

B. Objectives of the initiative

What are the main policy objectives?

To ensure quality and health of seed and propagating material at lower cost and with less administrative burden; contribute to biodiversity, sustainability and innovation in line with the Commissions' objectives; provide for a clear and simple legal framework; better inform users of seed and propagating material; create a more level playing field for marketing by removing distortions; and by this way promote plant health and support agriculture, horticulture and forestry.

Do the objectives imply developing EU policy in new areas?

No, there is existing EU legislation since the mid-sixties.

C. Options

- (i) What are the policy options being considered?
- (ii) What legislative or 'soft law' instruments could be considered?
- (iii) How do the options respect the proportionality principle?

(i) Scenario 1 - Cost recovery: No change to technical provisions but complete recovery of registration and certification costs by public authorities
Scenario 2 - Co-system: No change to technical provisions but certain tasks performed by industry under official supervision
Scenario 3 - Low burden Co-system: VCU-testing and official certification are optional. Harmonised tests are developed. Repartition of tasks is as under scenario 2.
Scenario 4 - Enhanced flexibility system: Mandatory basic provisions for registration with a voluntary level of higher assurance for registration and certification
Scenario 5 - Centralisation: Centralised EU registration procedure with CPVO managing and making final decisions, and fully harmonised certification requirements

(ii) Three scenarios foresee in a transfer of certain tasks to the private sector operators, either or not under official supervision by competent authorities of the Member States.

(iii) The aim is to harmonise the regulatory framework for the marketing of S&PM and thus contribute to the functioning of S&PM market in the EU. The proposed measures are sufficient in terms of reaching the objectives of ensuring health and quality of S&PM and securing the functioning of the internal market for S&PM. At the same time they do not impose an excessive or unjustified burden. The absence of harmonisation could result in the appearance of individual national variety registration and S&PM certification systems, resulting in multiple work and increased administrative burden in the EU.

D. Initial assessment of impacts

What are the benefits and costs of each of the policy options?

The impact assessment is ongoing.

Could any or all of the options have significant impacts on (i) simplification, (ii) administrative burden and (iii) on relations with other countries, (iv) implementation arrangements? And (v) could any be difficult to transpose for certain Member States?

- (i) yes
- (ii) yes
- (iii) To a limited extent only as a third country equivalence system already is in place.
- (iv) yes, the new Regulation would include the basic principles and the technical requirements are moved to the implementing measures
- (v) no, it is existing EU legislation

(i) Will an IA be carried out for this initiative and/or possible follow-up initiatives? (ii) When will the IA work start? (iii) When will you set up the IA Steering Group and how often will it meet? (iv) What DGs will be invited?

- (i) yes
- (ii) internal kick-off on 4 February 2010
- (iii) The IA steering group met on 26 January 2010, 3 March 2010, 15-Sept 2010 and November 2011.

(iv) SG, AGRI, ENV, ENTR, TRADE

(i) Is any of options likely to have impacts on the EU budget above €5m?

(ii) If so, will this IA serve also as an ex-ante evaluation, as required by the Financial regulation? If not, provide information about the timing of the ex-ante evaluation.

(i) no

E. Evidence base, planning of further work and consultation

- (i) What information and data are already available? Will existing impact assessment and evaluation work be used?
- (ii) What further information needs to be gathered, how will this be done (*e.g. internally or by an external contractor*), and by when?
- (iii) What is the timing for the procurement process & the contract for any external contracts that you are planning (*e.g. for analytical studies, information gathering, etc.*)?
- (iv) Is any particular communication or information activity foreseen? If so, what, and by when?

(i) Report of an external evaluation, presented early November 2008, the results of an (externalised) study on variety registration, finalised in July 2011 and replies by Member states to a questionnaire on the costs on S&PM certification. While there is fairly good information on fees charged to users of services, the data on the costs related to S&PM certification incurred by the competent authorities are very scarce. In many Member States these services are also involved in other tasks (plant health inspections, extension service work) and it is not possible to split costs between those tasks

The IA covers the implementation of the legislation on the marketing of all seed and plant propagating material. An IA has been conducted in 2007 as part of the preparations for the submission of a Commission proposal for the recast of the Council Directive on the marketing of fruit plants and fruit plant propagating material.

(ii) The web-based stakeholder survey (19 April to 30 May 2011) did not generate much more additional data.

(iii) done

(iv) Broad consultation on an "analysis and options" document as part of the stakeholder consultation for the IA (19 April to 30 May 2011). A consultative group of private sector stakeholders has been convened on 30-11-2009, 18-04-2010, 23-11-2010, 18 February 2011 (all meetings of sub-group "seeds") and 14 March 2011 (plenary group) The Member States were consulted via horizontal Working Party meetings on 9-02-2010, 3-05-2010, 30-09-10-2010, 1-10-2010, 11-4-2011, and 30 to 31-05-2011. Four Member States' task forces were working under Hungarian Presidency on key issues (1 May to 19 July 2011). A joint WP meeting with plant health officers took place on 8-10-2010. The commitment was made to keep the Council informed on the progress of the review and the preparation of a Commission proposal: 2-10-2009, 27-4-2011, 17-06-2011, 4-10-2011.

Which stakeholders & experts have been or will be consulted, how, and at what stage?

Private sector (breeders, suppliers, farmers' organisations), MS experts. The list of nearly 700 relevant stakeholders has been established for the 2007-2008 evaluation. They have been consulted during the public consultation (19 April to 30 May 2011).