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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 HU

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 Hungarian delegation.

Regulation on FRM

Request for contributions on the incoming Polish Presidency alternative proposal for the provisions on official controls

General comments on the new approach of introducing official controls to the FRM regulation

Hungary would like to thank the Polish Presidency for their effort to put together a new alternative proposal for the provisions on the official controls in the FRM regulation.

However, due to the public holidays, there wasn't sufficient time to be able to study the proposal at full extent and provide a final commentary on it so far. Therefore we are able to give you only general remarks for the time being.

The new approach seems to regulate the official control within the FRM regulation, without having any link to the OCR. Although Hungary has no objection against introducing new chapters and articles to cover official controls outside the scope of OCR, we still have some doubts about almost verbatim copying provisions from the OCR with slightly changing the wording in several articles. Cutting links with OCR would open up the possibility to completely rewrite provisions in order to cater for the exact needs of the sector, however we see no added value in removing the reference while reimplementing the provisions word by word again. It can be done with only derogations as well, without risking possible inconsistencies and legal loopholes.

On the other hand, it would be very useful to see how IT services and support would still be provided (IMSOC, TRACES) if we remove links with OCR. It is really important to have a harmonised system among Member States and a common IT background to build on. It should still be provided if the discussions are going towards the new approach.

Regarding the new PL proposal on the OCR, as of now, it is unclear how it would bring additional advantages compared to the previously introduced approach. Provisions not included in the PL proposal largely complies with those for which derogations have already been provided for in the HU-BE proposal. Because of that, it is unclear how the PL proposal would further reduce the administrative and financial burdens, compared to what the previous approach has already assured.

Nevertheless, Hungary is open to explore new possibilities of the drafting of new provisions on a sector specific official control system as far as it provides added value, proven to be risk free regarding legality and causes no setback in the adoption of IT services. However with the current state of play, Hungary still supports the approach of extension the scope of OCR over FRM, because of the aforementioned doubts and reasons.