

1. INTRODUCTION

1.1 What is the name of your organisation?

NAK (Dutch General Inspection Service for agricultural seeds and seed potatoes)

1.2 What stakeholder group does your organisation belong to?

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

1.2.1 Please specify

1.3 Please write down the address (postal, e-mail, telephone, fax and web page if available) of your organisation

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2. PROBLEM IDENTIFICATION

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

Yes

2.2 Have certain problems been overlooked?

Yes

2.2.1 Please state which one(s)

The goal to feed an ever growing world population (see 2nd World Seed Conference in Rome) and the role good quality S&PM in combination with potentially high yields plays in terms of food security has not been taken into account/is not referred to.

2.3 Are certain problems underestimated or overly emphasized?

Overestimated

2.3.1 Please indicate the problems that have not been estimated rightly

The complexity and fragmentation of legislation is overestimated. It should be born in mind that the present legislation is species or sector oriented making the rules appropriate and relevant. Some Directives (such as the agricultural seeds directives) could possibly be combined. Wit regard to the other Directives the approach/systems are fundamentally different from each other and therefore difficult to integrate. We therefore strongly favour a sector specific (agricultural seeds, seed potatoes, vegetable seeds, forestry) approach. In our view only some very general requirements (registration of suppliers) could be applied for all sectors. The high level of administrative burden in terms of cost is overestimated. For the agricultural species the cost of the system only makes up 1.5% - 2% of the marketing. Shifting of those costs to the private sector can be done without fundamentally changing the system. The non-harmonised implementation is overemphasised with regard to quality aspects. EU comparative trials have shown that the quality of the S&PM of the MS is more or less of the same level. Moreover (small) differences in the implementation are very often the result of different social, agronomic and climatic conditions. The lack of room to strengthen sustainability issues is overemphasised and does not necessarily improve when the system would change. Moreover productivity should remain an important factor (see remark under 2.2).

2.4 Other suggestions or remarks

The statement under 2.4 that the system of certification under supervision is not widely used is not correct. It is used to a large extent in certain Member States and especially by the larger companies. It should be noted that for SME which very often have no laboratories, qualified staff etc, official inspection and certification is cheaper and more efficient.

3. OBJECTIVES OF THE REVIEW

3.1 Are the objectives defined correctly in the context of S&PM marketing?

Yes

3.2 Have certain objectives been overlooked?

Yes

3.2.1 Please state which one(s)

The objective of high yields in order to feed an ever growing world population while at the same time arable land decreases has been overlooked with regard to the agricultural sector.

3.3 Are certain objectives inappropriate?

Yes

3.3.1 Please state which one(s)

We regard the following objectives as overemphasised as new/different legislation would not necessarily improve farmers' choice etc - improve farmers' choice and access to a wide diversity of plant varieties; - foster innovation in plant breeding with a focus on varieties that can be grown in a more sustainable manner; - improve competitiveness of the S&PM sector on the international market.

3.4 Is it possible to have a regime whereby a variety is considered as being automatically registered in an EU catalogue as soon as a variety protection title is granted by CPVO?

No opinion

3.5 If there is a need to prioritise the objectives, which should be the most important ones? (Please rank 1 to 5, 1 being first priority)

Ensure availability of healthy high quality seed and propagating material

1

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

2

Empower users by informing them about seed and propagating material

5

Contribute to improve biodiversity, sustainability and favour innovation

4

Promote plant health and support agriculture, horticulture and forestry

3

3.6 Other suggestions and remarks

We regard the first 2 objectives as equally important

4. OPTIONS FOR CHANGE

4.1 Are the scenarios defined correctly in the context of S&PM marketing?

Yes

4.2 Have certain scenarios been overlooked?

Yes

4.2.1 Please state which one(s)

A species or sector oriented (agricultural seeds, potatoes, vegetable seeds etc) scenario with crop specific rules and standards has been overlooked. The environment, structure of the sector, use of the end product etc greatly differ per sector. In order to have a workable and pragmatic approach we think that a sector specified/oriented scenario would be advisable.

4.3 Are certain scenarios unrealistic?

Yes

4.3.1 Please state which one(s) and why

The assumption under section 2 of Scenario 3 that 'Seed certification duplicates to a good extent work done by the S&PM suppliers' only applies to larger companies. Most SME have no qualified personnel for field inspection, sampling etc nor laboratories and consequently there is no duplication of work. the statement that most of the private sector would benefit from a widened certification under official supervision is incorrect as SME would have higher cost than at present (a centralised system). It should be noted that Scenario 3 and Scenario 4 will lead to a disharmonised situation, less transparency and an unlevel playing field. In addition to that a situation in which certain seed lots will be officially certified and others would not be certified, is unworkable as seed companies very often do not know in advance which fields and lots will get which final destination (inside or outside the EU).

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

Yes

4.5 Other suggestions and remarks

We are of the opinion that the Centralisation of the EU registration procedure with CPVO managing, as mentioned under Scenario 5, could also be applied in any scenario.

5. ASSESSMENT OF OPTIONS**5.1 Are the impacts correctly analysed in the context of S&PM marketing?**

No

5.2 Have certain impacts been overlooked?

Yes

5.2.1 Please state which one(s)

- Yield and yield reliability with a view to food supply and food security

5.3 Are certain impacts underestimated or overly emphasized?

No opinion

5.3.1 Please provide evidence or data to support your assessment:**5.4 How do you rate the proportionality of a generalised traceability/labelling and fit-for-purpose requirement (as set out in scenario 4)?**

No opinion

5.5 How do you assess the possible impact of the various scenarios on your organisation or on the stakeholders that your organisation represents?**Scenario 1**

Fairly beneficial

Scenario 2

Fairly beneficial

Scenario 3

Very negative

Scenario 4

Very negative

Scenario 5

Neutral

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

Scenario 1 is fairly beneficial as it transfers all cost to the seed industry und thus creates equal competiton (level playing field in terms of costs) Scenario 2 is fairly beneficial as it further opens the possibility to transfer tasks to the seed industry which can, for larger seed companies, be more efficient and which enhances fexibility. Scenarios 3 and 4 are very negative as they will lead to a disharmonised situation, less transparency and an unlevel playing field.

6. ASSESSMENT OF SCENARIOS

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

A combination of scenarios

6.1.1 What are your views with regards to combining elements from the various scenarios into a new scenario?

A possible combined scenario would be transferring of costs to the seed industry (1), the possibility of 'inspection under official supervision' to all crops and categories (2) and the option of having additional / more stringent national requirement (5). However, we feel that additional / more stringent requirements should not be subject to EU approval.

6.1.1 Please explain the new scenario in terms of key features

6.2 Do you agree with the comparison of the scenarios in the light of the potential to achieve the objectives?

No

6.2.1 Please explain:

We agree with the idea but we have the impression that the application of the positive and negative qualifications is rather arbitrary. An example is the summary of the key impacts under scenario 2 (page 20). The 'Impact on administrative burden and costs for authorities' is qualified as 'large positive' whereas the 'Impact on administrative burden and costs for private sector operators' is qualified as 'small negative'. When private sector operators take over the task of the authorities it will mean that they will bear the full administrative burden and costs and therefore the impact should be qualified as 'large negative impact'.

7. OTHER COMMENTS

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

7.2 Please make reference here to any available data/documents that support your answer, or indicate sources where such data/documents can be found:

