



SVO Section Vegetables and Ornamentals

Remarks on the Marketing of Vegetable Varieties in Advance of Listing*

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Background:

Council Directive 2002/55/EC of 13 June 2002 on in Article 23 (b) states that: "Member States may authorize breeders and their representatives established in their territory to market for a limited period, seed belonging to a variety for which an application for inclusion in a national catalogue has been submitted in at least one Member State and for which specific technical information has been submitted".

"The conditions under which Member States may grant these authorizations shall be determined in accordance with the procedure referred to in article 46 (2), particularly as regards to the acquisition of data, the type of data, the maintenance and the name of the variety and the labeling of packages".

A specific rapporteur group on vegetable varieties in the framework of the Standing Committee on Seeds currently discusses possible provisions for the Marketing of vegetable varieties in advance of listing.

General remarks:

The ESA Section Vegetables and Ornamentals ESA SVO considers it urgent that conditions will be defined quickly, in order to end the different national systems currently existing in some Member States (France, Germany, Spain, Netherlands), or being developed in other Member States (United Kingdom), while other Member States do not yet have any official system for authorization.

This creates differences in opportunities for growers in different countries to profit from new innovative genetics.

This will even become more urgent as new countries will enter the EU.

It is also essential that Member States will recognize an Authorization granted in any other EU Member State. The current situation leads to high costs and administration for Breeders.

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ESA SVO therefore urges to define these conditions to be defined along the following principles:

Specific remarks from ESA SVO:

1. Authorizations to market seeds of unlisted vegetable varieties may be requested by a breeder or his representative, who has duly submitted an application for entry of the variety concerned in the national catalogue of at least one Member State. This includes the usual provision of a Technical Questionnaire (TQ) and Variety sample.
2. If the Member State of authorization is different from the Member State where DUS tests take place, the breeder shall submit a representative sample.
3. The breeder shall submit data acquired from previous breeders' tests or trials as carried out according to the requirements of the Member State where the request was lodged on the variety to be listed in the catalogue, to the extent that they relate to distinctness, uniformity and stability of the variety. The Member State may inspect these breeders' tests and trials.
Practical protocols of these trials are to be established with each national registration body.
4. The authorization by one of the Member States to market seeds of an unlisted vegetable variety authorizes breeders to place on the market quantities of seeds within the limits per species and year as defined in the Annex (v. Annex) in the EU territory.
5. The proposed variety denominations can be used or temporary breeders' references, as long as the proposed name has not yet been cleared for use.
6. Authorizations to market varieties in application are published by the national authorized bodies, with simultaneous notification to the European Commission and to each Member State of the EU. Authorizations that are granted by an authorized body in one EU Member State are valid in all Member States, as soon as published on the EU Internet site.
7. Varieties marketed under this authorization will be recognizable in commercial catalogues of breeders and on labels. Labeling requirements are to be uniform for all Member States.
8. Varieties marketed under this authorization will meet all the requirements (quality, distinction, uniformity, stability and phytosanitary) as defined for Standard Vegetable Seed in Directive 2002/55/EC.
9. Authorizations are valid as long as requirements mentioned under 8) are being met and have been confirmed during the official tests carried out so far.

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10. In case of cancellation of the authorization or withdrawal of the application for inclusion in a national list, breeders will take any remaining seeds of the market immediately.
11. In case of cancellation or withdrawal, the applicant has the right to apply one more time for authorization of the same variety with the same reference and/or name.
12. Breeders are to provide administrative evidence of complying with these conditions.

Conclusion:

The ESA Section Vegetables and Ornamentals SVO supports that Council Directive 2002/55/EC does allow that appropriate quantities of seeds can be marketed under these authorizations.

For vegetables, these quantities should be set in line with the acreage of the species in the (extended) area of the European Community.

ESA SVO considers a maximum of 1% of the market size to be adequate and appropriate for such vegetable varieties for the following reasons:

- Growers request early access to innovations, especially if these solve critical issues (e.g. new resistances). This means that growers demand significant quantities of innovative varieties during second or third year of application process. The maximum quantities should be adequate for these situations.
- Breeders will initially not yet have large quantities available and are careful not to market large quantities as long as market experience with these varieties is limited.
- Average life-cycles of vegetable varieties are decreasing.
- Segments of the market can be different in size for a variety inside the same species. Quantities should be adequate for the larger segments also.
- Authorities will already have had an opportunity to make a first judgment on DUS, based on the Breeder trial-data provided and the Technical Qualifications.
- Authorized varieties will be specifically labeled, so will be recognizable for growers; growers are careful not to shift over to new varieties, as long as their experience with these varieties is limited.

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Annex:

Proposed maximum annual quantities per Vegetable Species.

[Based on 1% of the market size of the enlarged European Community (2004)]

Species	Crop	Annual quantity (kg)
Allium cepa	Onion	1.000
Allium porrum	Leek	250
Apium graveolens	Celery	10
Asparagus officinalis	Asparagus	25
Beta vulgaris	Beetroot, Chard	1.000
Brassica oleracea	Cabbages, Broccoli, Cauliflower, Kohlrabi, Curly kale, etc.	150
Capsicum annuum	Pepper	75
Cichorium endivia	Endive	100
Cichorium intybus	Chicory, Witloof chicory	200
Citrullus lanatus	Watermelon	300
Cucumis spp.	Cucumber, Melon, Gherkin	300
Cucurbita soo.	Courgette, Squash, Gourd	250
Daucus carota	Carrot	1.000
Foeniculum vulgare	Fennel	30
Lactuca sativa	Lettuce	100
Lycopersicon l.	Tomato	150
Petroselinum crispum	Parsley	50
Phaseolus spp.	French Bean, Runner bean	40.000
Pisum sativum	Peas	50.000
Raphanus sativus	Radish	2.000
Solanum melongena	Eggplant	25
Spinacia oleracea	Spinach	10.000
Valerianella locusta	Corn-salad	1.500
Vicia faba	Broad beans	4.000