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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
N° Cion doc.:	11503/23 + ADD 1
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 ES

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 Spanish delegation.

REGULATION ON FOREST REPRODUCTIVE MATERIAL - REQUEST FOR CONTRIBUTIONS ON THE INCOMING POLISH PRESIDENCY ALTERNATIVE PROPOSAL FOR THE PROVISIONS ON OFFICIAL CONTROLS AND OTHER ARTICLES - DEADLINE: 8 JANUARY 2025.
ES COMMENTS.

2. Based on the last Hungarian Presidency text (ST 16273/24) Delegations are also invited to provide comments on the following articles:

- Art. 2 (4) (c) - regarding the inclusion of export to third countries in the regulation,
In relation with art. 2.4.(c) we agree with the proposal of DE and AT: exports should be maintained also in art.1.

Article 1

Subject matter

This Regulation sets out rules concerning the production with a view to marketing, and marketing of forest reproductive material ('FRM') and in particular requirements for the approval of basic material intended for the production of FRM, ~~the~~ origin of basic material and traceability of ~~that~~ FRM~~basic material~~, requirements for [official] controls, FRM categories, requirements for FRM identity and quality, certification, labelling, packaging, imports, exports, professional operators, the registration of basic material and the national contingency plans.
In the reasons for a FRM-EU regulation (document 2023/0228(COD)), the connection to the OECD is cited centrally. The OECD certificate is based on the EU system of production and identity assurance (e.g. approved basic material, master certificate). This is reflected, among other things, in recitals 3 and 4. Therefore, the export must be consistently implemented in the text of the regulation. Otherwise, when leaving the EU, additional documents (e.g. OECD certificate) can't be issued.

The inclusion of export in the regulation also ensures that remaining FRM can be marketed in the MS if the export to third countries does not take place. Exports must be integrated so that no parallel market is created. FRM can only be produced from approved basic material and must be labelled in accordance with the provisions of this regulation.

This is in line with the intention to improve Directive 1999/105/EC.

We will also support all the comments made by DE and AT to point 4 of art. 2:

4. This Regulation does not apply to the following:

(a) plant reproductive material referred to in Article 2 of Regulation (EU) …/… [*Office of Publications, please insert reference to Regulation on production and marketing of plant reproductive material*] **(excluding seeds of species listed in Annex I)**;

Seeds are the sector in which fraud is easiest and the profit that can be made from them is the highest. The intended use of seeds cannot be seen, so the risk of mixing and mislabelling is greater than with plants. The use of incorrectly labelled seed by tree nurseries or forest managers can result in considerable economic losses or ecological damage.

(b) propagating material of ornamental plants as defined in Article 2 of Directive 98/56/EC **(excluding seeds of species listed in Annex I)**;

See (a)

~~(c) FRM produced~~**~~solely intended~~** ~~for export to third countries~~**~~, under the condition that it is identified as such~~**~~;~~

~~(c) FRM produced **solely intended** for export to third countries, **under the condition that it is identified as such**;~~

See comment to article 1.

- Art. 2 (4) (d) - regarding the registration of FRM and persons by the competent authorities (related to official testing, scientific purposes or selection work),

We also support comments made to points d) and e) by AT and DE:

(d) FRM used **solely** for official testing, scientific purposes or selection work**, under the condition that ~~that~~ FRM and the person using it are announced at ~~registered by~~ the competent authorities with proof of the respective purpose**;

An announcment is sufficient. It does not have to be a registration, as an official operateur.

~~**(e) [FRM subject to service contracts for the following purposes of: cleaning, disinfection, treatments, and transport.]**~~

Only the registration of the service contractor is excluded here. All other aspects (e.g. separation and traceability) must be complied with in this regulation. It would be better to include the exemption in the professional operator's obligations.

- Arts. 10, 10a, 10b, 10c - regarding requirements for professional operators and official supervision,

We support that regulation on official controls will be included in the Regulation of FRM independently. Not linked to the Regulation on Official controls.
We support the proposal of DE and AT: the structure and the text they have proposed:

CHAPTER IIb

REGISTRATION AND AUTHORISATION OF PROFESSIONAL OPERATORS ~~AND OFFICIAL SUPERVISION BY THE COMPETENT AUTHORITIES~~

(independent chapter)

Article 10

Obligations for professional operators

1. Professional operators shall**:**

   a. be established in the Union;

   b. be registered in a register **in each Member State where they have activities related to the production and marketing of FRM, as** provided for in Article 65 of Regulation (EU) 2016/2031**, for the activities related to the production and marketing of FRM**, in accordance with Article 66 of that Regulation**;**

c. be available personally or designate another person, to liaise with the competent authorities for facilitating the official controls and to give access to their premises, goods, documents and all other relevant information;

d. inform about the company name, legal form and the name a responsible person for compliance with all activities of this regulation.

A responsible person is required, since only a natural person can be prosecuted. The abstract operator is not sufficient.

e. ~~This person is responsible for ensuring~~ ensure that the requirements pursuant to this paragraph ~~1~~ are fulfilled ~~met~~, and ~~is obliged to~~ keep records of the type, quantity and location of all stocks, receipts, mixtures, changes in stocks and outgoing FRM.

The professional operators shall inform the competent authorities about any changes regarding points (a) to (d) and the competent authorities shall update that register accordingly.

~~They shall be established in the Union.~~

1. Professional operators shall **ensure traceability and identification of FRM at all stages of production and marketing, including information on the suppliers and buyers, and information contained in the official label and the operator's document. The professional operator shall have a system that allows monitoring the information relevant for traceability and identification of FRM for the purpose of own checks and official controls.** The systems used must not permit any subsequent modification of official labels and operator's documents. The digital systems must enable an automated check of the records by the competent authority. The competent authority may authorise a accounting system on request. The member states are empowered to regulate the content of the records and to require only digital records. ~~**be responsible for the documentation of all FRM processes, as well as the filing of all other documents that are necessary for the competent authority to check compliance with the provisions of this Regulation. They shall keep the traceability information available for 10 years. The records must be stored for ten years. This period begins at the end of the year in which the transactions occurred. The records may be stored in digitally readable form. The member states are allowed to regulate the content of the records and to require only digital records.**~~

2.a The information referred to in paragraph 2 shall be recorded clearly comprehensible, preferably digitally and without delay, and be stored forgery-proof for at least 10 years. The storage ~~That~~ period shall begin at the end of the year in which the operator's document has been created. The information may be stored in digitally readable form. ~~The Member States are allowed to regulate the content of the records and to require only digital records.~~

3. The professional operators shall facilitate the access of users to the existing available information on FRM concerning its suitability for specific climatic and ecological conditions. That information shall, prior to the transfer of the FRM concerned, be provided to the potential user through websites, planters' guides or other appropriate means. The professional operators may refer to websites managed by the competent authorities or public institutes if those are available.

4. Professional operators shall seperate FRM from other reproductive material and shall label and document the material upon their entry in the company and pursuant to rider-provisions of the exceptional permission by the national competent authority, indicating the purpose of destination. Quantity, entry into and exit from the company as well as sender and recipient are to be documented.

5. The professional operators shall allow the competent authorities free access to:

(a) their equipment, means of transport, premises and other sites under their responsibility and their surroundings;

(b) their computerised information management systems;
(c) all goods under their responsibility;
(d) all documents and other relevant information.
During official controls and other official activities, professional operators shall fully support and cooperate with the competent authorities in the fulfilment of their tasks. In particular, they must submit all documents relating to the FRM business transactions immediately and in full, tolerate the inspections carried out by the competent authorities, provide information truthfully and in full and make requested documents and samples, respectivly, available immediately and free of charge.
6. The sender shall prove the export of FRM immediately to the competen authority by joining a customs declaration of export handled by a customs officer.
7. The professional operator shall provide the information of the operator's document (Article 16 paragraph 4a) in the case of marketing between MS in the database to be set up by the COM in accordance with Article 16 paragraph 7.
(Necessary for direct implementation of the control into the FRM regulation).

Article 10a

Authorisation of a professional operator under official supervision by the competent authority for production and marketing of FRM

1. **Competent authorities may, upon application by a professional operator, authorise the professional operator to perform all or certain activities required for the production and marketing of FRM under official supervision of the competent authority ~~for FRM of the source identified, selected, qualified or tested category and~~ to issue an official label ~~for them~~.**

(Only the issue of the label is transmitted. The categories are determined at the time of authorisation.)

In order to be granted such authorisation, and depending on the activities to be authorised for, the professional operator shall:

(a) possess the necessary knowledge for complying with the requirements referred to in Article 5;

(b) be qualified or employ qualified personnel, to carry out one or more of the following activities to ensure compliance with the requirements referred to in Article 5:

(i) inspections;

(ii) sampling;

(iii) testing;

~~to ensure compliance with the requirements referred to in Article 5;~~

(c) have identified, and have the capability to monitor, the critical points of the production process which may influence the quality and identity of the FRM, and keep records of the results of that monitoring;

(d) have in place systems to ensure the fulfilment of the requirements concerning lots pursuant to Article 15 and issuance of the official label pursuant to Article 16.

2. The Commission is empowered to adopt delegated acts in accordance with Article 26, supplementing paragraph 1 ~~as regards~~ by setting out one or more of the following elements:

(a) the procedure for the application submitted by the professional operator;

(b) specific actions to be taken by the competent authority, in order to confirm the compliance with paragraph 1, points (a) to (d).

Article 10b

Withdrawal or modification of the authorisation of a professional operator

1. **Where an authorised professional operator no longer fulfils the requirements set out in Article ~~9~~ 10a(1), 10(1)c+d and 10(2), (2a), (4)-(7) the competent authority shall request that operator to take corrective actions within a specified period of time.**
2. **The competent authority shall without delay withdraw, or modify as appropriate, the authorisation, if the professional operator does not apply the corrective actions referred to in ~~the first sub~~paragraph 1 within the specified period of time.**
3. **The competent authority may order the suspension or withdrawal of the authorisation of the professional operator and impose other effective penalties if the regulation is violated.**
   (This is the authorisation that the competent authority can act ex officio.)
4. **In case it is concluded that the authorisation had been granted following fraud, the competent authority shall withdrawal the authoritaion impose the appropriate penalties to the professional operator.**
5. **When the authorised professional operator no longer performs the activities it is authorised for, it shall request the withdrawal of its authorisation according to the instructions of the competent authority.**

CHAPTER IIc

OFFICIAL CONTROL BY THE COMPETENT AUTHORITY

Article 10c

Official control ~~supervision~~ by the competent authorities

(Necessary for direct implementation of the control into the FRM regulation).

~~**1. For the purposes of the activities under official supervision, the competent authorities, shall conduct regular evaluations checks to ensure that the professional operator fulfils the requirements referred to in Article 9 10a(1).**~~

1. **The competent authorities shall have arrangements in place to ensure:**

a) **the compliance with this Regulation;**

b) **the effectiveness and appropriateness of traceable official controls and other official activities;**

c) **the impartiality, quality and consistency of official controls and other official activities;**

d) **that staff performing official controls and other official activities are free from any conflict of interest: commercial activities related to forest reproductive material which are carried out by such staff on behalf of their Member State do not represent any conflict of interest;**

e) **that staff performing official controls and other official activities are suitably qualified, experienced and regularly trained for the performance of their duties; and**

f) **that appropriate facilities and equipment are at the disposal of the staff for the performance of official controls and other official activities.**

2. **Competent authorities shall have the legal powers to perform official controls and other official activities and the legal procedures in place to ensure that staff have access to the premises of, and documents kept by, operators. They must have the authority to impose penalties.**

3. **Competent authorities shall perform official controls on all operators on a risk basis and with appropriate frequency, taking into account of:**

a) identified risks of non-compliance with this Regulation ~~(EU) …/… [on FRM]~~ and the evolution of those risks;

b) the activities under the control of operators; and

c) any information indicating the likelihood that buyers of FRM might be misled, in particular as to the nature, identity, properties, composition, quantity, country of origin or place of provenance of FRM.

4. For the official control, the competent authorities shall carry out official inspections, and may carry out sampling and testing of the FRM on the site of production and on lots of the FRM in order to confirm compliance of that material with the FRM regulation. Official controls may include the introduction of reference systems for the genetic verification of identity of FRM.

5. Methods used for sampling and for laboratory analyses, tests and diagnoses shall comply with ISTA rules, or other international standards establishing those methods. The laboratories shall be listed by the competent authorities.
The persons entrusted with the testing must have the necessary technical knowledge and experience and must not have any personal interest in the result of the testing.

6. Member States shall ensure that the respective competent authorities assist each other administratively in order to obtain appropriate information necessary to ensure the proper functioning of this Regulation, particularly where FRM moves from one Member State to another.
The Commission is empowered to adopt a delegated act in accordance with Article 26 on rules of administrative assistance between the Member States.

7. The competent authorities document the inspection and make the documents available to the professional operator.

(Direct implementation of the control into the FRM regulation.)

~~2. The checks referred to in paragraph 1 shall consist, as necessary, at least of For the purposes of the activities under official supervision, the competent authorities shall carry out official inspections, and may carry out sampling and testing on adequate samples a portion of the FRM on the site of production and on lots of the FRM in order to confirm compliance of that material with the requirements referred to in Article 5.~~
~~That portion of controls The frequency of those checks shall be determined on the basis of the assessment of the potential risk of non-compliance of the FRM with those requirements.~~
(shifted to 4.)

~~Official controls Those checks may include the introduction of reference systems for the genetic verification of identity of FRM, such as Biochemical and Molecular Techniques (BMT).~~

(shifted to 4.)

8. In the case of violations of the compliance with this Regulation, the competent authorities may prohibit marketing, transport or export of FRM. The competent authorities shall order that FRM shall be destroyed or confiscated or have it officially stored by the operator in accordance with instructions and under the supervision of the competent authority at the expense of the operator until the matter has been clarified. At the discretion of the competent authority, the use of the FRM for purposes other than those originally intended may also be ordered. The competent authorities may impose other effective penalties.

9. **The Commission ~~shall~~ may, by means of implementing acts, lay down rules on uniform practical arrangements for the performance of the official controls to verify compliance with the rules on FRM regarding:**

a) specification of the arrangements referred to in paragraph 1;

b) specification of the activities and frequencies, as referred to in paragraph 3;

~~c) specific reporting obligations of the delegated bodies, as referred to in paragraph 4.~~

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

(Shifted from article 31c. c) has to be deleted because article 31c (4) is deleted..)

Article 10d

Financing of official controls

1. Member States shall ensure that adequate financial resources are available to provide the staff and other resources necessary for the competent authorities to perform official controls and other official activities.

2. In the case of a violation of the compliance with this Regulation, all additional costs incurred under Art. 10b and 10c shall be borne by the professional operator.

(Shifted from Article 31b, and supplimented.)

Art. 31, 31a, 31b,31c and 22b should be deleted. The revised proposal of DE and AT already include them in other articles if needed.

ACCORDING TO MODIFICATIONS PROPOSED TO THE ARTICLES ON OFFICIAL CONTROLS AND REGARDING THE COMPARATIVE TABLE THAT AT AND DE HAVE REVISED, ES AGREE WITH ALL THE COMENTS AND MODIFICATIONS THAT AT AND DE HAVE INCLUDED. SO, THE MODIFIED REVISED TABLE WOULD BE:

	Notes	**COMMISSION PROPOSAL**	**HU-BE PRES PROPOSAL**	**AT-DE PROPOSAL**	
OCR reference		√	√	X	(1) To improve clarity in practice, all requirements should be summarized in one regulation. (2) Over-regulated for FRM, as OCR was developed for food etc., a sector that is associated with a high risk to health. (3) Additional disproportionately high costs, especially for small operators that are indispensable for regional supply of adapted FRM. (4) Given the importance of provenance security of FRM for subsequent forestry use, it is important to harmonize between Member States and not between sectors.
Definitions regarding official controls		√	√	incomplete	Definitions for the control of FRM are included in Article 3 (32) and (37a). Other terms are defined in the FRM articles where they apply (e.g. "control system" in Art. 10c, issuance of the master certificate in Art. 14, official label Art. 16) and are therefore not included in the definitions. Different terms (e.g. Art. 3 (32) FRM vs. Art. 3 (3) OCR) that deal with the same matter are avoided if the matter is covered and exclusively defined in the FRM regulation.
Accreditation of Laboratory needed	ISTA accreditation or comparable	√	X	X	Accreditation of laboratories is not required for FRM.

	Accreditation can cause financial burden.				
Union Reference Laboratory	financial burden	√	X	X	not required for FRM
National Reference Laboratory	financial burden	√	X	X	not required for FRM, national regulations are possible for quality control
Frequency of official controls	Basis of the risk analysis can differ	Risk-based	Risk-based	Risk-based / incomplete	Is covered in the revised version of Art. 10c (3) (see our comments dated 4. Nov. 2024). In addition, aspects of Art. 31c (1) + (2) of the BEL-HUN-PRE proposal will be included.
Requirements for the staff performing official controls	Number of staff, qualifications, experience etc. Too many requirements can cause financial burden.	Regulated	derogated	X	OCR is over-regulated for FRM. Requirements for FRM will be supplemented from Art. 31c (1) (BEL-HUN-PRE proposal).
Supervision of the professional operator		√	√	X	Is taken into account in the comments of 4 November 2024 in Art. 10c (1) (in conjunction with Art. 10a (1))
Transparency of Official Controls		√	X	X	Transparency is ensured by traceable controls (Art. 10c (1) + (8) from commentary of 4.11.2024).
Other official activities		√	√	X	Is included in the entire FRM-VO proposal and therefore not shown separately.
Audit of Competent Authority (Internal audit)	Administrative and financial burden.	√	X	X	not required for FRM, national regulations are possible
The possibility of delegation of tasks regarding official controls		√	√	X	A delegation is not currently planned.
Accreditation for delegated bodies	Administrative and financial burden.	√	X	X	not required for FRM, national regulations are possible
Audit of delegated bodies	Administrative and financial burden.	√	X	X	not required for FRM, national regulations are possible
Obligations of professional operators	Administrative and financial burden.	regulated	regulated	extended	This extension was made to take into account the specificity of the FRM, which is necessary for an effective control. All requirements for the professional

					operator, some of which are not covered under the previous points, are brought together. This provides more clarity for the professional operator.
MANCP (Multiannual National Control Planning and Reports	Administrative and financial burden.	√	X	X	not required for FRM, national regulations are possible; to many administrative burdens
Fees for operators	Financial burden.	√	X	X	In general, not required for FRM.
Methods and techniques for official controls (procedures and arrangements in place)		√	√	Incomplete	Classification not comprehensible. Is taken into account in the articles (Art. 10 (4) + (5) and Art. 10c (2) + (5)).
Common (EU) IT system and services for the sector		√	√	X	A common database has been called for years, but has not been implemented by the EU Commission. OCR is not required for this.
Transfer of FRM within EU		Traces, IMSOC	Traces, IMSOC	Info sheet system / Incomplete	The EU KOM can set up an independent database for FRM. The basis is given in the recitals (50a) and (55b) as well as in Art. 16 (7) b. This does not have to be done via OCR.
Legal basis clearly defined for transfer of FRM	the Info Sheet System does not have a legal basis in the FRM Regulation proposal	√	√	X	A further addition needs to be made regarding the transfer of FRM between MS (analogous to EU 1999/105 directive Art. 16(2)).
Actions in case of non-compliance		√	√	X	Some aspects are already included in Articles 10b and 10c. Missing aspects will be included in Article 10c.
Penalties		√	√	X	Classification not comprehensible. The Member States shall determine the penalties (Article 29).
Training	Possible financial burden.	√	√	X	The proposal contains this in Article 31b (1). Training is part of the qualification of staff, but can also be mentioned explicitly.
Frequency and requirements of training	Administrative and financial burden.	Regulated	MS competence	X	This is part of the qualification of staff and can be regulated in MS competence.

Harmonisation with relevant sectors' regulations (*Plant Health, Plant Breeding, Forest Laws*)	Possible legal loopholes and inconsistencies without a stable background	√	√	X	Classification not comprehensible. OCR does not bring any improvement here.
Data protection, data security		√	√	X	Classification not comprehensible. OCR does not bring any improvement here.
Record keeping requirements		Regulated	Extended	Extended	This extension was made to take into account the specificity of the FRM, which is necessary for an effective control.
Additional transition period for the implementation of OCR	Additional 2 years	X	√	X	Not applicable, as it is only one FRM regulation.

- Art. 16 - regarding the scope of data on the official label and in the operator's document,

We think that the label should only contain that information needed for trazability linking with the master certificate and the operators document and not repiting the information that the phytosanitarie passport would already include. Basically, we support the proposal-of DE and AT.

1b. **~~In addition to~~In addition to the official label in case of delivery of FRM lots to another user, ~~the official label,~~ the professional operator shall ~~also~~ issue and print an operator's document for each delivered lot, which may be, or combined with ~~take the form of a label or the form of a document. That label or document may be combined with~~ a delivery note or an invoice.**

Addition for clarrification.

~~2. Competent authorities shall authorise the professional operator to print the official label after the competent authority has attested compliance of that FRM with the requirements referred to in Article 5. The professional operator is authorised to print that label, if, on the basis of an audit, the competent authority has concluded that the operator possesses the infrastructure and resources to print the official label.~~

~~3. The competent authority shall carry out regular controls to check whether the professional operator complies with the requirements referred to in paragraph 2.~~

~~Where, after having granted the authorisation referred to in paragraph 2, the competent authority finds that a professional operator does not fulfil the requirements referred to in that paragraph, it shall without delay withdraw, or modify as appropriate, the authorisation.~~

4. **The official label shall contain all elements listed in points ~~(a),~~ (b), (c), (d), (f) and (k) of Article 15(1), as well as** ~~In addition to the information required under Article 15(1),~~ **subparagraph (a), (b), (c), (d), (da), (f) and (k),** ~~the official label shall contain all the following information:~~

Art. 15(1)a has been deleted, as traceability is guaranteed for FRM.

~~(a) master certificate number(s) issued in accordance with Article 14 or a reference to the other document identifying the mixture available in accordance with Article 14(3);~~

~~(aa) lot code or lot number;~~

(ab) code of operator's document;

Basic principles for traceability at FRM.

(ac) age and assortment in case of plant lots;

Important information for the customer (consumer protection).

(b) **the registration ~~number or~~ code of the** ~~name of the~~ **supplying** professional operator ~~**issuing the official label or to whom the official label has been issued by the competent authority**~~**.**~~;~~

The addition is not required, as only the code of the professional operator must be stated.

~~(c) quantity supplied;~~

~~(d) in the case of FRM of the 'tested' category, whose basic material is approved under Article 4, the words 'provisionally approved';~~

~~(e) whether the FRM has been vegetatively propagated.~~

~~[In addition to those elements, t~~ The official label may further include ~~contain~~ a digital element, such as a QR code, containing any of the above elements, and the elements of the operator's document as ~~and in a non-official part of that label, one or more elements~~ referred to in paragraph 4a.~~]~~

~~**[In a non-official part, that label may also include one or more elements of the operator's document as referred to in paragraph 4a.]**~~

Sentence not necessary. The information is included in the previous sentence.

- 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.

In annex III. B- it would be neccesary to include those objectives other than wood. So it would be necessary to include:

10. Biomaterials, biomass, and forest products other than wood: For the material intended to production of biomaterials, biomass or forest products other than wood, the production or quality of the considered characteristics shall normally be superior to the accepted average under similar ecological and management conditions."

11. Tolerance or resistance to biotic and biotic perturbances: For the material intended for the purposes of resilience and restoration of forest ecosystems and/or adaptation to climate change, the tolerance or resistance to pest and diseases or climatic conditions shall normally be superior to the accepted average characteristics under similar ecological and management conditions.

Or other proposal would be to include just only a general point that would include everything and would be more flexible:

10. Other characteristics: Depending on the purpose, the traits or relevant characteristics considered shall normally be superior to the accepted average under similar ecological and management conditions.

This proposal of amedments is in line with our proposal of change in art. 4.2:

(b) FRM of the 'selected' category, and in particular the requirements concerning origin, the most adequate possible isolation from pollen flow, the minimum number of harvestable and sexually mature trees, age and development, uniformity, sustainability characteristics, volume production, wood quality, form or growth habit and ~~the~~ **other** specific requirements, **including** for the purpose of conservation of forest genetic resources;

and to indicate those articles that prevent acceptance of the draft regulation and the reasons for nonacceptance.

Art. 5.1

We propose to include again artificial or just to deleate all the paragraph because if we leave it like it is written if would not be possible to aprove seed source of natural hybrids. The proposal will be as follow:

(b) FRM of the artificial hybrids of species listed in Annex I may only be marketed, if it is of the 'selected', 'qualified' or 'tested' categories, and it has been derived from basic material that has been approved pursuant to Article 4 and if that basic material meets the requirements of Annexes III, IV and V, respectively;

Art. 5.b.1b.c1.

We proposed here to include also identified and selected categories for vegetative propagation for Conservation of genetic resources:

c. (i) For the purpose of conservation of forest genetic resources category “source-identifed” and “selected” may be permitted.

Regarding the„Use of provisions from OCR regulation in FRM regulation without linking these legal acts”as an alternative proposal of Polish Presidency.

Thank you very much for the proposal but we don´t agree with it.

We do not see the point of including the OCR frame when we are not going to link with that Regulation. Many of those articles doesn´t state anything just try to adapt and connect those different sectors that would be included to that frame but if we are not going to link with OCR regulation, we consider that those articles are not needed, they just introduce a general approach wich doesn´t specify how to apply.

For simplification and clarity we consider that the revised DE and AT proposal comply all the requirements needed for a proper official control in FRM proposal. It includes all the requirements needed adapting them to our needs for FRM.