



Department
for Environment
Food & Rural Affairs

helpline@defra.gsi.gov.uk
www.defra.gov.uk

Date: 28 October 2013

Dear Consultee

Consultation on review of fees for UK National Listing and Plant Breeders' Rights

I am writing to invite participation in the consultation on proposed fee increases for services for National Listing and Plant Breeders' Rights coordinated by The Food and Environment Research Agency (Fera). The Department for Environment, Food and Rural Affairs (Defra) is carrying out the consultation for the UK on behalf of the Devolved Administrations of Northern Ireland, Scotland and Wales. The deadline for responses is **10 January 2014**.

The consultation will be of interest mainly to companies involved in breeding and marketing new varieties of plants and to their customers, although comments are welcomed from other interested sectors and the public.

The following documents may be found on Defra's website: www.gov.uk/defra

- Consultation letter
- Consultation document
- Impact Assessment
- List of consultees

We welcome your views, comments and additional evidence, and would be grateful if you could submit these to NLBR@defra.gsi.gov.uk or the address below by **10 January 2014**.

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Background

National Listing is a legal requirement of Council Directives 2002/53/EC and 2002/55/EC and a prerequisite for the marketing of new varieties of plants, primarily for species important for food production. To be listed, a variety must be distinct from existing varieties, uniform and stable and, for agricultural varieties, show an overall improvement in



performance or 'value for cultivation or use'. The UK National List system is administered jointly by Defra and the Devolved Administrations of Northern Ireland, Scotland and Wales.

Plant Breeders' Rights are a form of intellectual property protection designed specifically for new varieties of plants, entitling the holder to control production and sales of reproductive material. They allow the collection of royalties which are the main return on investment in plant breeding and are used for continued development of new varieties.

Issue under Consideration

The issue under consideration is achieving full cost recovery for National Listing and Plant Breeders' Rights services where significant under recovery exists. It is government policy to achieve where possible full cost recovery for publicly provided services and to transfer the cost from the taxpayer to the users who benefit directly. This gives fairer distribution of public resources and lowers public expenditure. The main purpose of this consultation is to explain the options for fee increases to achieve full cost recovery for these services and to seek further information on their impacts. This is explained in the consultation document and associated Impact Assessment.

Consultation Criteria

This consultation is in line with the principles set out in the Code of Practice on Consultations, see <http://www.berr.gov.uk/policies/better-regulation/consultation-guidance>.

When this consultation ends, Defra will retain a copy of the responses, which may be requested by the public under Freedom of Information legislation. If you do not want your response (including your name, contact details and any other personal information) to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that will not count as a confidentiality request. Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under Freedom of Information Legislation, but, because of the law, cannot promise that we will always be able to keep those details confidential.

We will place a summary of all responses on our website at www.gov.uk/defra. This summary will include a list of names of organisations that respond but not personal names, addresses or other contact details.

If you have any queries, comments or complaints about the consultation process, please address them to the contact details in this letter.

Thank you for your participation.

Yours faithfully

Andy Mitchell
Head of Plant Varieties and Seeds Policy