

## **Public consultation**

# **Regulations on the production and marketing of plant reproductive material (PRM) and forest reproductive material (FRM) in the Union**

LTO Nederland, the Netherlands Organisation for Horticulture and Agriculture, welcomes the opportunity to contribute to the public consultation of the European Commission on the proposal for a Regulation of the European Parliament and of the Council on the production and marketing of plant reproductive material (PRM) in the Union and on the proposal for a Regulation on the production and marketing of forest reproductive materials (FRM) in the Union.

Representing 35,000 farmers and growers in the Netherlands, LTO is the prime representative of Dutch fruit and vegetables (ranging from open-fields to orchards and greenhouses), nursery stock (including fruit plants and forest reproductive material), ornamentals (among others, bulbs), potatoes, and sugar beet growers. Thanks to their contribution to the economy, employment, the landscape, and the environment, the added value of Dutch agriculture and horticulture in the European Union is undeniable.

## **Plant reproductive material (PRM)**

The proposed regulation will merge ten PRM directives into one PRM regulation. Although the directives functioned well the past years, we appreciate the effort to modernise the legislative framework by replacing it with one PRM regulation. However, by bringing so much directives together into one, one has to ensure the differences between crops and crop groups are sufficiently recognised. LTO Nederland is concerned that the current proposal for a PRM regulation rather opts for a more generalised approach in regulating PRM for various crops and crop groups, not fairly and fully acknowledging Europe's rich crop diversity.

In that respect, LTO would like to raise the following concerns with regard to the new PRM proposal.

## **Value for Sustainable Cultivation and Use (VSCU, Art. 52)**

Growers will consider many aspects in their choice for certain varieties. The required input of PPPs and nutrients as well as susceptibility and resistance to pests and diseases are for sure very important aspects to take in consideration. Climate, soil type, water quality and quantity, consumer behaviour, desired product quality, amount of yields, shelf life, and market value are also key in determining which varieties are grown at our farms. Consequently, the development of more sustainable varieties is already taking place without legal regulations enforcing them because they are strongly driven by changing consumer demands and legislation on PPP and nutrient use or water quality. The obligation of standard minimum sustainability requirements leads to increased costs at farm level and to impoverishment of the assortment. Paradoxically, it may even slow down the improvement and sustainability of the assortment, which the impact assessment of the European Commission, published with the regulation, also endorsed.

## *Decreasing assortment*

The Commission estimates that introduction of VSCU will lead to 3 to 10 percent less varieties registered in the vegetables, fruit plants, and potatoes categories. Currently, there are already very few varieties registered for certain plant species in fruit plants, vegetable crops, and potatoes under the contemporary system. With a more expensive variety registration for plant breeders, the rate of variety introduction will further decrease – not increase. Yet, an increase in new variety introductions is necessary due to incrementing sustainability challenges growers are facing – like climate change, improving water quality upcoming new plant pests and diseases, a decreasing

package of PPPs, limited use of nutrients, etc. Introducing a VSCU will thus not be contributing to counteracting this negative trend, on the contrary.

The Commission has equally to take into account that some varieties, for example seed potatoes, are mainly used as PRM for other Member States or third countries. It is therefore not possible to measure sustainability characteristics of these varieties in the country of origin as their impact on sustainability only will become clear in the country of final use. Respecting the diverse purposes that PRM are serving in the Union, a potential VSCU should not prevent them from fulfilling that unique purpose.

#### *Increased costs*

The additional costs estimated in the Commission's impact assessment are €400 million per year for farmers and growers, €6.4 million per year for the breeding sector, and up to €98 million per year for authorities. The costs for production of food, growing vegetables, fruit, and potatoes will naturally rise in return. LTO accordingly questions whether these higher costs are reasonable compared to the limited expected sustainability gains, at which the compulsory VSCU system aims.

#### *Suggestion*

Growers' demand for better varieties logically calls for more varieties with disease and pest resistance, reduced susceptibility to diseases and pests, increased resilience to biotic and abiotic stresses, etc. As an alternative to Article 52, LTO suggests to monitor the sustainability aspects of varieties newly appearing on the internal market and to oblige the supplier (owner) of PRM to publish information about sustainability aspects of varieties, which should become available to the growers interested in using these varieties. Especially information about the type of resistance helps growers to strategically alternate varieties.

#### **Definition marketing (Art. 3.3)**

The definition of marketing in Art. 3.3 has been changed fundamentally from to the existing PRM marketing directives. In the PRM directives, the definition of marketing is limited to PRM for commercial exploitation, ready to sell to the professional user. All processing steps – from harvesting of plant reproductive material, cleaning, testing, quality-checks, packaging, and to the transfer of the material – should not be under the scope of marketing. LTO argues hence to stick to the current definition of the PRM marketing directives or to add to the definition that “*all PRM not ready for sale and undergoing processing steps shall be excluded.*”

#### **Compliance with Regulation (EU) 2016/2031 (Art. 4)**

As mentioned above, PRM is first processed and checked for quality before it is ready for sale. Only after doing this, the requirements in the Plant Health Regulation (PHR) EU 2016/2031 can be met. This is, for example, relevant for RNQP organisms. LTO therefore favours to abandon the word ‘produced’ in the second sentence and change the text into “*any PRM lot marketed in accordance with this Regulation shall also comply with the rules set out in or pursuant to Articles 36, 37, 40, 41, 42, 49, 53, and 54 of Regulation (EU) 2016/2031 concerning Union quarantine pests, protected zone quarantine pests, and RNQPs, and with the measures adopted pursuant to Article 30(1) of that Regulation.*”

#### **PRM marketed to final users (Art. 28)**

Exempting non-professional users from the scope of the legislation could result in a lower PRM quality and cause an increase in fraudulent practices. A stronger link between future PRM legislation and the current PHR is necessary to avoid phytosanitary risks, especially for final users.

#### **Seed exchanged in kind between farmers (Art. 30)**

LTO supports the use of Farm Saved Seeds (FSS) and urgently request the Commissions to allow farmers to continue to benefiting from FSS. To prevent the spread of diseases and avoid

phytosanitary risks, LTO feels urged to emphasise that FFS produced at one farm should not be transferred to another farm. Also, it is important to clarify that farms that are split between two Member States should be excluded from Art. 30.

### **Forest reproductive material (FRM)**

The proposed FRM regulation is aiming to replace Directive 1999/105/EC. LTO endorses the objectives of the regulation but questions the actual need for a transition from this well-functioning directive to a new regulation. LTO is predominantly concerned about the scope of the FRM regulation and believes that minor adjustments to the current directive would rather meet the proposed goals of the FRM regulation more effectively and efficiently. To maintain the quality of certified FRM listed plants, LTO advocates in case of a FRM regulation that its scope should include all seeds and all seed-grown plants of tree species and artificial hybrids thereof as listed in Annex I.

#### **Scope of application (Art. 2.4)**

The FRM proposal indicates that it does not apply to propagating material of ornamental plants as defined in Article 2 of Directive 98/56/EC. This exclusion, however, should not lead to the use of uncertified seeds or uncertified seed-grown plants of listed FRM tree species. Directive 1999/05 has led to certified FRM listed plants, which can always be traced back to its origin regardless of its purpose (forest or non-forest). In this way, all FRM meet the quality requirements of the directive.

Obliging FRM to meet the quality requirements of Directive 1999/105 has resulted in a higher quality of trees, which grow well for decades. Particularly for forestry this is important, but also smaller landscape elements benefit of course from healthier trees. LTO expects that more small landscape elements will be planted in the future because of the Green Deal and the CAP in order to improve and restore biodiversity. It is therefore of great importance that certified FRM is used for planting smaller landscape elements. If listed FRM tree species will be excluded from this FRM regulation, as proposed, there will be no longer full control on persevering the quality of the FRM listed plants, to the detriment of biodiversity restoration in our Union. This may create a parallel system without guaranteed quality controls, posing a high risk of mixing FRM for forest and non-forest purposes and maintaining the quality and traceability of seeds and plants.