

Dear Mr Sturdy,

Re: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL On the production and making available on the market of plant reproductive material (plant reproductive material law)
/* COM/2013/0262 final - 2013/0137 (COD) */

We are writing to express our strong concern and objections both in principle and on personal grounds to the proposed regulation of the marketing of plants.

On a personal note, we run a very specialist plant nursery based in Warwickshire and we can confirm that if the regulations are passed as planned, our rural nursery, livelihood and the livelihood of our staff would become, in effect, illegal, since 95% of the plants we grow would not meet and would be unlikely ever to meet the requirements of the regulation. We could not continue to trade based on the remaining 5% of formally listed stock. There are hundreds such businesses around the UK that would be similarly affected.

As holders of the National Collection of Pelargoniums (possibly the largest of its kind in the world), we hold varieties that organisations like The National Trust, The Royal Parks, English Heritage, - all customers of ours – and Botanical Gardens from around the world, who are trying to rebuild and re-plant their own collections, can only get from us. Some of the varieties are endangered, some are simply very, very old and hard to propagate.

We also hold The National Collection of Hedera, the largest collections of hardy and tender ferns, Tropical Hibiscus, Callistemon, and Tuberous Begonias in the UK, with about 1% of the above varieties having formal descriptions under PBR. We simply cannot afford the hundreds of pounds it will cost in time and registration fees per variety that will make continuing to sell our plants legal. So what are our options? Continue to trade illegally or shut up shop. What would you have us do?

And what of the Plant Heritage Scheme? We are only one of hundreds of Collection Holders and Guardians throughout the UK. We need to propagate and sell plants commercially to be able to continue to keep the collections. Without those sales, the nursery will close, the collections will be lost.

We are not trying to be alarmist. It's a simple fact of economics versus the law.

It has been predicted that the cost of registering 1 plant variety will cost in the region of hundreds of pounds. Some say as much as £500 with time and fees. That may not seem like much money. But we have over 2000 varieties of Pelargoniums alone. This is before you add in the other collections we hold. Should we choose to be compliant with the new EU Regulations we will go out of business. Where is the sense?

So the nursery closes, which would be quite frankly heartbreaking to so many people locally and beyond. Our staff and our-selves will be out of work. We will become a drain on the purse strings of our government, that same government that will sadly lose the revenue from all the other businesses that will have been forced to close due to an ill-advised EU Regulation. Who would benefit from this?

Here is a quote from the RHS Nursery Finder :-

“There are more than 540 specialist nurseries listed in the *RHS Plant Finder* who this year have introduced more than 3,300 new plants for sale. This search helps you identify those that specialise in distinct plant groups or provides a list of nurseries to visit throughout the UK and Ireland.”

How many of these plants will become illegal? How many of these nurseries will go out of business? And these are only the ones listed in the Plant Finder. There are many, many more.

Our main objections on the wider questions of principle are as follows:

- What is the public benefit served by these regulations? Where is there a wrong that needs to be put right? We believe there is none at all. There is no public health issue, or safety concern, nor a public commercial problem.
- Not one person has ever complained or sought redress for any of the plants we have sold in the past fifty years because they were not formally registered in the way described. Quite the reverse. We offer choices not available in mainstream garden centres, which is exactly why people visit us. All of the plants we offer are listed in the RHS Plant Finder.
- The effect of these regulations would simply be to remove long-established and prospective new plants from circulation, where they are not likely to sell in the hundreds of thousands required to justify the cost of registration, but are currently traded freely on common knowledge or the customer seeing the parent plant from which it was propagated. Ask yourself, who wants this law passed? Might it be those organisations which do register their plants (and they are free to do so and enjoy the commercial protection thus provided) in order to restrict competition?
- Trades Description laws can readily deal with any complaint that a customer might make regarding a plant which does not meet a customer's expectation, like any other product. No law is required specifically to address ornamental plant naming. What would be next? Must jewelers register their new designs with a two page description before they may sell them? Must hairdressers register styles they invent? These proposals have no precedent and may open a new wave of unnecessary, restrictive regulation.
- Prestigious, internationally recognised events such as RHS Chelsea, Hampton Court Palace and Tatton Flower Show rely heavily on nurseries showing unusual, rare, new or recovered varieties to sustain the level of consumer and media interest. We have exhibited at all of the RHS Shows, some of them since their conception. We and our fellow exhibitors firmly believe that removing unlisted plants may well render these shows unviable.
- Exempting small nurseries from the regulations is no solution. Smaller nurseries rely on larger wholesale nurseries to produce plants in greater quantities, or where specialist propagation is needed. Many of the popular varieties we grow are unavailable anywhere else. If we and others like us don't provide these varieties for our trade customers in the UK and throughout Europe, supply would simply dry up and a valuable UK and European industry would be decimated.
- If passed, the regulations would be completely unworkable. Who is going to write the descriptions and then police any transgressions? The only people with the relevant knowledge at the detailed level required work in the nurseries that would be affected. As they are likely to be put out of business, or simply stop producing plants that they can't sell, there will be no-one with the knowledge to assess 'transgressors'.

These regulations have been described as 'a sledgehammer to crack a nut'. That is an incorrect analogy. The actual position is that there is simply no nut in need of cracking. These regulations need to be completely scrapped and we urge you to ensure this is what happens.

We have been in business in the UK for over 50 years. We have paid every scrap of tax, obeyed every law and are proud to be entrepreneurs in the UK. We do not want to face the choice of closing it down or running it quasi-legally because of an ill-considered, pointless, unenforceable EU law.

Yours sincerely,

FibreX Nurseries Ltd
Richard Godard-Key
Heather Godard-Key
Ursula Key-Davies
Angela Tandy
Sandra Marcelot-Haynes
Eileen Osborne
Wendy Skelcher
Ray Peters
Helena Hall
Sue Gallagher