: this group gathers the crops/species regulated under the Council Directives 66/401/EEC (fodder plant seed), 66/402/EEC (cereal seed), 2002/54/EC (beet seed), 2002/55/EC (vegetable seed), 2002/56/EC (seed potatoes), 2002/57/EC (seed of oil and fibre plants), 2002/53/EC (common catalogue of varieties of agricultural plant species);
- The group ‘Propagating material’: this group gathers the crops/species regulated under the Council Directives 68/193/EEC (material for vegetative propagation of the vine), 92/33/EEC (vegetable propagating and planting material other than seed), 92/34/EEC (fruit plant propagating material and fruit plants intended for fruit production) 98/56/EC (ornamental plants);
- The group ‘Forestry material’, which refers to the Council Directive 1999/105/EC on the marketing of forest reproductive material.

#### **2.2. Representativeness of the sample for the qualitative survey and for the interviews**

Some members of the Steering Group and people interviewed in the exploratory phase specifically asked on the representativeness of the sample of stakeholders targeted by the qualitative survey and by the interviews.

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This point appears of critical importance to the FCEC team when considering the large number of topics to be covered by the evaluation, the large variety of crops/species covered by the EU S&PM *acquis* as well as the wide range of different stakeholders.

As a follow-up, we have revised and refined the data collection process as follows:

A *preliminary questionnaire* (see annex I) was sent on December 20 to all delegates (EU 27) of the Standing Committees on Seeds, Seeds-Forestry, Ornamental Plants and/or Fruit Genera and Species. This questionnaire aimed at identifying the key national stakeholders in the area of the marketing of seed and plant propagating material, i.e. the key representatives of the policy making authorities; variety/material registration authorities; certification authorities; professional associations of users of S&PM (including organic farming); professional associations of suppliers of S&PM (breeders and multipliers) and other stakeholders (including public breeding sector).

Breeders, multipliers and users of S&PM will not be targeted individually during the survey but through their professional associations at national and European levels (ESA, CIOPORA, EFNA and COPA-COGECA).

All MS have answered to this preliminary questionnaire. The main characteristics of the identified stakeholders are as follows:

**Table 1 – Characteristics of the identified stakeholders**

Country	Total		Type of stakeholders						Crop Group		
	Nb	%	Policy making	Variety registration	Certification	Users	Suppliers	Others	Seed	Propagating Material	Forestry
AT	22	3,2%	9	5	5	2	0	1	18	16	14
BE	49	7,2%	3	7	8	14	12	5	35	14	17
BG	33	4,9%	4	1	1	20	0	8	29	12	6
CY	8	1,2%	2	2	2	0	2	0	7	3	1
CZ	40	5,9%	2	2	2	20	7	7	13	19	14
DE	33	4,9%	5	3	4	15	9	1	18	23	12
DK	44	6,5%	5	1	4	13	14	5	29	26	9
EE	11	1,6%	0	0	2	5	0	4	5	3	6
ES	20	3,0%	4	2	3	4	3	9	18	18	17
FI	16	2,4%	2	3	3	3	4	1	7	9	11
FR	116	17,1%	3	2	4	35	34	38	66	38	25
GR	18	2,7%	6	1	4	1	5	1	12	13	5
HU	23	3,4%	3	4	4	6	2	6	17	19	5
IE	5	0,7%	2	2	2	0	1	0	5	0	0
IT	9	1,3%	1	1	1	3	4	0	9	9	1
LT	19	2,8%	3	2	4	0	4	6	7	5	7
LU	7	1,0%	4	1	1	0	1	0	4	2	2
LV	20	3,0%	4	1	2	5	4	5	14	13	2
MT	2	0,3%	2	0	0	0	0	0	2	2	2
NL	21	3,1%	1	4	3	5	5	3	8	19	5
PL	19	2,8%	2	1	2	5	5	4	8	13	7
PT	9	1,3%	2	1	3	0	3	2	4	5	1
RO	16	2,4%	9	4	10	0	1	0	15	15	6
SE	19	2,8%	4	4	3	4	5	2	13	13	2
SI	31	4,6%	3	1	4	10	11	2	10	14	13
SK	21	3,1%	2	1	2	3	0	13	12	11	4
UK	46	6,8%	9	5	9	11	9	10	38	24	13
<b>Total</b>	<b>677</b>	<b>100,0%</b>	<b>96</b>	<b>61</b>	<b>92</b>	<b>184</b>	<b>145</b>	<b>133</b>	<b>423</b>	<b>358</b>	<b>207</b>

The current distribution of number of stakeholders per Member State is not representative of the EU S&PM market. As a pre-requisite to the analysis of the responses to the qualitative survey, the FCEC team will define the possible adjustments needed to the sample of respondents in order to consider the main characteristics of the EU S&PM market, for example the relative economic importance of the 3 different groups of crops and of the different Member States on the S&PM market. It will also ensure that all types of stakeholders are considered during the analysis of the responses, to the extent of their relative importance.

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Additionally, because the responses provided by the stakeholders will be at the basis of the conclusions and recommendations of the evaluation (together with the data collected during the in-depth interviews and the in-depth studies), the FCEC team will specifically require the approval of this methodology by DG SANCO and the Steering Group.

The *qualitative questionnaire* (annex II) has been sent electronically to ALL stakeholders that have been identified by the Member States in the preliminary questionnaire. Only individual private operators have been removed.

In order to maximize the rate of response, we will proceed with up to two email reminders to the stakeholders, if needed. Additionally, FCEC has presented the qualitative questionnaire to the Standing Committee on Agricultural, Horticultural and Forestry Seeds and Plants on the 25th of February 2008.

The qualitative questionnaire is also being posted on DG SANCO website ([http://ec.europa.eu/food/plant/propagation/evaluation/index\\_en.htm](http://ec.europa.eu/food/plant/propagation/evaluation/index_en.htm)).

### 2.3. Reliability of the data on costs

The 'Tasks Specification Document' of DG SANCO distinguishes between three types of costs, i.e. the administrative costs, the compliance costs and the enforcement costs. It also mentions that 'A specific focus should be put on administrative costs. The evaluators are required to provide a precise quantitative analysis of administrative costs under the current system, using the Standard Cost Model (Administrative costs of obligations under the EU legislation) as far as possible and providing at least an average of the costs for both the public authorities and companies'.

The FCEC tender mentions the use of two quantitative questionnaires to collect data on costs:

- one quantitative questionnaire concerning issues of costs (administrative and enforcement costs) incurred by public authorities and addressed to relevant public bodies at MS level (legislative, registration, certification);
- one quantitative questionnaire addressing issues of costs (compliance costs) incurred by private operators and addressed to representatives of professional organisations.

During the exploratory interviews of representatives of DG SANCO and of national public authorities, it appeared that:

- The public authorities and the private operators (suppliers and users of S&PM) do not distinguish between the administrative, compliance and enforcement costs. Overall, they distinguish between the costs per activity;
- The costs for the public authorities and for the private operators vary in each Member State according to the structure of the public administration (centralised or decentralised structure as observed for instance in Germany, Romania or Spain), the way the certification activity is organised (e.g. certification under official examination or certification under official supervision), the level of requirements imposed by the national legislation for registration and certification, etc;

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- The ultimate objective of the data collection on costs is to get a reliable basis for comparison between the current costs associated with the implementation of the EU S&PM *acquis* and the costs associated with the main options for a revision of the *acquis*.

Consequently, the approach to collect data on costs has been refined according to the following principles:

- The data collection on costs will target the Seed group only;
- It will take place in two phases:

During the first phase, a short questionnaire will be sent by email to the delegates (EU 27) of the Standing Committee on Seeds as well as to the European and national professional associations<sup>1</sup> of suppliers of S&PM (breeders and multipliers) in the seed group. The extent to which the national professional associations will be targeted directly and/or through the ESA will be discussed with the ESA on the 5<sup>th</sup> of March. They will be specifically asked to collect overall estimations at the most relevant organisations/private operators within their members. Considering that around 24 interviews (see table 6 below) are planned for national authorities and associations of suppliers in the seed group, that a few interviews are planned in Poland or Romania (see point 7) and on the condition that those interviewees have also responded to the costs survey, the FCEC team plans to make a quality control during the interviews of the answers provided in the cost questionnaire.

During the second phase, the FCEC team will further investigate costs at up to 6 stakeholders, in what concerns the structure of the costs as well as the effects on costs of the preferred options for better regulation. Such investigation will take place in the framework of an in-depth study. As explained at point 7 below, this in-depth study will focus on one crop in two Member States (one Member State with low costs and one Member States with high costs). In each Member State, interviews are planned with 1 representative of the national variety registration authorities, one representative of the national certification authorities and one representative of the suppliers.

The short cost questionnaire is provided in annex III. It focuses on the major costs centres for the variety registration and the certification activities in the seed sector as presented below. The FCEC team has identified those major costs centres on the basis of the review of the obligations for the public authorities and for the companies as stated in the seed directives, the analysis of the structure of the fees applied in the UK and in The Netherlands and as a follow-up to an in-depth discussion with representatives of French variety registration and certification authorities.

The cost questionnaire is also being posted on DG SANCO website ([http://ec.europa.eu/food/plant/propagation/evaluation/index\\_en.htm](http://ec.europa.eu/food/plant/propagation/evaluation/index_en.htm)).

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<sup>1</sup> Those professional associations have been identified as a follow-up to the preliminary questionnaire (see point 2.2. above).

## IDENTIFICATION OF MAJOR COSTS CENTRES – SEED GROUP

### VARIETY REGISTRATION

#### PRE-REGISTRATION

##### *Pre-registration costs*

- Production of preliminary data (VCU)
- Production of data for application submission (DUS)
- Administrative costs for applications preparation and submission

#### REGISTRATION

##### *DUS Test costs*

- Technical and administrative management of demands
- Planning of experimentation
- Reception and disposal of materials
- Conducting of experimentation
- Networks management and co-ordination
- Trials approval including field visits
- Validation and treatment of data
- Maintenance of reference collections

##### *VCU Test costs*

- Technical and administrative management of demands
- Planning of experimentation
- Reception and disposal of materials
- Conducting of experimentation
- Networks management and co-ordination
- Trials approval including field visits
- Validation and treatment of data

##### *Administrative management of approved varieties*

- Denomination & publications

#### POST-REGISTRATION

- Maintenance of varieties

### CERTIFICATION

#### CERTIFICATION

##### *Certification costs under official examination*

- Registration of companies, seed-testing laboratories and staff belonging to companies by certification authority
- Official field inspection
- Official seed lot sampling and seed sample testing
- Official labelling of lots

*Certification costs under official supervision*

- Authorisation of companies, seed-testing laboratories and staff belonging to companies by certification authority
- Field inspection by authorised staff
- Seed lot sampling and seed sample testing by authorised staff
- Labelling of lots by authorised staff

POST-CERTIFICATION

- Official post-control examination of varietal identity and purity
- Official recording of control by certification authority
- Official control of marketing
- Granting of equivalence and derogation
- Comparative tests & trials

The identification of the major cost centres for the variety registration and the certification activities has been validated by the representatives of the national authorities belonging to the Steering Group. The short cost questionnaire has been validated by DG SANCO during the inception phase.

## **2.4. The approach for data analysis and reporting**

The data analysis and reporting will be structured according to three dimensions:

- 3 groups of crops: as explained at point 2.1.above, the data analysis and reporting will distinguish between the group ‘Seed’ (which includes seed potatoes), the group ‘Propagating material’ and the group ‘Forestry material’.
- 2 activities, i.e. the variety/material registration and the certification activities. The registration activity will include the VCU/DUS trials, the variety denomination, and the management of the common catalogue and the role of CPVO.
- 3 groups of stakeholders: the authorities at Community and national/regional levels, the professional associations of suppliers of S&PM (including breeders and multipliers) and the professional associations of users of S&PM. The authorities include the Commission, the CPVO, the registration authorities and the certification authorities.

To analyse the lessons from the past and the opportunities for the future (i.e. the options), the FCEC plans to use the technique of the ‘stakeholder analysis matrix’ as follows:

**Table 2 – Stakeholder analysis matrix**

Stakeholders and basic characteristics	Interests affected by the problem(s)	and how the	Options to address stakeholder interests	Advantages/disadvantages of the options, feasibility and acceptance by stakeholders
Authorities	When relevant, distinction will be made per group of crops			
Professional association of suppliers of S&PM				
Professional associations of users of S&PM				

A minimum of two stakeholder’s analysis matrixes will be developed: one for the analysis of the variety/material registration and one for the analysis of the certification. Additional ones (i.e. on common catalogues, role of CPVO) may be added based on the results of data analysis.

### **3. Intervention logic of the Community *acquis* on the marketing of S&PM**

The intervention logic presents the conceptual link from an intervention’s inputs to the support of operational, specific and general objectives.

The general objectives are the overall goals of the intervention. If successful, the intervention should at least induce change in the direction of the general objective (knowing that reaching high-level objectives will usually depend on other factors).

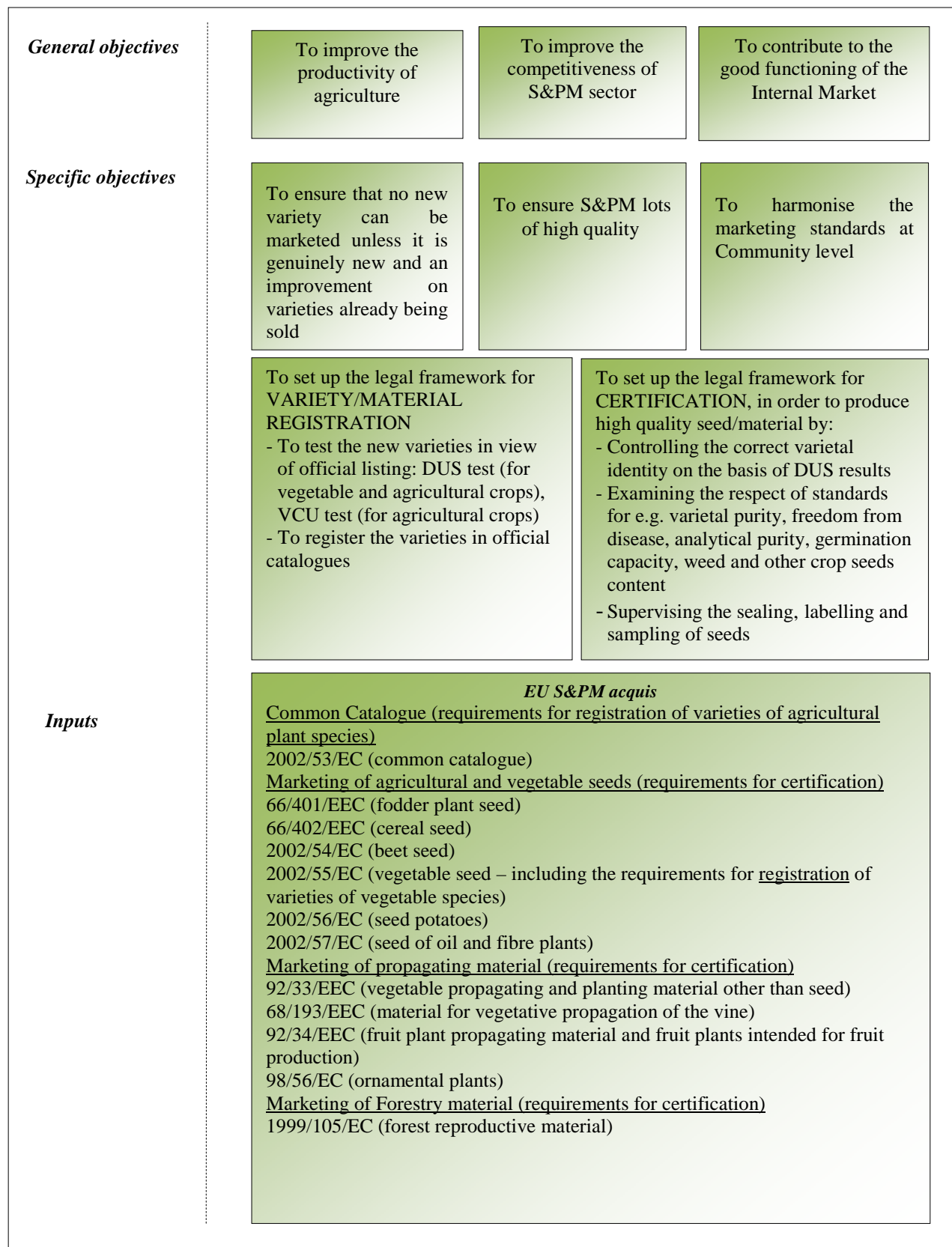
The specific objectives are the immediate objectives of the intervention, i.e. the targets that first need to be reached in order for the general objectives to be achieved.

The operational objectives are normally expressed in terms of outputs that the intervention should produce. The achievement of these objectives is usually under the direct control of those managing the intervention.

The figure below summarises the intervention logic of the Community *acquis* on the marketing of S&PM:

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**Figure 1 – Intervention logic of the Community *acquis* on the marketing of S&PM**



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The Community *acquis* on the marketing of S&PM requires that seed of the main agricultural species must be officially examined (or examined under official supervision) and certified before marketing. The directives define specific standards under which S&PM lots must be marketed. The intention of the legislation is to ensure that farmers buying those S&PM are protected in terms of quality.

Seed Directives have existed since the mid 1960s. The main need felt at the time when the seed Directives were first adopted was to improve the productivity of agriculture, by providing the farmers with seed lots of high quality belonging to new and improved varieties. At the same time it was expected that the industry (breeders and producers) would benefit from the harmonisation of the legislation at Community level leading to more open markets.

Certification requires the multiplication of S&PM through a prescribed generation sequence before it is sold to a farmer to produce a commercial crop. The crop to produce each generation must be shown on examination to meet prescribed minimum standards e.g. of identity and purity of variety and freedom from disease. The seed or propagating material harvested from the crops must be sealed, labelled, sampled and tested to ensure it meets prescribed standards for e.g. identity and purity of variety, germination and moisture content in case of seeds. Only then can it be officially certified and marketed.

National listing is a legal requirement for new varieties of the main agricultural and vegetable species which seeks to ensure that no new variety can be marketed unless it genuinely new and an improvement on varieties already being sold. Once a new variety is listed in the national catalogue, it is registered for the entire EU and listed in the Common Catalogue of varieties of agricultural plant species or the Common Catalogue of varieties of vegetable species.

To get into the national and common catalogue, a new variety of agricultural or vegetable species must meet standards, notably pertaining to Distinctness, Uniformity and Stability (DUS) and, in the case of agricultural crops, Value for Cultivation and Use (VCU). In the case of varieties of agricultural plant species, their satisfactory value for cultivation and use is based on yield, resistance to harmful organisms, behaviour with respect to factors in the physical environment and quality characteristics.

In particular, the Council Directive on the marketing of forest reproductive material stipulates that forest reproductive material may not be marketed unless it is of one of four categories specified by the Directive (source-identified, selected, qualified, tested) and that only approved basic material may be used for its production if the material is to be marketed. Basic material must be approved by reference to a unit known as the unit of approval. All information on units of approval of basic material approved on a Member State's territory is held in a national register, including information about the area(s) in which the material is found or the exact geographic location (depending upon the category). A Community list is drawn up on the basis of the national lists. After harvesting, a master certificate must be issued for all reproductive material derived from approved basic material.

The marketing of S&PM is related to the area of plant health, the protection of plant breeders' rights, the marketing of GM seeds, the marketing of seed and propagating material suitable for organic farming and the protection of biodiversity.

The current evaluation will examine the adequacy of the current intervention logic in terms of:

- Objectives: In addition to the productivity objective, should the EU S&PM *acquis* contains provisions in support of other objectives related to food safety, plant health, the protection of the environment, etc.

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- Activities: (or intervention's inputs to achieve the objectives): do the current requirements for registration and certification answer to current needs?
- Roles of the Commission/Member States/private operators: Is it desirable and feasible to revise the role of the Commission/Member States/private operators to get more effective and/or efficient registration and/or certification activities or should registration and/or certification be abolished?
- Coherence of the intervention with other related interventions at the levels of DG SANCO, other DGs or the international organisations: is the intervention coherent with the related interventions and international schemes?

### 4. Evaluation matrix

The evaluation matrix presented in the FCEC tender has been refined to provide a clearer picture of the sources of data used (qualitative survey, cost survey, interviews, in-depth studies, documentary review) to answer the different evaluation questions and sub-questions.

The primary objective of the qualitative and costs survey will be to get an overall picture of the past /current performances or costs of the EU S&PM *acquis* and of the preferred options for the future.

The primary objective of the interviews will be to collect and challenge the points of view of around 50 stakeholders on the advantages/disadvantages, feasibility as well as positive and negative effects of the options for the future. The interviews will also be the opportunity to further discuss the 'lessons from the past' stemming from the analysis of the results of the qualitative survey. The themes for the in-depth interviews will be further fine-tuned as the evaluation proceeds.

The in-depth studies will focus on specific issues, as further explained at point 7 below. Those in-depth studies will be based on interviews and documentary review.

The column 'related documentation' identifies specific documents or studies collected or identified during the inception phase. The documentary review will also further develop as the evaluation proceeds.

In the framework of our quality assurance, we have taken care that the development of the matrix respects the following criteria of effectiveness and efficiency of the data collection phase:

- Consistency in the use of the different sources of information: e.g., facts and figures are best collected through desk research and survey, judgments through interviews.
- Despite the broad scope of the evaluation, limitation, as much as possible, of the number and complexity of questions addressed in the survey, and of the number of issues discussed during the interviews.
- The use of several sources of information to verify and substantiate an assessment.

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**Table 3 - Evaluation matrix**

EQ	Evaluation questions and subquestions listed in the « Tasks Specification Document »	Related questions of the qualitative questionnaire	Related questions of the cost questionnaire	Topics for in-depth interviews	Topics for in-depth study	Related documents	Expected level of availability of information
<b>LESSONS FROM THE PAST</b>							
<b>EQ1</b>	<b>Effects versus needs and objectives</b> To what extent do the effects induced by the legal provisions of the Directives on the marketing of seed of agricultural plant species (intended and unintended, positive and negative) correspond with its objectives as outlined in the S&PM <i>acquis</i> and the needs it is aimed to satisfy? In case objectives have not been attained (or have been attained only partially) or where the needs have not been satisfied, please specify the reasons (flaws in the system, poor implementation, other...) and provide examples of problems encountered.	1.1.1. 1.1.2. 1.1.3.		Further discussion on the 'lessons from the past' stemming from the analysis of the results of the qualitative survey. Reasons why objectives were not attained or needs were not satisfied			High
<b>A</b>	<b>General <i>acquis</i> framework</b>						
a)	To what extent have the <i>acquis</i> on the marketing of S&PM created the framework for the production and marketing of S&PM of sufficient quality in a sufficiently wide range of varieties to cover the needs of farmers, horticulturalists, nurserymen and foresters in the EU?	1.1.1. 1.1.5. 1.1.6. 2.1.1.2. 2.2.1.2. 2.3.1.2.		Further discussion on the 'lessons from the past' stemming from the analysis of the results of the qualitative survey. Specific topics covered by the interviews:		List of Commission Decisions authorising derogations	High
b)	To what extent have the EU <i>acquis</i> , and in particular the concept of certification, facilitated the free marketing of S&PM in the EU? To what extent can S&PM effectively be traded throughout the EU without impediments created by official or semi-official bodies? Are there examples where the free marketing throughout the Community of S&PM that complies with the provisions is not guaranteed? Is the hindrance based on measures directly derived from the <i>acquis</i> on the marketing of S&PM or on other legislation (such as plant health, plant protection products, GMO-legislation...)?	1.1.3. 1.1.4. 3.1.3.		- Examples where free marketing of S&PM that complies with the provisions is not guaranteed - Examples of national measures put in place to contribute to the protection of plant genetic resources		Statistics on seed production and import/export within the EU (if available)	Medium
c)	To what extent have they created the framework within which the trade of S&PM produced in the EU is competitive on the EU and the world markets?	1.1.5.		to contribute to the protection of plant genetic resources		Statistics on the competitiveness of S&PM produced in the EU (if available)	Medium
d)	To what extent have they contributed to a harmonious development of the S&PM sector in the EU, granting the protection of the income of farmers, seed producers and plant breeders?	1.1.5.		- Benefit of the attribution of PVR for the users of S&PM			High

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EQ	Evaluation questions and subquestions listed in the « Tasks Specification Document »	Related questions of the qualitative questionnaire	Related questions of the cost questionnaire	Topics for in-depth interviews	Topics for in-depth study	Related documents	Expected level of availability of information
e)	To what extent do seed lots imported under the equivalence regime offer the same (or worse, or better) guarantees as the S&PM produced in the EU?	1.1.8.					High
f)	To what extent do the <i>acquis</i> contribute to the preservation and/or erosion of plant genetic resources in the EU? Where the <i>acquis</i> were considered to have a negative impact, have national measures been put in place to contribute to the protection of plant genetic resources?	1.1.5					High
g)	To what extent did the Community Plant Variety Rights Regime play a role in creating the necessary room and incentives for a continued research into new varieties resulting in a constant influx of valuable new varieties into the market?	1.1.5					High
h)	To what extent is it considered that the attribution of Plant Variety Rights (at national or Community level) is not only beneficial for the right holders, but for the users of the S&PM as well?	1.1.5					Medium
i)	How do you assess the impact of the SPS (Sanitary and PhytoSanitary) and TBT (Technical Barriers to Trade) agreements on the trade in S&PM in the Community?	1.1.4.					Medium
<b>B Variety denomination procedure</b>							
a)	To what extent does the system put in place for variety denomination in the Community fulfil the needs it aims to satisfy?	2.3.1.1. 2.3.1.2.		Further discussion on the 'lessons from the past' stemming from the analysis of the results of the qualitative survey.			High
b)	Relevance of the procedures	2.3.1.3.					High
c)	Coordination between MS/Commission/CPVO	4.1.1. 4.2.1.					High
<b>C Variety registration/listing procedures</b>							
a)	To what extent do the variety registration / listing procedures fulfil the needs they aim to satisfy?	DUS 2.1.1.1. VCU 2.2.1.1.		Further discussion on the 'lessons from the past' stemming from the analysis of the results of the qualitative survey.			High
b)	Relevance of requirements (DUS, VCU)	DUS 2.1.1.2. 2.1.2.1. VCU 2.2.1.2. 2.2.2.1.					High

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EQ	Evaluation questions and subquestions listed in the « Tasks Specification Document »	Related questions of the qualitative questionnaire	Related questions of the cost questionnaire	Topics for in-depth interviews	Topics for in-depth study	Related documents	Expected level of availability of information
c)	Relevance of procedures	DUS: 2.1.2.2. VCU: 2.2.2.4.					High
<b>D Common Catalogues</b>							
a)	To what extent are the CC a useful instrument for the management of the S&PM <i>acquis</i> ?	2.4.2.1. 2.4.2.4.		Further discussion on the 'lessons from the past' stemming from the analysis of the results of the qualitative survey.			High
b)	Relevance of the different elements of information contained in the catalogue	2.4.2.4.					High
c)	Relevance of the national catalogue and the EU catalogue	2.4.2.1.					
d)	To what extent does the existence of national and common catalogues create impediments to free movement of S&PM in the EU?	1.1.4.					High
e)	To what extent does the lapse of time between national registration and publication in the Common Catalogue lead to practical problems?	2.4.1.2.					High
f)	How are the catalogues currently being used?	2.4.1.1.					High
g)	What is the level at which the CC (either in hard copy or in e-version) are made available to staff (all staff, headquarters only...)?	2.4.1.1.					High
<b>E Certification</b>							
a)	Usefulness of this instrument and fulfilment of needs	3.1.1 3.1.2. 3.1.3.		Further discussion on the 'lessons from the past' stemming from the analysis of the results of the qualitative survey.  Specific topic covered by the interviews:  Comparison between MS that use the certification under official supervision as compared to MS who don't			High
b)	To what extent are the provisions with regard to certification under official supervision implemented by the MS? What is the situation in Member States that avail of the possibilities of the <i>acquis</i> to go for certification under official supervision as compared to MS who don't?	3.1.6.					High
c)	Impact of certification on free marketing	3.1.2.					High
d)	To what extent do MS believe that Community comparative trials are an effective and efficient tool to 1) assess the compliance of (randomly) selected seed lots with the community provisions, 2) study the effectiveness of the Community provisions in guaranteeing that the Community standards are met, 3) act as a discussion forum for possible new measures that solve weaknesses in the system?	3.1.9.					High
e)	To what extent could a private certification scheme replace official ones, and what would be the advantages or disadvantages as compared to official schemes in respect of marketing within the EU and on the world market?	3.2.1. 3.2.3					High
f)	Opinions with regard to rules on maintenance	1.1.9 1.1.10					High

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EQ	Evaluation questions and subquestions listed in the « Tasks Specification Document »	Related questions of the qualitative questionnaire	Related questions of the cost questionnaire	Topics for in-depth interviews	Topics for in-depth study	Related documents	Expected level of availability of information
<b>F</b>	<b>Community Plant Variety Office (CPVO)</b>						
a)	How do you evaluate the current role of the CPVO in the general set-up of the <i>acquis</i> on the marketing of S&PM?	4.1.1. 4.1.2.		Further discussion on the 'lessons from the past' stemming from the analysis of the results of the qualitative survey.			High
<b>EQ2</b>	<b>Costs imposed by obligations</b>						
<b>A</b>	<b>Costs incurred by public authorities</b>						
<b>A1</b>	<b>Costs incurred by public authorities regarding Variety Registration</b>						
a)	Number of variety registration applications		Section 1	Further discussion on the structure and quantification of costs as well as opportunities for costs reduction, as identified during the surveys.			High
b)	Structure and quantification of costs						Medium
c)	Opportunities for reduction of administrative costs	DUS 2.1.2.4. VCU 2.2.2.6.					Medium
<b>A2</b>	<b>Costs incurred by public authorities regarding Certification</b>						
a)	Number of certification dossiers		Section 2	Further discussion on the structure and quantification of costs as well as opportunities for costs reduction, as identified during the surveys.			High
b)	Structure and quantification of costs						Medium
c)	Opportunities for reduction of administrative costs	3.2.2.					Medium
<b>B</b>	<b>Costs incurred by private operators</b>						
<b>B1</b>	<b>Costs incurred by private operators for Variety registration</b>						
a)	Number of variety registration applications		MERGED Section 1	Further discussion on the structure and quantification of costs as well as opportunities for costs reduction, as identified during the surveys.			Medium
b)	Structure and quantification of costs, including fees paid						Low
c)	Transfer of administrative costs to the sector						Medium
d)	Opportunities/area for reduction of administrative costs	DUS 2.1.2.4. VCU 2.2.2.6.					Medium

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EQ	Evaluation questions and subquestions listed in the « Tasks Specification Document »	Related questions of the qualitative questionnaire	Related questions of the cost questionnaire	Topics for in-depth interviews	Topics for in-depth study	Related documents	Expected level of availability of information
<b>B2</b>	<b>Costs incurred by private operators for Certification</b>						
a)	Number of certification dossiers		Section 2	Further discussion on the structure and quantification of costs as well as opportunities for costs reduction, as identified during the surveys.			Medium
b)	Structure and quantification of costs, including fees paid						Low
c)	Transfer of administrative costs to the sector						Medium
d)	Opportunities/area for reduction of administrative costs	3.2.2.				Medium	
<b>C</b>	<b>Options for sharing tasks and responsibilities</b>						
<b>C1</b>	<b>Options for sharing tasks and responsibilities for Variety registration</b>						
a)	Opportunities for cost-reduction through sharing of tasks and responsibilities	DUS		Further discussion on the opportunities for cost-reduction through sharing of tasks and responsibilities, as identified during the qualitative survey.	Analysis of the effects on costs of the implementation of the preferred options for better regulation		Medium
b)	Other means implemented	2.1.2.2.					Medium
c)	Other possibilities	VCU 2.2.2.4.					Medium
<b>C2</b>	<b>Options for sharing tasks and responsibilities for Certification</b>						
a)	Assessment of opportunities for cost-reduction	3.2.1. 3.2.3					Medium
b)	Certification under official supervision	3.1.6.					Medium
c)	Other means implemented	3.2.1.					Medium
d)	Other possibilities	3.2.1.					Medium

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EQ	Evaluation questions and subquestions listed in the « Tasks Specification Document »	Related questions of the qualitative questionnaire	Related questions of the cost questionnaire	Topics for in-depth interviews	Topics for in-depth study	Related documents	Expected level of availability of information
<b>EQ3</b>	<b>Current intervention logic</b>						
a)	To what extent do the intervention's objectives support or contradict those of other related interventions within DG SANCO's ambit, such as the <i>acquis</i> pertaining to plant quarantine, to plant protection products, authorisation of GMO's (as far as notified under Regulation (EC) No 1829/2003?,	3.1.3		Further discussion on the 'lessons from the past' stemming from the analysis of the results of the qualitative survey.		Reg(EC)2100/94 Dir 2000/29/EC Dir 69/464/EEC Dir 2007/33/EC Dir 93/85/EEC	High
b)	To what extent is the <i>acquis</i> on marketing of S&PM compatible and non contradictory with the EU's policies as managed by relevant other DGs (e.g. common market organisation, environmental policy, trade policy)?	1.1.6.			Dir 98/57/EC Dir 91/414/EEC Reg 1829/2003 Reg 1830/2003 Dir 2001/18/EC	High	
c)	How well is the <i>acquis</i> in line with OECD, UN-ECE and other international standards?	1.1.6. 3.1.7 3.1.8.				High	
<b>EQ4</b>	<b>Relevance of <i>acquis</i> vs. identified problem areas and new challenges</b>						
a)	To what extent can we consider that the <i>acquis</i> still suits the need of the enlarged Community, and that its composing elements are also adapted to the geographical, social, economic and environmental conditions of the new Member States?			Further discussion on the 'lessons from the past' stemming from the analysis of the results of the qualitative survey.	In-depth study of the impact of the S&PM <i>acquis</i> in PL or RO		Medium
b)	To what extent does the <i>acquis</i> strike a fair balance with regard to the interests of the various stakeholders groups in the new MS?						Medium
c)	Fitness of the <i>acquis</i> to address issues related to conservation varieties	1.2.1.		Specific topic covered by the interviews: Fitness of the <i>acquis</i> to address the GM crops issue	In-depth study of the issue of conservation varieties	Directives in preparation: SANCO/3322/2006 Rev.12	Medium
d)	Fitness of the <i>acquis</i> to address issues related to product traceability (including GM crops)	1.2.1.					Medium

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EQ	Evaluation questions and subquestions listed in the « Tasks Specification Document »	Related questions of the qualitative questionnaire	Related questions of the cost questionnaire	Topics for in-depth interviews	Topics for in-depth study	Related documents	Expected level of availability of information
<b>OPTIONS FOR THE FUTURE</b>							
<b>EQ5 Options to address identified problem areas and new challenges</b>							
<b>A General <i>acquis</i> framework</b>							
a)	Would it be possible to shift to quality assurance systems that are commonly implemented in other sectors? What do you see as potential advantages or threats?	3.2.1. 3.2.2. 3.2.3. 3.2.4.		Advantages/ disadvantages, feasibility as well as positive and negative effects of the options for the future			High
b)	To what extent should the number of crops/species covered by the S&PM <i>acquis</i> be reduced/increased? What criteria should be used for determining which species should be removed or added?	2.1.2.2. 2.2.2.1. 2.2.2.2. 3.2.1.					High
c)	To what extent is it considered that the choice of legal instruments (such as entrusting more responsibilities to the Commission, as assisted by the Standing Committees, or using Regulations rather than Directives) could equally contribute to reducing the general administrative burden or make the decision-making process faster?	1.2.3.					Medium
d)	Impact of simplification by having one directive with several annexes rather than several similar directives	1.2.2.					Medium
e)	Expected impact of status quo policy	1.2.2; 2.1.2.2.					High
f)	Other options	2.2.2.1; 2.3.2.2. 2.4.2.1; 3.2.1.					High
<b>B Variety denomination procedures</b>							
a)	Centralisation at Community level (CPVO)	4.2.1.		Advantages/disadvantages, feasibility as well as positive and negative effects of the options for the future		Proposals of the DG SANCO working group on possible extension of the activities of the CPVO	
b)	Other options	2.3.2.2.					
<b>C Variety registration/listing procedures</b>							
a)	To what extent is a system of variety registration for agricultural and vegetable species still needed?	DUS 2.1.2.1. 2.2.2.1.		Advantages/ disadvantages, feasibility as well as		- Results of the DEFRA consultation on	High

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b)	What are the advantages and disadvantages of DUS testing being organized at Community level / by national or regional authorities / by the breeders under official supervision?	2.1.2.2. 2.1.2.5. 2.1.2.6.		positive and negative effects of the options for the future	Feasibility of having DUS at Community level only	possibilities for better regulation - Results of the Canadian Working Group on Variety registration requirements - Proposals formulated by the DG SANCO working group on possible extension of the activities of the CPVO - Current and future position papers of the ESA on better regulation - Comparative study of national listing systems for some agricultural crops in the main European Countries	Medium
c)	What are the advantages and disadvantages of DUS testing being the same and unique for the marketing Directives system and for the Community Plant Variety Rights system?						Medium
d)	If the VCU testing should be kept, what are the advantages and disadvantages of it being organized at Community level / by national or regional authorities / by the breeders under official supervision? What are the advantages and disadvantages of VCU testing being kept as a precondition for listing agricultural varieties?	2.2.2.4. 2.2.2.7. 2.2.2.8			Effects of suppressing the VCU testing		Medium
e)	What are the advantages and disadvantages of widening/ reducing the number of crops for which VCU testing is required? Indicate the crops for which a change from the current provisions would be desirable	2.2.2.2.					Medium
f)	To what extent do the standards have to be adapted to the development of new breeding technologies (in particular GM seeds, Genetic Use Restriction Technologies (GURTs), etc.)?	2.1.2.2.					Medium
g)	Other options	2.1.2.2; 2.2.2.1. 2.2.2.4.					High

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EQ	Evaluation questions and subquestions listed in the « Tasks Specification Document »	Related questions of the qualitative questionnaire	Related questions of the cost questionnaire	Topics for in-depth interviews	Topics for in-depth study	Related documents	Expected level of availability of information
<b>D</b>	<b>Common Catalogues</b>						
a)	What are the advantages and disadvantages of stopping National Listing and only working with CC allowing Member States to have National Listing for species not covered in the directive?	2.4.2.1. 2.4.2.5.		Advantages/ disadvantages, feasibility as well as positive and negative effects of the options for the future		Proposals of the DG SANCO working group on possible extension of the activities of the CPVO	Medium
b)	To what extent would it be desirable to increase the number of updates of the Common Catalogues published in the Official Journal? O what extent would it be acceptable to reduce the number of updates published in the OJ, provided that updates are made available on a regular basis in electronic format?	2.4.2.4.			High		
c)	What elements of information currently contained in the CC could be dropped? Are there elements that need to be added?	2.4.2.4.			High		
d)	Which other means to improve efficiency could be explored? Could a thorough electronic system be part of a solution?	2.4.2.4.			Medium		
e)	Other options	2.4.2.1.			High		
<b>E</b>	<b>Certification</b>						
a)	Status quo	3.2.1. 3.2.3. 3.2.4.		Advantages/ disadvantages, feasibility as well as positive and negative effects of the options for the future  Specific topic covered by the interviews:  Consequence of suppression of certification for the enforcement of PBR		- Results of the DEFRA consultation on better regulation  - Current and future position papers of the ESA on better regulation  - Responses to the OECD survey on the OECD seed schemes	Medium
					High		
b)	To what extent is a system of certification still needed?  What are the advantages and disadvantages of a system in which it would be up to the producers of S&PM to be responsible for the quality of the material? Is there scope for extending the activities carried out under official supervision?				High		
c)	To what extent are the quality standards (identity, varietal purity, germination...) and the norms levels still relevant?				High		
d)	If a certification system is still needed, to what level should the requirements be fixed (e.g. basic level in the legislation, with extra quality requirements left up to the private companies)?				Medium		
e)	Under the provisions of the Community plant health <i>acquis</i> , producers of S&PM are subject to registration and (at least) annual inspection of their crops. Already today MS have the option to accept certification labels for seed potatoes as being valid as plant passports. Do you consider that a further integration of the inspection regimes for seed certification and for plant health could lead to gains in efficiency or, on the contrary to inefficiency and confusion? What are the possible fields for co-operation in practice?				Medium		
f)	Consequence of suppression of certification for the enforcement of PBR's				Medium		
g)	Other options			High			

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EQ	Evaluation questions and subquestions listed in the « Tasks Specification Document »	Related questions of the qualitative questionnaire	Related questions of the cost questionnaire	Topics for in-depth interviews	Topics for in-depth study	Related documents	Expected level of availability of information
<b>F</b>	<b>Community Plant Variety Office (CPVO)</b>						
a)	To what extent should the CPVO get a more active role in the registration of varieties, including variety denomination and DUS, the management of the CC, regardless of applications for protection of variety rights?	4.2.1. 4.2.2. 4.2.3.		Advantages/ disadvantages, feasibility as well as positive and negative effects of the options for the future		Proposals formulated by the DG SANCO working group on possible extension of the activities of the CPVO	Medium
b)	Are there other tasks that might be entrusted to the CPVO (e.g. comparative trials, equivalence with Third Countries...)?						Medium
c)	What would be the advantages and disadvantages, and the possible added value, of the Commission delegating all or some activities in the management of the CC to the CPVO? To the MS? To other bodies?						Medium
d)	Other options						High

## **5. Qualitative questionnaire**

A questionnaire has been prepared by the FCEC team and is attached in Annex II. This questionnaire has been developed by considering the evaluation questions and subquestions of the ‘Tasks Specification Document’ of DG SANCO as well the additional topics identified during the meeting of the Steering Group on October the 10th.

The questions are organised into sections and sub-sections as follows:

- Section 0: Identification
- Section 1. Community *acquis*
- Section 2. Variety/Material registration
  - 2.1. DUS testing
  - 2.2. VCU testing
  - 2.3. Variety denomination
  - 2.4. Common catalogues
- Section 3. Certification
- Section 4. Role of the CPVO

Each section asks on the lessons from the past and the suggestions for the future and includes both quantitative and qualitative questions.

As explained at point 2.2. (page 6), this questionnaire will be sent to stakeholders identified at national level. In case the services responsible for variety/material registration and for certification are decentralised at regional level (e.g. in Germany, Romania and Spain), the national or federal authorities will pass on the questionnaires to the decentralised services and be required to summarise their points of view into one questionnaire.

## **6. Interviews**

### **6.1. Exploratory interviews**

During the inception phase, the FCEC team has conducted 8 exploratory interviews as follows:

- DG SANCO: one overall interview to get a clear vision of the main issues at stake and one interview on the issue of costs (C.Billaux)
- DG AGRI: one overall interview
- Representatives of MS: one overall interview per group of crops/species
- COPA-COGECA: one overall interview
- ESA: one overall interview
- CIOPORA: one overall interview

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**Table 4 – list of exploratory interviews**

<b>Organisation</b>	<b>Attendees</b>	<b>Date</b>
<b>DG SANCO</b>	M.Flueh W. De Backer B.Foletto J.Gennatas	14 Dec. 2007
<b>DG SANCO</b>	C.Billaux	29 Nov. 2007
<b>DG AGRI</b>	D.De Froidmont O.Diana K.Dooley D.Vanderelst J.Van Gruijthuijsen I.Seoane H.Cappellaro	20 Dec. 2007
<b>MS- Group Forestry</b>	P.Simon (BE) A.Uhlmann (DE) L.Ackzell (SE)	8 Jan. 2008
<b>MS-Group Propagating Material</b>	P.M.Chome F (SP) J.Wyszatkiewicz (PL) D.Perreux (BE) E.Zangilis (GR)	8 Jan. 2008
<b>MS-Group Seeds</b>	G.Bianchi (IT) P.Gabor (HU) E.Dahlberg (SE) H.Freudensfein (DE)	10 Jan. 2008
<b>COPA-COGECA</b>	MC Ribeira	17 Dec. 2007
<b>ESA</b>	B.Scholte G.von Essen	14 Jan. 2008
<b>CIOPORA</b>	E.Krieger	20 Feb. 2008

In particular, the interviews of the representatives of the Member States, COPA-COGECA and ESA have been the opportunity to present the study (objectives, methodology and timetable) and get their collaboration for an effective and efficient data collection.

The preliminary findings/comments of the FCEC team based on exploratory interviews are as follows:

- Difficulty to assess the competitiveness of the EU 27MS seed sector and its evolution due to:
  - EU Statistics not available;
  - No interest/value for Member States to communicate data to EC;
- The FCEC team also considers that the analysis of the following points during the evaluation may not be complete as protection related aspects will not be fully covered:
  - “Seed Marketing” definition & perimeter;
  - Usefulness of Distinctness for variety registration;
  - Farm saved seed issues.
- Agreement from DG SANCO to group sub-sectors in 3 main groups, as explained at point 2.1. (p.3).
- Clear statements of several stakeholders questioning the relevance of the evaluation due to the fact that Plant Variety Rights’ *acquis* are only indirectly covered in the exercise;
- Complexity of the evaluation due to:
  - The perimeter of the evaluation (all sub sectors to be evaluated);
  - Wide range of different stakeholders (SME’s versus multinationals’; EU 15MS versus EU 12MS, etc...);
  - Technical dimension of the subjects reflected in the Directives;
  - Complexity of the directives.
- Defined existing timeframe for the evaluation may put stakeholders under pressure to answer questionnaires and may not give them enough time to consolidate their internal positions.
- Good implications of the actors during the exploratory interviews.
- Difficulty, during the exploratory interviews, to move from a technical dimension to a strategic one.
- Apparent lack of data to support the cost analysis.

## 6.2. Additional in-depth interviews

The FCEC team has developed a tentative list of additional interviews, as follows:

**Table 5 – tentative list of additional in-depth interviews**

Stakeholders	#		Priority
	Min.	Max.	
<i>Policy making authorities</i>			
DG SANCO	2	3	High
DG TRADE + DG ENTR	2	2	Medium
DG AGRI	1	2	High
DG ENV	1	1	Medium
European parliament	1	1	Medium
Economic & Social Committee	1	1	Medium
	<b>8</b>	<b>10</b>	
<i>Variety registration authorities</i>			
MS level- Variety registration	8	12	High
MS level- Post registration	2	4	Medium
	<b>10</b>	<b>16</b>	
<i>Certification authorities</i>			
MS level- seed certification	8	12	High
UN-ECE	1	1	Medium
OECD	1	2	High
	<b>10</b>	<b>15</b>	
<i>Association of suppliers</i>			
ESA	1	3	High
National seed associations	5	5	High
CIOPORA	1	1	High
EFNA	1	1	High
	<b>8</b>	<b>10</b>	
<i>Associations of Users</i>			
COPA-COGECA	1	1	High
MS level	5	5	High
	<b>6</b>	<b>6</b>	
<i>Other stakeholders</i>			
CPVO	1	2	High
External EU	1	1	High
MS level - Phytosanitary inspections	1	3	High
MS level - PPP(seed coating)	1	1	Low
Europabio + ECPA	1	1	High
	<b>5</b>	<b>8</b>	
<b>TOTAL</b>	<b>47</b>	<b>65</b>	

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This list will be further developed and refined as the evaluation proceeds. The objective is to have a representative sample of interviewees, by considering the different type of stakeholders and sectors, as done for the qualitative survey.

The FCEC team is of the opinion that the final sample of interviewees should approximate to the following representativeness:

**Table 6 – Approximative representativeness of the final sample of interviewees**

Type of stakeholders	Groups of crops			Total	
	Seed	Propagating Material	Forestry		
Policy making authority				11	22%
Variety Registration authority				11	22%
Certification authorities				11	22%
Associations of users of S&PM				7	14%
Associations of suppliers of S&PM				9	18%
	28	14	7	49	49
<i>Sub -total</i>	57%	29%	14%	49	
Other stakeholders				5	
<i>Total</i>				54	

## 7. Case studies

The FCEC offer mentions the conducting of 10 case studies for a total of 40 man/days. Those case studies are:

- either a specific evaluation issue that concern a specific group of stakeholders so that including it in the survey or the interviews would not be appropriate;
- or a difficult evaluation issue that requires more efforts than including it in the survey or the themes for interviews.

In this sense, the terms ‘case study’ seem not appropriate and should be better replaced with the terms ‘in-depth study’. The estimated resources for one study should be around 4 man/days.

The following list of case studies has been discussed and validated by DG SANCO and the Steering Group:

**Table 7 – Cases for in-depth study**

Cases for in-depth study	Estimated required resources
Effects of the implementation of the EU S&PM ‘ <i>acquis</i> ’ in 1 EU12 Member States (Poland or Romania)	4 man/days
Analysis of the effects on costs of the implementation of the preferred options for better regulation: <ul style="list-style-type: none"> <li>• one crop</li> <li>• variety registration and certification costs</li> <li>• two Member States: <ul style="list-style-type: none"> <li>- one with high registration and certification costs</li> <li>- one with low registration and certification costs</li> </ul> </li> <li>• national authorities and private operators</li> </ul>	8 man/days

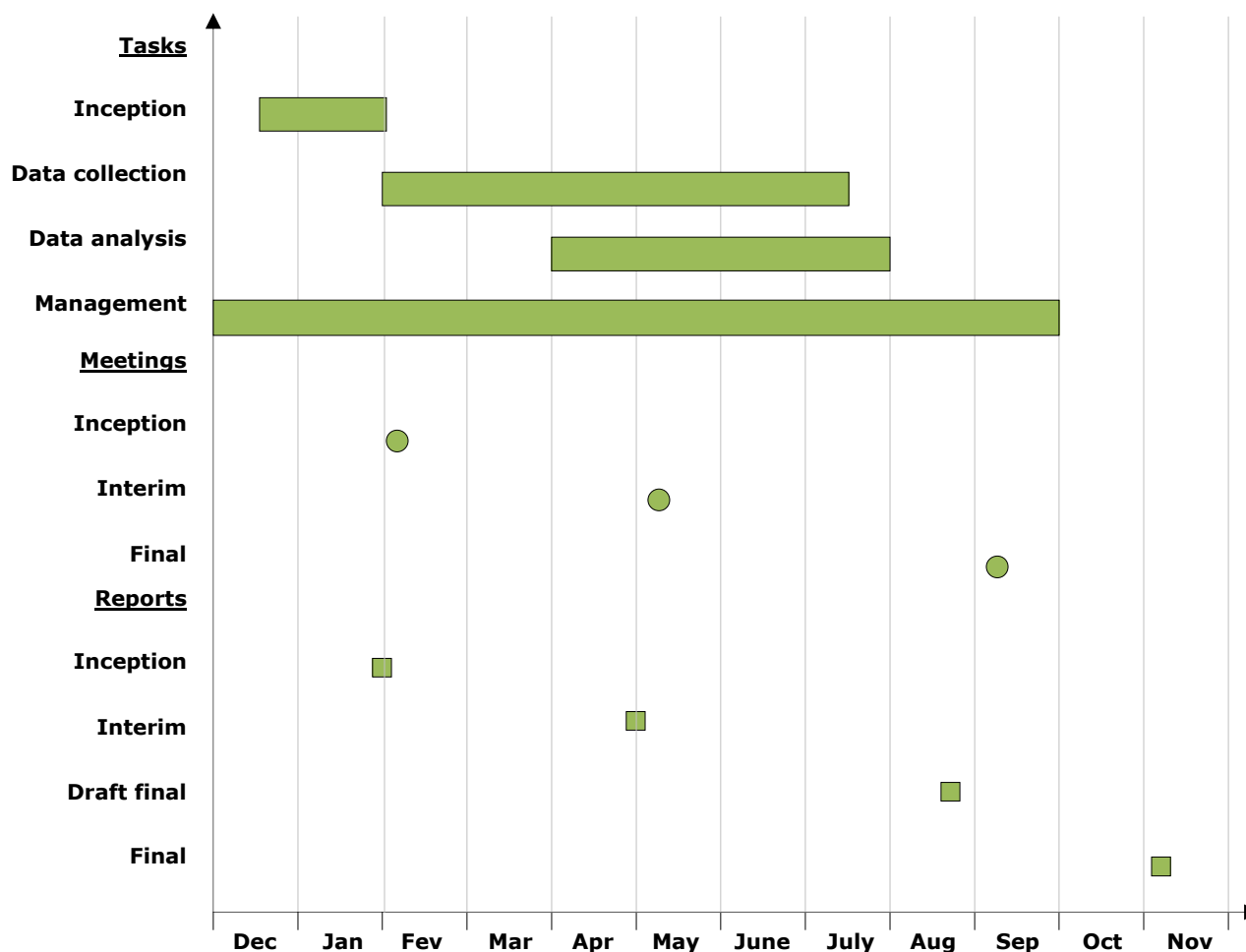
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Conservation varieties	6 man/days
Analysis for one crop of the effects of suppressing the VCU testing (e.g. wheat)	4 man/days
Analysis for one crop of the feasibility of having DUS testing at European level rather than at national level (e.g. WOSR)	4 man/days
Clarification of the definition of the terms 'marketing', 'seed', and 'seed marketing'	4 man/days
Analysis for 1 crop of the extension of the certification activities carried out under official supervision (Consequences on organisation, cost, responsibility, etc...). Analysis of the possible advantages of a private third party body set-up for supervision.	6 man/days
Analysis of the interest to connect and to bring together the seed phytosanitary requirements with the certification legislation for plant and seed	4 man/days
<b>Total</b>	<b>40 man/days</b>

Those in-depth studies will be based on interviews and documentary review.

## 8. Work Programme

The timetable proposed for tasks, meetings and reporting is the one presented in the FCEC tender, with specification of the months.



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The following deadlines have been agreed:

- Delivery of the draft final report on August 25, 2008 at latest
- Final meeting date on September 10, 2008 at latest
- Comments of Steering committee to FCEC evaluation team by October 10, 2008 at latest
- Delivery of the final report on November 5, 2008 at latest

## **Annex I: Preliminary questionnaire**

This questionnaire, being sent to the EU27 national authorities of Seed and plant Propagating Material (S&PM) representatives, has been developed by the FCEC evaluation team for the purpose of the evaluation of the *Community acquis* on the S&PM.

Its objectives are threefold:

- To get an **overall picture of the Variety Registration and Certification activities** in each of the EU27 Member States;
- To **develop a database of the key stakeholders** to be targeted in the beginning of 2008 during a survey. This survey will ask about the past performances of the *Community acquis* and the options for the future of the marketing of S&PM;
- To **identify any existing study on the costs** associated with the Variety Registration and Certification activities.

**The information you provide through this questionnaire is a pre-requisite to the efficient and effective conducting of the evaluation.**

**We thank you in advance for your collaboration.**

If you have any questions, do not hesitate to contact:  
Laurence van Nieuwenhuyse ([lvn@bvdm.com](mailto:lvn@bvdm.com)) or  
Daniel Traon ([daniel.traon@arcadia-international.net](mailto:daniel.traon@arcadia-international.net))

Please return this questionnaire by email to Laurence van Nieuwenhuyse ([lvn@bvdm.com](mailto:lvn@bvdm.com)) **no later than 18 January 2008.**



## **1.2. Certification**

Please briefly describe in the area below how **certification is being organised in your country per S&PM sub-sector** in terms of:

- Financing, i.e. partially or fully financed by national/regional authorities or by the private sector
- Certification schemes being used, i.e. national versus OECD schemes

## **2. Identification of stakeholders**

Please specify in the table below the key stakeholders in your country in the area of the marketing of seed and plant propagating material.

Please provide at least full contact name and email address for each of the suggested stakeholders. **As the survey will be made electronically, the e-mail address is necessary.**

Please consider **national stakeholders** only and use one line per contact person. Feel free to add as many lines as required in the table.

Do not hesitate to use the following abbreviations to refer to specific S&PM sectors or sub-sectors: fodder plants (FP), cereal(s) (C), beet (B), vegetables (VG), potatoes (P), oil and fibre plants (OF), vine (VI), vegetables propagating and planting material other than seed (VP), fruit (FR), ornamental plants (O), and forest (FO).

Organisation name	S&PM sector(s) or sub sector(s)	Contact person				
		First name	Name	Position	Phone	E-mail
Representative(s) of the POLICY MAKING authorities						
Representative(s) of VARIETY REGISTRATION authorities						
Representative(s) of CERTIFICATION authorities						



Annex II: Qualitative questionnaire

**Evaluation of the Community '*acquis*' on the marketing of seed and plant  
propagating material (S&PM)**

**Qualitative questionnaire**

**SURVEY by the FCEC (Food Chain Evaluation Consortium)**

**Introduction**

This survey takes place in the framework of the evaluation of the Community '*acquis*'<sup>2</sup> on the marketing of seed and plant propagating material(S&PM). The objective is to collect your view on the past implementation of the EU S&PM '*acquis*' and on alternatives for the future. For more information on the Community S&PM '*acquis*', please refer to the DG SANCO website [http://ec.europa.eu/food/plant/propagation/index\\_en.htm](http://ec.europa.eu/food/plant/propagation/index_en.htm)

This survey makes part of a complete data collection process that also includes analysis of literature, interviews and case studies.

The following questionnaire covers the different activities linked to the marketing of S&PM. In addition to the identification data, it contains 77 questions grouped into 4 sections. Those questions are general ones, as they have been developed with the objective of targeting a large range of organisations in the S&PM sectors.

This questionnaire does not cover the issue of **Community Plant Variety Rights (PVR) (COUNCIL REGULATION (EC) NO 2100/94)** which is not within the scope of the evaluation. However, the links that exist between the '*acquis*' and the Plant Variety Rights will be taken into account.

The questionnaire should be completed in English. The confidentiality of your responses and statements is guaranteed in the sense that your organisation will be mentioned as having responded to the survey but that none of the comments and remarks included in the evaluation report will be identifiable.

The information you provide through this questionnaire will be crucial in identifying the current problems, if any, and in making proposals for a possible revision of the EU S&PM '*acquis*'. We therefore greatly appreciate your contribution.

If you have any further questions, do not hesitate to contact:

Laurence Van Nieuwenhuysse:

Phone: +32 2 641 00 97

fax: +32 2 641 00 30

email: [lvn@bvdmc.com](mailto:lvn@bvdmc.com)

**Please return this questionnaire by e-mail to Laurence Van Nieuwenhuysse ([lvn@bvdmc.com](mailto:lvn@bvdmc.com))  
within 8 weeks, so before the 11<sup>th</sup> April 2008.**

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<sup>2</sup> The '*acquis*' consists of 12 basic Council Directives on the marketing of S&PM. This '*acquis*' is being complemented by a number of (implementing) Commission Directives, and completed by a limited number of Regulations and Decisions (Council and Commission).

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**Instructions for filling in the questionnaire**

The **analysis of the responses** to this questionnaire will distinguish between three groups of crops as follows:

The group ‘Seed’: this group gathers the crops/species regulated under the Council Directives 66/401/EEC (fodder plant seed), 66/402/EEC (cereal seed), 2002/54/EC (beet seed), 2002/55/EC (vegetable seed), 2002/56/EC (seed potatoes), 2002/57/EC (seed of oil and fibre plants), 2002/53/EC (common catalogue of varieties of agricultural plant species);

The group ‘Propagating material’: this group gathers the crops/species regulated under the Council Directives 68/193/EEC (material for vegetative propagation of the vine), 92/33/EEC (vegetable propagating and planting material other than seed), 92/34/EEC (fruit plant propagating material and fruit plants intended for fruit production), 98/56/EC (ornamental plants)<sup>3</sup>;

The group ‘Forestry material’, which refers to the Council Directive 1999/105/EC on the marketing of forest reproductive material.

**One questionnaire may concern one group of crops only.** If you would like to answer for several groups, **please use as many questionnaires as required.**

The questionnaire is divided into sections and sub-sections as follows:

Section 0: identification data	Sections 0 and 1 are <b>compulsory</b>
Section 1: Overall Community ‘ <i>acquis</i> ’	
Section 2: Variety/material registration 2.1. DUS <sup>4</sup> testing 2.2. VCU <sup>5</sup> testing 2.3. Variety denomination 2.4. Common catalogues	Sections 2, 3 and 4 are not relevant to all organisations. <b>Please consider the section(s) relevant to your organisation only.</b>
Section 3: Certification	
Section 4: Role of the CPVO <sup>6</sup>	

Each section and sub-section distinguishes between the lessons from the past and the suggestions for the future. Sections 2 and 3 also contain an area for conclusions.

<sup>3</sup>Ornamental can be either plant or seed. Both are included in this group.

<sup>4</sup> DUS: Distinctness, Uniformity, Stability

<sup>5</sup> VCU: Value for Cultivation and Use

<sup>6</sup> CPVO: Community Plant Variety Office

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**SECTION 0. IDENTIFICATION DATA**

Please identify your organisation:

Name of organisation	
Department within the organisation	
Organisation located in (country)	

Type of organisation: *(several answers possible)*

Policy making authority	<input type="checkbox"/>
Variety registration authority	<input type="checkbox"/>
Certification authority	<input type="checkbox"/>
Professional associations of USERS of S&PM (including organic farming)	<input type="checkbox"/>
Professional associations of SUPPLIERS of S&PM (breeders and multipliers)	<input type="checkbox"/>
Other stakeholders: <i>Please specify:</i>	<input type="checkbox"/>

Questionnaire completed by:

Name of the person filling in the questionnaire	
Position within the organisation	
Phone number	
Email address	

For which group of crops are you answering this questionnaire? *(Only one answer possible)*

Seed	<input type="checkbox"/>
Propagating material	<input type="checkbox"/>
Forestry material	<input type="checkbox"/>

In addition to sections 0 and 1, for which section(s) are you answering the questionnaire? *(Several answers possible)*

Section 2: Variety/Material registration	<input type="checkbox"/>
Section 3: Certification	<input type="checkbox"/>
Section 4: Role of the CPVO	<input type="checkbox"/>

**SECTION 1. OVERALL COMMUNITY ‘ACQUIS’**

**1.1. LESSONS FROM THE PAST**

**1.1.1. Has the EU S&PM ‘acquis’ been effective in ensuring the marketing of new varieties with better characteristics? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

**1.1.2. Has the EU S&PM ‘acquis’ been effective in ensuring the marketing of S&PM of sufficient quality? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

**1.1.3. Has the EU S&PM ‘acquis’ been effective in facilitating the free marketing of the S&PM in the EU? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

**1.1.4. Have the following elements had a positive, negative or no impact on the free marketing of S&PM? (Only one answer possible per line of the table)**

	Positive impact	Negative impact	No impact	Don't know	Not applicable
Lack of harmonisation between national provisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impediments created by national official or semi-official bodies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existence of national and common catalogues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community ‘ <i>acquis</i> ’ on plant health (DG SANCO)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community ‘ <i>acquis</i> ’ on plant protection products (i.e. seed treatments) (DG SANCO)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Authorisation for cultivation of GMO's	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental policy (e.g. DG ENV)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trade policy (e.g. DG TRADE, SPS agreement, TBT agreement <sup>7</sup> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify :</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please illustrate with example(s) if the free marketing has been negatively impacted:*

<sup>7</sup> SPS = Sanitary and PhytoSanitary, TBT = Technical Barrier to Trade

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**1.1.5. Has the EU S&PM ‘*acquis*’ had a positive, negative or no impact on the following elements?**  
 (Only one answer possible per line of the table)

	Positive impact	Negative impact	No impact	Don't know	Not applicable
The competitiveness of S&PM within the EU	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The competitiveness on the world markets of S&PM produced in the EU	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The income of plant breeders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The income of S&PM producers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The income of farmers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The preservation of plant genetic resources in the EU	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The funding of plant breeding improvement efforts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The control of plant diseases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please comment on your answer, by referring to the concerned provisions of the S&PM ‘*acquis*’:*

**1.1.6. How do you assess the provisions of the S&PM ‘*acquis*’ regarding the following elements?**  
 (Only one answer possible per line of the table)

	Not at all	Not much	Partly	Fully	Don't know	Not applicable
Easy to understand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Easy to implement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Usefulness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consistency between the provisions of the different EU S&PM Directives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consistency between the provisions of the EU S&PM ‘ <i>acquis</i> ’ and those of other regulations at EU and/or international level (eg plant health legislation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please comment on your answer:*

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**1.1.7. How do you rate the value of the following directives? (Only one answer possible per line of the table)**

	No value	Little value	Valuable	Very valuable	Don't know	Not applicable
66/401/EEC (fodder plant seed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
66/402/EEC (cereal seed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2002/54/EC (beet seed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2002/55/EC (vegetable seed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2002/56/EC (seed potatoes)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2002/57/EC (seed of oil and fibre plants)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
68/193/EEC (material for vegetative propagation of the vine)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
92/33/EEC (vegetable propagating and planting material other than seed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
92/34/EEC (fruit plant propagating material and fruit plants intended for fruit production)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
98/56/EC (ornamental plants)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1999/105/EC (forest reproductive material)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2002/53/EC (common catalogue of varieties of agricultural plant species)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please comment:*

**1.1.8. To what extent do S&PM lots imported under the equivalence regime offer the same (or worse, or better) guarantee as the S&PM produced in the EU? (Only one answer possible)**

Same guarantee    Worse guarantee    Better guarantee    Don't know    Not applicable

*Please comment on your answer:*

**1.1.9. Are rules on variety maintenance necessary? (Only one answer possible)**

Not at all    Not much    Partly    Fully    Don't know    Not applicable

*Please comment on your answer:*

**1.1.10. Are rules on variety maintenance cost-effective? (Only one answer possible)**

Not at all    Not much    Partly    Fully    Don't know    Not applicable

*Please comment on your answer:*

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**1.2. SUGGESTIONS FOR THE FUTURE**

**1.2.1. The main need felt at the time when the S&PM ‘*acquis*’ was first adopted was to improve the productivity of agriculture. Today, what would be the main aims when revising the Community S&PM legislation (‘*acquis*’)? Please rank starting from 1 for the most important aim.**

Aims	Ranking (from 1 for the most important aim)	Don't know	Not applicable
Productivity		<input type="checkbox"/>	<input type="checkbox"/>
Suitability of varieties for low-input agriculture		<input type="checkbox"/>	<input type="checkbox"/>
Protection of the environment		<input type="checkbox"/>	<input type="checkbox"/>
Food safety		<input type="checkbox"/>	<input type="checkbox"/>
Plant health		<input type="checkbox"/>	<input type="checkbox"/>
Sufficient quality of S&PM (identity, purity...)		<input type="checkbox"/>	<input type="checkbox"/>
Farm-saved S&PM		<input type="checkbox"/>	<input type="checkbox"/>
Development of new plant breeding technologies (GM, molecular breeding, etc...)		<input type="checkbox"/>	<input type="checkbox"/>
Diversity of the varieties		<input type="checkbox"/>	<input type="checkbox"/>
Information to users (traceability of S&PM lots)		<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify :</i>		<input type="checkbox"/>	<input type="checkbox"/>

*Please comment on your answer, by specifying the expected positive/negative effects of considering any new aim:*

**1.2.2. How should the S&PM ‘*acquis*’ be structured in the future? (Only one answer possible per line of the table)**

Suggestions	In favour	Not in favour	Don't know	Not applicable
Maintain Directives, as they currently stand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compile Directives <u>per group of crops</u> (e.g. <i>one Directive for the seeds</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compile Directives <u>according to the final use</u> of the certified seeds/material and their products (e.g. <i>use in food or non food sectors</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compile Directives <u>per type of users</u> (e.g. <i>professional users or non professional users</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify :</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**1.2.3. What should be the legal instruments to regulate the marketing of S&PM at EU level in the future? (Only one answer possible per line of the table)**

Note:

*A Regulation shall have general application. It shall be binding in its entirety and is directly applicable in all Member States.*

*A Directive shall be binding, as to the result to be achieved, upon each Member State to which is addressed, but shall leave to the national authorities the choice of form and methods. It has to be transposed into their national legal framework.*

Suggestions	In favour	Not in favour	Don't know	Not applicable
Community Directives for variety/material registration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Directives for certification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Regulations for variety/material registration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Regulations for certification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify :</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**1.2.4. What are the advantages of the suggestions you support (replies “in favour” under 1.2.2. and 1.2.3.) and their expected positive effects?**

*Please specify for each suggestion you support:*

**1.2.5. What are the disadvantages of the suggestions you do not support (replies “not in favour” under 1.2.2. and 1.2.3.) and their expected negative effects?**

*Please specify for each suggestion you do not support:*

**SECTION 2. VARIETY/MATERIAL REGISTRATION**

**2.1. DUS TESTING**

**2.1.1. LESSONS FROM THE PAST**

**2.1.1.1. Have the Community provisions for DUS testing been effective in ensuring that no new variety has been marketed unless it is distinct, uniform and stable? (Only one answer possible per line of the table)**

	Not at all effective	Not much effective	Partly effective	Fully effective	Don't know	Not applicable
Community provisions for:						
Distinctness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uniformity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*If your answer is 'not at all', 'not much' or 'partly', please comment on it, by specifying the problem:*

**2.1.1.2. Have some DUS requirements limited the marketing of varieties of interest to users? (Only one answer possible)**

Yes     No     Don't know     Not applicable

*If your answer is 'yes', please specify which requirements:*

**2.1.1.3. To what extent are the costs involved in fulfilling the obligations imposed by the Community provisions for DUS testing reasonable and proportionate? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

**2.1.1.4. To what extent has the public authority transferred the cost of operating the DUS testing to the industry? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer, by specifying the percentage of cost transfer, if any:*

**2.1.1.5. To what extent is the current distribution (between industry and public authorities) of the costs of operating the DUS testing appropriate? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

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**2.1.2. SUGGESTIONS FOR THE FUTURE**

**2.1.2.1. What should be done in the future regarding the Community DUS acceptance criteria, without considering the protection aspects?** (Only one answer possible per line of the table)

	Maintain	Extend	Reduce	Remove	Don't know	Not applicable
Acceptance criteria for:						
Distinctness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uniformity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please comment on your answer:*

**2.1.2.2. What should be done in the future regarding the operational organisation of DUS testing?** (Only one answer possible per line of the table)

Suggestions	In favour	Not in favour	Don't know	Not applicable
Maintain the current organisation of DUS testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Organise and coordinate DUS testing at Community level instead of by national or regional authorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Organise DUS testing at breeders level, under official supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extend the bilateral agreements in order to rationalize the number of DUS testing sites in the EU	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have a same and unique DUS testing for marketing and for the Community Plant Variety Rights system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adapt the standards to the development of new breeding technologies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2.1.2.3. If you are in favour of adapting the standards to the development of new breeding technologies, please specify which ones.**

*Please specify:*

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**2.1.2.4. For each suggestion you support ( replies “in favour” under 2.1.2.2), please estimate the expected effects on cost and staff and specify the parties concerned (Commission, the national registration authorities and/or the private operators).**

Supported suggestions	% of reduction of costs	% of reduction of staff	Parties concerned		
			Commission	National authorities	Private operators
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2.1.2.5. What are the advantages of the suggestions you support (replies “in favour” under 2.1.2.2) and their expected positive effects (for example : on the user, the organisation of the EU S&PM markets, the competitiveness of EU S&PM, the functioning of the internal market, the level of legal requirements, the administrative burden, the rapidity of the decision-making process, etc...)?**

*Please specify for each suggestion you support:*

**2.1.2.6. What are the disadvantages of suggestions you do not support (replies “not in favour” under 2.1.2.2) and their expected negative effects?**

*Please specify for each suggestion you do not support:*

**2.2. VCU TESTING**

**2.2.1. LESSONS FROM THE PAST**

**2.2.1.1. Have the Community provisions for VCU testing been effective in ensuring that any new variety is an improvement on marketed varieties? (Only one answer possible per line of the table)**

	Not effective at all	Not much effective	Partly effective	Fully effective	Don't know	Not applicable
Community provisions for:						
Value for cultivation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Value for use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*If your answer is ‘not at all’, ‘not much’ or ‘partly’, please comment on your it, by specifying the problem:*

**2.2.1.2. Have the Community requirements been sufficient and relevant to bring the same guarantee to the users of each Member State? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

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**2.2.1.3. Have some VCU requirements limited the marketing of varieties of interest to users? (Only one answer possible)**

Yes     No     Don't know     Not applicable

*If your answer is 'yes', please specify which requirements :*

**2.2.1.4. To what extent are the costs involved in fulfilling the obligations for VCU testing reasonable and proportionate? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

**2.2.1.5. To what extent has the public authority transferred the cost of VCU testing to the industry? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer, by specifying the percentage of cost transfer, if any:*

**2.2.1.6. To what extent is the current distribution (between industry and public authorities) of the costs of operating the VCU testing appropriate? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

**2.2.2. SUGGESTIONS FOR THE FUTURE**

**2.2.2.1. What should be done in the future regarding the Community VCU provisions? (Only one answer possible per line of the table)**

Suggestions	In favour	Not in favour	Don't know	Not applicable
Remove the VCU provisions from the EU legislation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reduce the Community VCU provisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintain the Community VCU provisions as they currently stand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintain the Community VCU provisions for a reduced number of crops/species	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintain the Community VCU provisions for a limited number of final uses (e.g. use in food or non food sectors)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintain the Community VCU provisions for a limited number of users (e.g. professional users or non professional users)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enlarge the Community VCU provisions to criteria such as food and environmental safety aspects where appropriate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Reinforce the Community VCU provisions criteria for a harmonised use by all Member States	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify :</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2.2.2.2. If you are in favour of maintaining the Community VCU provisions for a reduced or larger number of crops/species, please specify the criteria that should be used for determining which species should be removed or added.**

*Please specify:*

**2.2.2.3. If you are in favour of maintaining the Community VCU provisions for a limited number of final uses or users, please specify which ones.**

*Please specify:*

**2.2.2.4. What should be done in the future regarding the operational organisation of VCU testing? (Only one answer possible per line of the table)**

Suggestions	In favour	Not in favour	Don't know	Not applicable
Organise the official VCU testing at Community level, based on areas of adaptation (European networks according to agroclimatic areas for national and regional decisions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Organise the VCU testing at the level of the breeders, under official supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stimulate the VCU testing at the level of the breeders without official control or supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allow recognition of other Member States' VCU data for national listing (bilateral agreement)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allow coordination between Member States of official observations and national decisions possibly under bilateral agreements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify :</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2.2.2.5. If you are in favour of allowing recognition of other Member States' VCU data for national listing, please specify under which condition(s) it should be established.**

*Please specify:*

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**2.2.2.6. For each suggestion you support (in 2.2.2.4 “in favour”), please estimate the expected effects on cost and staff and specify the parties concerned (Commission, the national registration authorities and/or the private operators).**

Supported suggestions	% of reduction of costs	% of reduction of staff	Parties concerned		
			Commission	National authorities	Private operators
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2.2.2.7. What are the advantages of the suggestions you support (in 2.2.2.1 and 2.2.2.4 “in favour”) and their expected positive effects (for example, on the user, the organisation of the EU S&PM markets, the competitiveness of EU S&PM, the functioning of the internal market, the level of legal requirements, the administrative burden, the rapidity of the decision-making process, etc...)?**

*Please specify for each suggestion you support:*

**2.2.2.8. What are the disadvantages of suggestions you do not support (in 2.2.2.1 and 2.2.2.4 “not in favour”) or their expected negative effects?**

*Please specify for each suggestion you do not support:*

**2.3. VARIETY DENOMINATION**

**2.3.1. LESSONS FROM THE PAST**

**2.3.1.1. Have the Community provisions for the variety denomination been effective in ensuring that varieties are designated in all members of the Union by the same variety denomination? (Only one answer possible)**

- Not at all     Not much     Partly     Fully     Don't know     Not applicable

*If your answer is ‘not at all’, ‘not much’ or ‘partly’, please comment on it, by specifying the problem:*

**2.3.1.2. Have some variety denomination requirements limited the marketing of varieties of interests to users? (Only one answer possible)**

- Yes     No     Don't know     Not applicable

*If your answer is ‘yes’, please specify which requirements:*

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**2.3.1.3. Does the time required for validation of a variety denomination by the official bodies negatively impact on the marketing of S&PM? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

**2.3.2. SUGGESTIONS FOR THE FUTURE**

**2.3.2.1. Is the current system of variety denomination sustainable in the future? (Only one answer possible)**

Yes     No     Don't know     Not applicable

*Please comment on your answer:*

**2.3.2.2. What should be done in the future regarding the variety denomination? (Only one answer possible per line of the table)**

Suggestions	In favour	Not in favour	Don't know	Not applicable
Maintain the variety denomination Community Regulation as it currently stands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Revise the system of variety denomination (i.e. in the form of a 'fancy name' or a 'code')	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remove the variety denomination regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify :</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2.3.2.3. What are the advantages of the suggestions you support and their expected effects on the marketing of S&PM, the level of legal requirements, the administrative burden, the costs, the rapidity of the decision-making process, etc?**

*Please specify for each suggestion you support:*

**2.3.2.4. What are the disadvantages of suggestions you do not support or their expected negative effects?**

*Please specify for each suggestion you do not support:*

**2.4. COMMON CATALOGUES**

**2.4.1. LESSONS FROM THE PAST**

**2.4.1.1. Does your organisation use the common catalogues? (Only one answer possible)**

- Yes     No     Don't know     Not applicable

*If your answer is 'yes', please specify the purpose for which they are used:*

*If your answer is 'yes'*

*How frequently are they used? (Only one answer possible)*

- Occasionally     Regularly     Very often     Don't know     Not applicable

*At which level? (Only one answer possible)*

- All staff     Headquarters only     Other level (please, specify:    )  Not applicable

*Please comment on your answer:*

**2.4.1.2. Does the lapse of time required between the national registration and the publication in the common catalogues negatively impact on the marketing of S&PM? (Only one answer possible)**

- Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

**2.4.2. SUGGESTIONS FOR THE FUTURE**

**2.4.2.1. What should be done in the future regarding the national and common catalogues? (Only one answer possible per line of the table)**

Suggestions	In favour	Not in favour	Don't know	Not applicable
Maintain both the national and common catalogues as they currently stand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stop national catalogues and only work with common catalogues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work with common catalogues and allow Member States to have national catalogues on a voluntary basis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify :</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2.4.2.2. What are the advantages of the suggestions you support and their expected positive effects (for example: on the marketing of S&PM, the level of legal requirements, the administrative burden, the costs, the rapidity of the decision-making process, etc.)?**

*Please specify for each suggestion you support:*

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**2.4.2.3. What are the disadvantages of suggestions you do not support or their expected negative effects?**

Please specify for each suggestion you do not support:

**2.4.2.4. If you are in favour of maintaining the common catalogues, is it desirable to modify them in terms of their accessibility, user-friendliness, number of updates, and elements of information they contain?**

*Accessibility, i.e. time required to access the common catalogue (Only one answer possible)*

Yes     No     Don't know     Not applicable

*User-friendliness, i.e. time required to find the required information (Only one answer possible)*

Yes     No     Don't know     Not applicable

*Number of updates (Only one answer possible)*

Same     More     Less     Don't know     Not applicable

*Elements of technical information they contain (Only one answer possible)*

Same     More     Less     Don't know     Not applicable

Please comment on your answer:

**2.4.2.5. What are the advantages or disadvantages of any modification of the common catalogues and their expected effects (negative or positive) on the level of legal requirements, administrative burden, and associated costs? Which are the elements of technical information that you would like to delete or add?**

Please specify:

## **2.5. CONCLUSIONS**

**2.5.1. What are the most important lessons from the past, if any, concerning the current Community 'acquis' on variety /material registration of S&PM?**

Please specify:

**2.5.2. Which are the most important suggestions, if any, you would formulate for the future Community 'acquis' on variety/material registration of S&PM?**

Please specify:

**2.5.3. Which are the most important suggestions, if any, you would formulate to reduce the costs incurred by the public authorities and the private operators for the variety/material registration of S&PM, while guaranteeing the same level of quality?**

Please specify:

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**SECTION 3. CERTIFICATION**

Note

*The questions of this section do not apply to crops covered by Directives 92/33/EEC (vegetable propagating and planting material, other than seed) and 98/56/EC (ornamental plants).*

*Concerning vegetable seed (Directive 2002/55/EC), they apply for vegetable certified seed and for post control measures of standard seed.*

*For forestry material (Directive 1999/105/EC), certification should be understood as “any procedure carried out by the official body as defined under the provisions of article Art 2, (k) of Directive 1999/105/EC and leading to the authorisation for marketing of lots of forest reproductive material”.*

***If you answer this questionnaire for the group ‘Seed’, please specify for which crops (group of crops) you answer this specific section (please tick all relevant boxes).***

66/401/EEC (fodder plants)	<input type="checkbox"/>
66/402/EEC (cereals)	<input type="checkbox"/>
2002/54/EC (beet seed)	<input type="checkbox"/>
2002/55/EC (vegetable) Vegetable certified seed and post control measures of standard seed)	<input type="checkbox"/>
2002/56/EC (seed potatoes)	<input type="checkbox"/>
2002/57/EC (oil and fibre plants)	<input type="checkbox"/>

***If you answer this questionnaire for the group ‘Propagating material’, please specify for which crops (group of crops) you answer this specific section (please tick all relevant boxes).***

68/193/EEC (vine)	<input type="checkbox"/>
92/34/EEC (fruit)	<input type="checkbox"/>

**3.1. LESSONS FROM THE PAST**

***3.1.1. Have the Community provisions for the certification of S&PM been effective in ensuring S&PM lots of sufficient quality? (Only one answer possible)***

Not at all    Not much    Partly    Fully    Don't know    Not applicable

*If your answer is ‘not at all’, ‘not much’ or ‘partly’, please comment on it, by specifying the problem:*

***3.1.2. Have the Community provisions for the certification of S&PM been effective in facilitating the free marketing of the S&PM in the EU? (Only one answer possible)***

Not at all    Not much    Partly    Fully    Don't know    Not applicable

*If your answer is ‘not at all’, ‘not much’ or ‘partly’, please comment on it, by specifying the problem:*

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**3.1.3. Are the current quality standards relevant for the purpose of certification?** (Only one answer possible per line of the table)

Quality standard	Not relevant at all	Not much relevant	Partly relevant	Fully relevant	Don't know	Not applicable
Identity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Varietal Purity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Germination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please comment on your answer, by specifying the problem if 'not at all', 'not much' or 'partly':*

**3.1.4. To what extent are the costs involved in fulfilling the obligations imposed by the Community provisions for certification reasonable and proportionate?** (Only one answer possible)

Not at all    Not much    Partly    Fully    Don't know    Not applicable

*Please comment on your answer:*

**3.1.5. To what extent is the current distribution (between industry and public authorities) of the costs of operating certification appropriate?** (Only one answer possible)

Not at all    Not much    Partly    Fully    Don't know    Not applicable

*Please comment on your answer:*

**3.1.6. Did the organisation of certification in your country move from an official system (official examination) to a system of certification under official supervision?** (Only one answer possible)

Yes    No    Don't know    Not applicable

*If 'yes', what have been the impacts of such modification (for example on costs, planning, logistics, flexibility, responsibility, etc)?*

*Please comment on your answer, by specifying the percentage of cost transfer, if any:*

**3.1.7. Are the EC standards for the certification of S&PM coherent with OECD standards?** (Only one answer possible)

Not at all    Not much    Partly    Fully    Don't know    Not applicable

*Please comment on your answer:*

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**3.1.8. Are the EC standards for the certification of S&PM coherent with UN-ECE standards (seed potatoes)? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

**3.1.9. Are Community comparative trials an appropriate tool for ensuring harmonization of inspection practices contributing to S&PM lots of sufficient quality? (Only one answer possible)**

Not at all     Not much     Partly     Fully     Don't know     Not applicable

*Please comment on your answer:*

**3.2. SUGGESTIONS FOR THE FUTURE**

**3.2.1. What should be done in the future regarding certification? (Only one answer possible per line of the table)**

Suggestions	In favour	Not in favour	Don't know	Not applicable
<b>STATUS QUO</b>				
Maintain the certification standards as they currently stand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintain the certification structures as they currently stand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>REVISE THE CERTIFICATION BY:</b>				
<b><i>Revise the requirements</i></b>				
Decrease the number of species covered by the Seed Marketing Directives ( <i>by e.g. removing those of minor economic importance</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increase the number of species covered by the Seed Marketing Directives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decrease the number of standards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increase the number of standards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Revise the levels set in the quality standards (e.g. germination %)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extend the field inspection "under official supervision" to pre-basic and basic crops	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In the case of certification "under official supervision", revise the minimum 5% check testing, check inspection and check sampling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In the case of certification "under official supervision", leave the level of check testing, check inspection and check samples to Member States' discretion, based on their own assessments of the risk to seed quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In the case of certification "under official supervision", target inspection on the basis of risk (taking into consideration the higher voluntary standards in place, industry inspections, track records, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Apply controls/certification standards to final generation S&PM only and leave companies to decide how to manage parental generation S&PM production to meet the quality standards of final generation certified lots of the category under which the S&PM is marketed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Apply controls/certification to parental generations only and leave companies to decide how to manage commercial S&PM production to meet the quality standards of final generation certified lots of the category under which the S&PM is marketed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Revise the operational organisation</i></b>				
Integrate the inspection regimes for certification and for plant health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Set up a certification with a system of an accredited third party private body approved by the Member State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Set up a certification with a system of a S&PM company accreditation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Limit the official certification scheme to a basic level defined in the legislation and have extra quality requirements left up to private companies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Set up a voluntary certification scheme to national, or international (i.e. OECD) standards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remove the official certification system and pass on the full producer's liability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other : <i>Please specify :</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3.2.2. If you are in favour of decreasing or increasing the number of species covered by the Seed Marketing Directives, please specify which ones.**

*Please specify:*

**3.2.3. If you are in favour of increasing or decreasing the number of standards, please specify which ones**

*Please specify:*

**3.2.4. If you are in favour of revising the levels set in the quality standards, please specify how and for which standard?**

*Please specify:*

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**3.2.5. For each suggestion you support (in 3.2.1., “in favour”), please estimate the expected positive effects on cost and staff and specify the parties concerned (Commission, the national certification authorities and/or the private operators).**

Supported suggestions	% of reduction of costs	% of reduction of staff	Parties concerned		
			Commission	National authorities	Private operators
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3.2.6. What are the advantages of the suggestions you support (in 3.2.1. “in favour”) and their expected positive effects (for example on the user, the organisation of the EU S&PM markets, the competitiveness of EU S&PM, the functioning of the internal market, the level of legal requirements, the administrative burden, the rapidity of the decision-making process, etc)?**

*Please specify for each suggestion you do not support:*

**3.2.7. What are the disadvantages of the different options you do not support (in 3.2.1. “not in favour”) or their expected negative effects?**

*Please specify for each suggestion you do not support:*

**3.3. CONCLUSIONS**

**3.3.1. What are the most important lessons from the past, if any, concerning the current Community ‘acquis’ on certification of S&PM?**

*Please specify:*

**3.3.2. Which are the most important suggestions, if any, you would formulate for the future Community ‘acquis’ on certification of S&PM?**

*Please specify:*

**3.3.3. Which are the most important suggestions, if any, you would formulate to reduce the costs incurred by the public authorities and the private operators for the certification of S&PM, while guaranteeing the same level of quality?**

*Please specify:*

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**SECTION 4. ROLE OF THE CPVO**

*Note: A Working Group, managed by DG SANCO, on the possible extension of the activities of the Community Plant Variety Office has been established in 2006 and has met 6 times during the last two years. Proposals are under discussion. The evaluation team has been provided with the current outcomes of this working group. The purpose of this question is to validate and/or further investigate on the relevance of the proposals by a larger group of stakeholders.*

**4.1. What should be the role of the CPVO in the future, in addition to considering applications for protection of variety rights? (Only one answer possible per line of the table)**

Suggestions	In favour	Not in favour	Don't know	Not applicable
Active role in variety denomination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Active role in VCU testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Active role in DUS testing for variety listing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Active role in the administrative management of the Common Catalogue and national listing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Active role for management of comparative trials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Active role for management of tasks to equivalence with third countries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Active role in the administrative management of conservation varieties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: <i>Please specify:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please comment on your answer by providing your view on the respective roles of the Commission, the MS and the CPVO in the future regarding the 'acquis' on the marketing of S&PM:*

**4.2. What are the advantages of the different options you support or their expected positive effects on the economy, the level of legal requirements, the administrative burden, the associated costs, the rapidity of the decision-making process, etc?**

*Please specify for each suggestion you support:*

**4.3. What are the disadvantages of the different options you do not support or their expected negative effects?**

*Please specify for each suggestion you do not support:*

**Thank you!**

**Annex III: Cost questionnaire**

**Evaluation of the Community *acquis* on the marketing of seed and plant propagating material (S&PM)**  
*DG SANCO Evaluation Framework Contract Lot 3 (Food Chain)*

**Evaluation of the Community *acquis* on the marketing of Seed and plant Propagating Materials (S&PM)**  
**Costs questionnaire**  
**SURVEY by the FCEC (Food Chain Evaluation Consortium)**

**INTRODUCTION**

This survey takes place in the framework of the evaluation of the Community *acquis* on the marketing of Seed and Plant Propagating Materials (S&PM).

The objective is to collect data on costs for the activities of variety registration and certification. Such data collection focuses on the major cost centres at the pre-registration, registration, post-registration, certification and post-certification stages.

The survey questionnaire is divided into two sections as follows:

Section 1: Variety registration  
 Pre-registration costs  
 Registration costs  
 - DUS test  
 - VCU test  
 Post-registration costs

Section 2: Certification  
 Costs of certification under official examination (inspections and testing carried out by official competent body)  
 Costs of certification under official supervision (inspections and testing carried out by trained staff of authorised seed companies)  
 Post-certification costs

This questionnaire is a **general one** and targets both the national authorities and the private operators. Please only consider the parts and sections relevant to your organization, i.e.: left-hand side for national authorities and right-hand side for private operators.

The survey targets the **seed sector only** and not the sectors of Propagating material and Forestry material.

Amounts should be related to **annual budget figures** and should concern the combined costs for the applications or varieties for which you fill in the questionnaire. **Private operators should take account of fees paid.**

It could be that some parts of the questionnaire are difficult to answer. All questions have a box comments. If you are unable to stick to the format defined for any question but wish to give an answer, please do so and explain how you have approached the question in the box for comment.

The questionnaire should be completed in English.

The confidentiality of your responses and statements is guaranteed in the sense that your organisation will be mentioned as having responded to the survey but that none of the comments and remarks included in the evaluation report will be identifiable.

The ultimate objective of the data collection on the costs is to get a reliable basis for comparison between the current costs associated with the implementation of the EU S&PM *acquis* and the costs associated with the main options for a revision of the *acquis*. We therefore greatly appreciate your contribution.

If you have any further questions, do not hesitate to contact:

Anastasio SOFIAS :  
 phone: +32 2 641 00 11 fax: +32 2 641 00 30 e-mail: aso@bvdm.com

Please return this questionnaire by e-mail to Anastasio SOFIAS (aso@bvdm.com) before the 3<sup>rd</sup> of May 2008. If you answer on behalf of national authorities, please also attach to your response the list of fees applicable in your country.

**IDENTIFICATION DATA**

Please identify your organisation:

Name of organisation:

Department within the organisation:

Organisation located in (country):

Type of organisation:

Policy making authority	<input type="checkbox"/>
Variety registration authority	<input type="checkbox"/>
Certification authority	<input type="checkbox"/>
Professional associations of USERS of S&PM (including organic farming)	<input type="checkbox"/>
Professional associations of SUPPLIERS of S&PM (breeders and multipliers)	<input type="checkbox"/>
Other stakeholders:.....	<input type="checkbox"/>

Questionnaire completed by:

Name of the person filling in the questionnaire:

Position within the organisation:

Telephone number:

Email address:

The survey targets the **seed sector only**.

Amounts should be related to **annual budget figures**.

Please specify the year of the figures you provide?

For which country are you answering this questionnaire?

Country/International organisation concerned:

Please go now to the next sheet to provide estimations on costs.

# Evaluation of the Community *acquis* on the marketing of seed and plant propagating material (S&PM)

## DG SANCO Evaluation Framework Contract Lot 3 (Food Chain)

### SECTION 1 - VARIETY REGISTRATION

Can you give an estimate of the annual costs involved in fulfilling the following pre-registration, registration and post-registration obligations (boxes in orange)? Please note that the annual costs should concern the combined costs for the applications for which you fill in the questionnaire. For each cost you estimate, please provide additional data on the intensity or frequency of the related tasks (boxes in blue). Fees are one of the cost elements to be taken into account by private operators.

For which seed crops are you answering this section (to be filled in by national authorities and private operators)?

All seed crops	
Fodder plant seed (Council Directive 66/402/EEC)	
Cereal seed (Council Directive 66/402/EEC)	
Beet seed (Council Directive 2002/54/EC)	
Vegetable seed (Council Directive 2002/55/EC)	
Seed potatoes (Council Directive 2002/56/EC)	
Seed of oil and fibre plants (Council Directive 2002/57/EC)	
Other: (please specify)	

#### 1.1. PRE-REGISTRATION COSTS (If relevant)

The possible cost elements are:

- For registration authority: not specified
- For private operator: Production of preliminary data (Value for Cultivation or Use or "VCU"), Production of data for application submission (Distinct, Uniform and Stable or "DUS"), Administrative costs for applications preparation and submission, Possible fees.

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
Annual costs for registration authority				Annual costs for private operator			

Please comment on your answer by specifying the cost elements it refers to:

#### 1.2. REGISTRATION COSTS

##### 1.2.1 DUS Test

The possible cost elements are:

- For registration authority: Technical and administrative management of demands, Planning of experimentation, Reception and disposal of materials, Conducting of experimentation, Networks management and co-ordination, Trials approval including field visits, Validation and treatment of data and Maintenance of reference samples of varieties.
- For private operator: Technical and administrative management of demands, Field visits, Possible fees.

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
Annual costs for registration authority				Annual costs for private operator			

Annual number of applications received (varieties + components when relevant)

Annual number of DUS trial locations

Annual number of applications submitted for DUS testing (varieties + components when relevant)

What part of the costs is paid by the applicant (%)

Please comment on your answer by specifying the cost elements it refers to:

##### 1.2.2. VCU Test

The possible cost elements are:

- For registration authority and for private operators: Technical and administrative management of demands, Planning of experimentation, Reception and disposal of materials, Conducting of experimentation, Networks management and co-ordination, Trials approval including field visits and Validation and treatment of data.
- For private operators: Possible fees.

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
Annual costs for registration authority				Annual costs for private operator			

Annual number of applications received (varieties + components when relevant)

Annual number of VCU trial locations

Annual number of applications submitted for VCU testing (varieties + components when relevant)

What part of the costs is paid by the applicant (%)

Please comment on your answer by specifying the cost elements it refers to:

# Evaluation of the Community *acquis* on the marketing of seed and plant propagating material (S&PM)

## DG SANCO Evaluation Framework Contract Lot 3 (Food Chain)

### 1.2.3. Administrative management of approved varieties

The possible cost elements are:  
 - For registration authority: Denomination and Publications in Official Journals.  
 - For private operator: Denomination, Possible fees

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
Annual costs for registration authority				Annual costs for private operator			

Annual number of varieties/material approved

*Please comment on your answer by specifying the cost elements it refers to:*

### 1.3. POST-REGISTRATION COSTS (If relevant)

#### 1.3.1. Maintenance of reference collections

	EUR	Don't know	Not applicable	
Annual costs for public authority				Not applicable

*Please comment on your answer by specifying the cost elements it refers to:*

#### 1.3.2. Maintenance of breeding

	EUR	Don't know	Not applicable	
Not applicable				Annual costs for private operator

*Please comment on your answer by specifying the cost elements it refers to:*

**Evaluation of the Community *acquis* on the marketing of seed and plant propagating material (S&PM)**  
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**SECTION 2 - CERTIFICATION**

Can you give an estimate of the annual costs involved in fulfilling the following certification and post-certification obligations (boxes in orange) ? Please note that the annual costs should concern the combined costs for the varieties for which you fill in the questionnaire. For each cost you estimate, please provide additional data on the intensity or frequency of the related tasks (boxes in blue). Fees are one of the cost components to be taken into account by private operators.

This section is divided into three parts:

- 2.1. Costs of certification under official examination (inspections and testing carried out by official competent body)
- 2.2. Costs of certification under official supervision (inspections and testing carried out by trained staff of authorised seed companies).
- 2.3. Post-certification costs.

In Member States where the possibility of certification under official supervision is not implemented, sub-section 2.2. (costs related to certification under official supervision) should not be filled in.

Member States' certification bodies and operators that implement the certification under official supervision shall fill in sub-section 2.1. where it concerns certification of seed potatoes and sub-section 2.2 for the other crops (fodder plants, cereals, sugar beet, oil and fiber plants).

For which seed crops are you answering this section (to be filled in by national authorities and private operators)?

All seed crops	
Fodder plant seed (Council Directive 66/402/EEC)	
Cereal seed (Council Directive 66/402/EEC)	
Beet seed (Council Directive 2002/54/EC)	
Vegetable seed (Council Directive 2002/55/EC)	
Seed potatoes (Council Directive 2002/56/EC)	
Seed of oil and fibre plants (Council Directive 2002/57/EC)	
Other: (please specify)	

For certification authority:

What part of the operational costs for seed certification is paid by (or transferred to) the applicants (%)	
---	--

**2.1. COSTS OF CERTIFICATION UNDER OFFICIAL EXAMINATION**

**2.1.1 Registration of companies and seed-testing laboratories**

The possible cost elements are:

- For certification authority: Administrative management of data basis, Audit of the capacity of companies to implement the certification system and Audit of the capacity of laboratories to analyse seed sampling.
- For private operator: Keeping of registers, Harmonisation of factory equipments, Harmonisation of laboratory equipments

	EUR	Don't know	Not applicable	EUR	Don't know	Not applicable
<b>Annual costs for certification authority</b>				<b>Annual costs for private operator</b>		

Annual number of visits for the purpose of company's authorisation or management of licenses	
Annual number of visits for the purpose of laboratory's authorisation or management of licenses	

Please comment on your answer by specifying the cost elements it refers to:

**2.1.2 Official field inspection**

The possible cost elements are:

- For certification authority: Organisation of official field inspection and Field inspection.
- For private operator: Demand of field inspections, Accompanying of official inspectors, Possible fees.

	EUR	Don't know	Not applicable	EUR	Don't know	Not applicable
<b>Annual costs for certification authority</b>				<b>Annual costs for private operator</b>		

Annual number of hectares inspected		Annual number of hectares	
Annual number of visits by inspector		Annual number of visits	
Annual number of hours of inspection			

Please comment on your answer by specifying the cost elements it refers to:

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**2.1.3 Official seed lot sampling and seed sample testing**

**2.1.3.1. Official seed lot sampling**

The possible cost elements are:  
 - For certification authority: Official seed lot sampling.  
 - For private operator: Possible fees.

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
<b>Annual costs for certification authority</b>	[Orange Box]			<b>Annual costs for private operator</b>	[Orange Box]		

Annual number of samples collected

Please comment on your answer by specifying the cost elements it refers to:

**2.1.3.2. Official seed sample testing**

The possible cost elements are:  
 - For certification authority: Analysis of samples by official laboratory.  
 - For private operator: Possible fees

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
<b>Annual costs for certification authority</b>	[Orange Box]			<b>Annual costs for private operator</b>	[Orange Box]		

Annual number of samples tested

Please comment on your answer by specifying the cost elements it refers to:

**2.1.4 Official labelling of lots**

The possible cost elements are:  
 - For certification authority: Making and printing of official labels.  
 - For private operator: Affixing of official labels, Possible fees.

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
<b>Annual costs for certification authority</b>	[Orange Box]			<b>Annual costs for private operator</b>	[Orange Box]		

Annual number of official labels printed

Annual number of official labels affixed

Please comment on your answer by specifying the cost elements it refers to:

# Evaluation of the Community *acquis* on the marketing of seed and plant propagating material (S&PM)

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### 2.2. COSTS OF CERTIFICATION UNDER OFFICIAL SUPERVISION

#### 2.2.1. Authorisation of companies, seed-testing laboratories and staff belonging to companies by certification authority

The possible cost elements are:

- For certification authority: Administrative management of data basis, Audit of the capacity of companies to implement the certification system and Audit of the capacity of laboratories to analyse seed samples.
- For private operator: Keeping of register, Harmonization of factory equipment, Harmonization of laboratory equipment

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
<b>Annual costs for certification authority</b>				<b>Annual costs for private operator</b>			

Annual number of visits for the purpose of company's authorisation or management of licenses

Annual number of visits for the purpose of laboratory's authorisation or management of licenses

Please comment on your answer by specifying the cost elements it refers to:

#### 2.2.2 Field inspection by authorised staff

The possible cost elements are:

- For certification authority: Organisation of field inspection, Organisation of training courses and qualifications of staff and Field inspection.
- For private operator: Organisation of field inspection, Participation of staff in training courses and qualifications organised by the certification authority, Field inspection.

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
<b>Annual costs for certification authority</b>				<b>Annual costs for private operator</b>			

Annual number of hectares inspected

Annual number of hectares

Annual number of visits by inspector

Annual number of visits

Annual number of hours of inspection

Please comment on your answer by specifying the cost elements it refers to:

#### 2.2.3 Seed lot sampling and seed sample testing by authorised staff

##### 2.2.3.1. Seed lot sampling by authorised staff

The possible cost elements are:

- For certification authority: Organisation of training courses and qualifications of staff, Validation of sampling methodology applied by authorised samplers, Analysis of samples by official laboratories to check the performance of seed samplers
- For private operator: Training courses and qualifications of staff by the certification authority, Seed lot sampling by authorised staff.

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
<b>Annual costs for certification authority</b>				<b>Annual costs for private operator</b>			

Annual number of lots certified

Annual number of lots sampled

Please comment on your answer by specifying the cost elements it refers to:

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## 2.2.3.2. Seed sample testing by authorised laboratories

The possible cost elements are:

- For certification authority: Organisation of training courses and qualifications for laboratory managers and analysts, Official control of results obtained by authorised company laboratories and Official sampling of lots and analysis of samples by official laboratories in order to check the performance of authorised laboratories.
- For private operator: Training courses and qualifications of laboratory managers and analysts by the certification authority, Seed sample testing by authorised laboratories

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
<b>Annual costs for certification authority</b>				<b>Annual costs for private operator</b>			
Annual number of lots certified				Annual number of samples tested			

Please comment on your answer by specifying the cost elements it refers to:

## 2.2.4 Labelling of lots by authorised staff

The possible cost elements are:

- For certification authority: Organisation of training courses and qualifications of staff, Making and printing of official labels
- For private operator: Training courses and qualifications of staff by the certification authority, Complementary printing of official labels, Affixing of official labels, Possible fees

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
<b>Annual costs for certification authority</b>				<b>Annual costs for private operator</b>			
Annual number of official labels made				Annual number of official labels made			

Please comment on your answer by specifying the cost elements it refers to:

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## 2.3. POST-CERTIFICATION COSTS

### 2.3.1 Official post-control examination of varietal identity and purity

The possible cost elements are:

- For certification authority: Seed lot sampling, Plot sowing and plots inspection and Processing of results.
- For private operator: Visits

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
Annual costs for certification authority				Annual costs for private operator			

Annual number of seed samples sown (samples from multiplication fields and earlier generations + reference samples of varieties)

Please comment on your answer by specifying the cost elements it refers to:

### 2.3.2 Official recording of control by certification authority

The possible cost elements are:

- For certification authority: Processing of control results.
- For private operator: Not applicable

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
Annual costs for certification authority				Not applicable			

Please comment on your answer by specifying the cost elements it refers to:

### 2.3.3 Official control of marketing (if relevant)

The possible cost elements are:

- For public authority: Seed lot sampling and Sample testing by official laboratories.
- For private operator: not specified

	EUR	Don't know	Not applicable		EUR	Don't know	Not applicable
Annual costs for public authority				Annual costs for private operator			

Annual number of samples collected and tested

Please comment on your answer by specifying the cost elements it refers to:

### 2.3.4 Comparative tests & trials

	EUR	Don't know	Not applicable
Annual costs for national public authorities			Not applicable

	EUR	Don't know	Not applicable
Annual costs for EC authorities			

Please comment on your answer by specifying the cost elements it refers to:

**Thank you!**