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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials)
N° prev. doc.:	16273/24
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Subject:	Regulation on forest reproductive material - Request for contributions on the incoming Polish Presidency alternative proposal for the provisions on official controls and other articles - comments from DK

Delegations will find in Annex comments on Recitals, Articles 2, 4, 5b, 8, 9a, 9b, 9c, 10, 16, 17, 26, 28, Annexes I-IV of the revised Presidency text (as in document 16273/24) submitted by the Danish delegation.



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Comments from DK

-Regulation on forest reproductive material - Request for contributions on the incoming Polish Presidency alternative proposal for the provisions on official controls and other articles

The Polish Presidency has asked Member States to provide comments on:

- 1) An alternative proposal for the provisions on official controls.
- 2) Other articles and to indicate those articles that prevent acceptance of the draft regulation.

Regarding 1)

Primarily Denmark still finds that the FRM-regulation should fall under the scope of the OCR without exceptions. However, we acknowledge that a compromise might be the only way forward and we appreciate the Polish Presidency's attempt to reach this compromise by proposing a new approach to handle the rules regarding official controls. We understand that the proposal from the Polish Presidency is to insert the listed articles from the OCR in the FRM-regulation to avoid linking the two regulations. Unfortunately, Denmark does not see the advantages in this approach, compared to the former, and would still favour the approach started by the Belgian Presidency and continued by the Hungarian Presidency where the OCR applies to the FRM-regulation but certain specified articles from the OCR do not apply. We believe there is a risk associated with this kind of double regulation. We also still see a risk of weakening harmonization across Member States and across sectors if the OCR does not apply. This will have effect on a range of official control aspects and no other replacing provisions on those aspects are specifically defined in the FRM-regulation. Furthermore, not applying the OCR will entail that the FRM-sector will not benefit from several well-established practises, making economic and administrative burdens for operators and authorities higher.

Regarding 2)

The Polish Presidency asks for comments on the articles below. The Danish comments to the articles are written in blue.

- Art. 2 (4) (c) - regarding the inclusion of export to third countries in the regulation,
Denmark does not support the deletion of letter c. We do not find that the regulation should apply to FRM intended for export. We do not see a big risk of fraud and a black market for FRM. FRM for export is often subject to requirements from OECD and adequate official origin information and a certain quality is ensured by this.

- Art. 2 (4) (d) - regarding the registration of FRM and persons by the competent authorities (related to official testing, scientific purposes or selection work),
Denmark does not support adding a requirement of registration for these kinds of operators. In our view the requirement regarding registration of professional operators should only apply to operators involved in activities relating to production and marketing stages. If the activities mentioned in letter d do not relate to marketing no requirements should be added. If the activities relate to production and

marketing of FRM the regulation will apply and operators will have to be registered anyway. If needed a sentence could be added requiring that the FRM shall be destroyed after finishing the activities.

- Arts. 10, 10a, 10b, 10c - regarding requirements for professional operators and official supervision, Regarding paragraph 2 Denmark suggests the following wording “Professional operators shall ensure traceability and identification of FRM at all stages of production and marketing, including as appropriate information on the suppliers and buyers, and information contained in the official label and the operator’s document.” We have added “as appropriate” to clarify that the information should only be kept if and when it is required. We suggest to only keep the first sentence as we find that the rest is superfluous. It is already indicated in the first sentence that operators should ensure traceability and identification and in paragraph 2.a the operator is required to keep the information available. How the operator chooses to manage the information and ensure sufficient identification and traceability in stages before marketing should be up to the

- Art. 16 - regarding the scope of data on the official label and in the operator's document, Denmark finds that paragraph 7 is not clear as to what the intention is. If the intention is to make sure the Commission is empowered to set rules on information to be exchanged between Member States in a centralized platform we think it is a good idea, but we do not think that the wording reflects this. We suggest the paragraph be reworded to make the intention and meaning clearer.

- Annexes II, III, IV, V - regarding additional criteria for approval of basic material (including for the conservation of forest genetic resources) and maintaining distance from other genetic pool.
No comments.

Indication of articles that prevent acceptance of the draft regulation and the reasons for non-acceptance.

Denmark sees no articles preventing acceptance but we still need to look closely at the articles regarding the OCR.

Best regards
Kristine Bech Klindt