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### **CONTRIBUTION**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the production and marketing of plant reproductive material in the Union, amending Regulations (EU) 2016/2031, 2017/625 and 2018/848 of the European Parliament and of the Council, and repealing Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC (Regulation on plant reproductive material) - Comments from Poland

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Delegations will find in Annex comments from Poland on the above proposal. The comments pertain to Articles 1 – 3 (27).

General comments on the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the production and marketing of plant reproductive material in the Union (COM 11502/2023), amending Regulations (EU) 2016/2031, 2017/625 and 2018/848 of the European Parliament and of the Council, and repealing Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC (Regulation on plant reproductive material).

In response to the Spanish Presidency's request for comments from Member States, after meeting on 13 October the Polish side, provides following comments:

1. art. 2 .1

We would like to add new species in Annex I– Buckwheat (*Fagopyrum esculentum Moench*) and Common Millet (*Panicum miliaceum L.*) - both 2 species are regulated by OECD Seed Schemes.

2. art. 2

Derogation

Poland would like to keep derogation for all species mentioned in Commission Decision 2010/680/UE of 9 November 2010 releasing Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Spain, France, Cyprus, Latvia, Lithuania, Malta, the Netherlands, Poland, Slovenia, Slovakia, Finland, Sweden and the United Kingdom from the obligation to apply to certain species Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 1999/105/EC, 2002/54/EC, 2002/55/EC and 2002/57/EC on the marketing of fodder plant seed, cereal seed, material for the vegetative propagation of the vine, forest reproductive material, beet seed, vegetable seed and seed of oil and fibre plants respectively

(Poland - *Bromus sitchensis*, *Cynodon dactylon*, *Phalaris aquatic*, *Poa annua*, *Trisetum flavescens*, ....*Hedysarum coronarium*, *Trifolium alexandrinum*, *Trigonella foenumgraecum*, *Vicia pannonica*, *Oryza sativa*, *Sorghum bicolor*, *Sorghum sudanense*, *Sorghum bicolor x Sorghum sudanense*, *Vitis*, *Arachis hypogaea*, *Brassica nigra*, *Carthamus tinctorius*, *Gossypium spp.*)

3. 'Breeders seed' – Poland support the proposition to remove definition of Breeders material and art. 31 and also derogation in Article 5(f).

4. Poland propose to modify the following definitions:

**'variety maintenance'** means the actions taken for ~~controlling varietal purity and identity with the aim to ensure that a variety remains in accordance with its description over subsequent cycles of reproduction~~ production of PRM with the aim to ensure varietal purity and identity and to remain a variety in accordance with its description over subsequent cycles of reproduction;

5. 'standard seed', 'standard material' – we support both definitions, but we propose modification of 'standard material'

'- means PRM other than seed, and other than pre-basic, basic or certified material, that is ~~not~~ intended for further multiplication standard material, and satisfies the respective conditions laid down in Annex III;

6. 'offtypes' – definition should be the same like in UPOV :

“A plant is to be considered an off-type if it can be clearly distinguished from the variety in the expression of any characteristic of the whole or part of the plant that is used in the testing of distinctness, taking into consideration the particular features of its propagation.”