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Caroline Lucas MP
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From Lord de Mauley

Parliamentary Under Secretary of State for Natural Environment and Science

Dear Ms Lucas,

Thank you for your further letter of 4 February about the European Commission's proposal for a regulation on the marketing of plant reproductive material.

We are conscious of the issues around biodiversity, consumer choice and sustainable agriculture and are looking for pragmatic solutions which balance the needs of all the varied sectors affected.

You may be aware that the Agriculture and Environment committees of the European Parliament have voted to reject the Commission's proposal, with a plenary vote to be held soon. Prior to votes in these committees, MEPs proposed over 2,000 amendments to the Commission's draft. However, if the European Parliament rejects the proposal this does not force the Commission to withdraw altogether or to present a revised proposal. The Council of the EU is continuing to prepare its position, with Defra negotiating to address, among others, the issues you have raised. Our objective is simple and proportionate legislation which is affordable for all businesses. We want to have legislation which facilitates trade and encourages innovation, in breeding for example, without introducing new burdens for small businesses or amateur gardeners. The issue of micro-business fee exemptions has been discussed by the Council, without reaching a conclusion.

We want simpler provisions for new varieties developed for gardeners. The UK's objective is to introduce a lower level of regulation, without a requirement for variety registration, while maintaining sufficient consumer protection. If this does not succeed, the alternative approach would be for simpler registration requirements for these varieties, much as the current legislation.

For ornamentals marketed under a variety name, the objective is to retain simple provisions. The European Commission has already indicated that it is open to this approach, rather than the proposed requirement for an 'Officially Recognised Description' which would be burdensome and potentially very costly. The amendments would allow marketing of existing varieties when 'commonly known' to consumers through information in the public domain. For new varieties where Plant Breeders' Rights are not sought, the producer would have to provide sufficient assurance of varietal identity, through information in a catalogue and traceability in production.



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Defra continues to work with a number of organisations including Garden Organic, Plant Heritage and the Royal Horticultural Society, and with businesses active in the horticultural sector in order to understand the activities and needs of these sectors. This is in addition to longstanding links with organisations working in conventional agriculture.

I am happy to reassure you that the proposed amendment to exempt small quantities of material swapped by non-professionals would not prohibit events such as Brighton's Seedy Sunday. Whilst the total number of exchanges might be relatively large, each individual one will be small.

Ys sincerely

Rupert de Manley



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