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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Regulation on plant reproductive material – Revised Presidency text on Articles 23-38, 41-43, 81, Annex VI and Annex VIa

With view to the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, propagating and planting materials) of 17 and 19 April 2024, Delegations will find in Annex the revised Presidency text on Articles 23-38, 41-43, 81, Annex VI and Annex VIa of the proposal for a Regulation on plant reproductive material (PRM).

Changes with respect to the Commission proposal have been marked with **bold and underline** for insertions and ~~strike through~~ for deletions. The latest amendments brought in the current revision on Article 3 (compared to the Spanish Presidency's revised version) are highlighted in turquoise colour.

[...]

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

[...]

- (27) **‘organic heterogeneous material’** ~~as defined in Article 3(18) of Regulation (EU) 2018/848, produced in accordance with Regulation (EU) 2018/848, intended only for further use in organic production~~ means a plant grouping within a single botanical taxon of the lowest known rank which:
- (a) presents common phenotypic characteristics;
 - (b) is characterised by a high level of genetic and phenotypic diversity between individual reproductive units, so that that plant grouping is represented by the material as a whole, and not by a small number of units;
 - (c) is not a variety; and
 - (d) is not a mixture of varieties;
- (28) **‘non-professional final user’** means any person **acquiring, transferring and using PRM acting** for purposes which are outside that person’s professional activities, ~~who acquired PRM for personal use~~;

(29) 'conservation variety' means a variety that is either:

(a) a traditional conservation variety that:

- (i) is traditionally grown or locally newly bred under specific local conditions in the Union, and adapted to those conditions; and
- (ii) characterised by ~~may have lower uniformity due to~~ a high certain level of genetic and phenotypical diversity between individual reproductive units; ~~except in the case of vegetative propagated material.~~

(b) a newly bred conservation variety that:

- (i) is newly locally bred and derived from participatory on-farm selection, and is bred for adaptation to local agro-climatic conditions and farming systems; and
- (ii) may have lower uniformity due to a certain level of genetic and phenotypic diversity between individual reproductive units;

(c) a reregistered variety for conservation purposes that:

- (i) was deleted or expired from the Union variety register for a least two years; and
- (ii) is adapted to specific local conditions;

[...]

(35a) 'gene bank' means a centre for conservation of genetic resources under appropriate conditions to ensure the continued availability of these resources for research, breeding and improved seed or material delivery for a sustainable and resilient agricultural system. The key principles at the core of the operation of a gene bank are the preservation of the identity, viability, and genetic integrity of the material, as well as the promotion of access;

[...]

Re-packaging, re-sealing and re-labelling of seed lots

1. ~~Seed-lots~~ Lots of pre-basic, basic and certified seed shall be repackaged and relabeled in accordance with this Article, Articles 14 and 15, ~~where this is necessary for splitting or merging of lots.~~
2. The re-packaging and re-labelling of a seed lot shall be conducted by:
 - (a) the professional operator under the official supervision of the competent authority **as referred to in Article 14(4)**; ~~or~~
 - (b) ~~a seed sampler, who is authorised and supervised for that purpose by, and reports to, the competent authority.~~

~~In the case of point (b), the professional operator shall be notified in advance by the competent authority so as to organise its co-operation with the seed sampler.~~

3. **To ensure that the quality of the seed lots is maintained during the re-packaging,** ~~The professional operator and the seed sampler~~ carrying out re-packaging and re-labelling of seed lots, shall take all steps to ensure that during the operation of re-packaging, the identity and varietal purity of the seed lot is maintained, no contamination occurs, and the resulting seed lot is as homogeneous as possible. **In the case of mixtures, the ratio of the different components within a mixture shall be maintained during the repackaging process.**

4. The professional operators ~~and the seed sampler~~ shall keep records, when re-packaging and re-labelling seed lots, for 3 years after the respective re-labelling and re-packaging. The information contained in the records shall include:
- (a) the reference number of the original seed lot;
 - (b) the reference number of the repackaged or relabeled seed lot;
 - (c) the weight of the original seed lot;
 - (d) the weight of the re-packaged or relabeled seed lot;
 - (e) the **most recent** date of **re-sealing** ~~final disposal~~ of the lot.

Those records shall be kept in a form allowing to ~~identification~~ and ~~verification~~ **of** the authenticity of the original seed lot, which is subject to re-packaging and re-labelling. They shall be made available to the competent authority on request.

5. The original seals and labels shall be removed from the **component** seed lot. The professional operators ~~or the seed sampler~~ shall also keep the **replaced** label, **[its content or digital equivalent]** ~~which was replaced~~, of each component seed lot **[for at least 3 years after the respective re-sealing]**. **[In the case the professional operator chooses to keep the content of the replaced label instead of the label itself, the retainment may take the form of storage of the information contained in the official label in a computerised database, provided that this includes the information that is needed to guarantee the traceability.]**

[Or – to be deleted when either option is chosen]

[The original seals and labels shall be removed from the component seed lot. The professional operators ~~or the seed sampler~~ shall also keep the information of the replaced label, ~~which was replaced~~, of each component seed lot in a computerised database to ensure and supplement traceability.]

The new labels shall ~~either~~ state the original seed lot reference number **and in the case of mixtures or merging of lots,** ~~or~~ a new seed lot reference number **shall be assigned and indicated on the label** by the competent authority. **Records of this new seed lot reference number shall be kept in accordance with the provisions of paragraph 4.**

6. ~~Where the competent authority assigns a new seed lot reference number, it shall either keep a record of the former seed lot reference number or ensure that this former number is included on the new labels.~~
7. ~~Repackaging of mixtures of certified seed may only be carried out where the professional operator or the seed sampler has established that the ratio of the different components within a mixture will be maintained during the repackaging process.~~

Article 24

Control plot tests for pre-basic, basic and certified seeds

1. ~~After the production of pre-basic, basic and certified seeds,~~ **Control plot tests shall be carried out by the competent authorities in order to verify that the lots of pre-basic, basic and certified seeds placed on the market comply with the requirements relating to their** ~~shall carry out annual field tests, immediately after, or during, the season following the drawing of the samples, additionally to field inspection, in plots where the variety is compared to an officially validated sample of seed of the variety to ascertain that the characteristics of varieties have remained unchanged in the process of production and to verify the varietal identity and~~ **varietal** ~~purity, their quality,~~ **as well as any other requirement that is applicable to them** ~~of individual seed lots.~~ **Those tests shall consist of a visual comparison between the control plot sown from a reference sample and a plot sown from a sample of seed representative of the seed lot. That sample shall be taken upon certification or during the marketing of lots of pre-basic, basic and certified seed intended for the production of a new generation of seeds (pre-control) or of seeds of a generation no longer intended for further multiplication (post-control). Those tests shall take place during the growing season following the drawing of the sample.**

~~Those tests shall be used for assessing:~~

- ~~a) — whether the requirements for the next categories or generations are fulfilled. When, as a result of such tests of the immediately descending category or generation, it is established that the varietal identity or purity of the seeds has not been maintained, the competent authority shall not certify seed derived from the lot concerned;~~
- ~~b) — that such seed complies with the respective identity, quality and other certification requirements. When, as a result of such test, it is established that the requirements of Article 7 have not been fulfilled, the competent authority shall withdraw the lot concerned from the market or ensure that it complies with the applicable requirements.~~

2. The proportion of these control plot tests for pre-basic, basic and certified seed **lots** shall be determined on the basis of a risk analysis concerning possible non-compliance of the seeds with the respective requirements.

3. On the basis of the risk analysis referred to in paragraph 2, **the** control plot tests shall be carried out through samples taken **from seed of certified lots** by the competent authority ~~from the harvested seed~~. **The competent authority may use an officially approved automatic sampling device.**

~~4. — The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by setting out rules for the control plot tests of seeds per genera or species. Those rules shall adapt to the development of scientific and technical knowledge and international standards, and may be established per particular genera, species or categories. They may concern the following:~~

- ~~(a) — criteria for the conduct of the risk analysis referred to in paragraph 2;~~
- ~~(b) — the testing procedure;~~
- ~~(c) — evaluation of results of the tests.~~

- ~~5. 4.~~ In the case of control of varietal identity and purity, the use of bio-molecular techniques Where the results of the field inspections and control plot testing referred to in paragraph 1 are not conclusive [as to the varietal identity and purity,] biochemical and bio-molecular techniques recognised in accordance with Article 7(4)(g) may be used [as a supplementary tool] where the results of the control plot tests referred to in paragraph 1 are non-conclusive [or when these techniques can give a faster result].
5. When the results of the test referred to in paragraph 1 indicate that the requirements of Article 7 have not been fulfilled, the competent authority shall withdraw the concerned seed lot from the market or ensure that it complies with the applicable requirements or impose other appropriate corrective actions.
6. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by setting out rules for the control plot tests of seeds per genera or species. Those rules shall adapt to the development of scientific and technical knowledge and international standards, and may be established per particular genera, species or category. They may concern the following:
- (a) criteria for the conduct of the risk analysis referred to in paragraph 2;
 - (b) the testing procedure;
 - (c) the way of evaluation of results of the tests;
 - (d) the proportion of the seed lots or the frequency rates.

Article 25

Control plot tests for standard seeds

1. ~~After~~**During** the marketing of **lots of** standard seeds, the competent authorities shall carry out control plot tests to check whether the seeds **lots** comply with the respective varietal identity and varietal purity requirements, and, **as appropriate, comply** with other requirements, ~~as appropriate.~~ **Those tests shall consist of a visual comparison between the control plot sown from a reference sample and a plot sown from a sample of seed representative of the seed lot. That sample shall be taken during the marketing of the lots.**

2. The proportion of the control plot tests shall be determined on the basis of a risk analysis concerning possible non-compliance of the respective seeds with those requirements.
3. **On the basis of** ~~Based on~~ the risk analysis **referred to in paragraph 2** ~~of non-compliance with the respective rules~~, the control plot tests referred to in paragraph 1 shall be carried out ~~annually~~, by using samples **from homogeneous seed lots** taken by the competent authority **or using an automatic sampling device officially approved by the competent authority** ~~from homogeneous seed lots. Those tests shall assess identity and varietal purity of the seed concerned, and its germination rate and analytical purity.~~
4. In the case of control of varietal identity and purity, the use of **biochemical and** bio-molecular techniques **recognised in accordance with Article 7(4)(g)** may be used ~~[as a supplementary tool where the results of the control plot tests referred to in paragraph 1 are non conclusive]~~ **[or when these techniques can give a faster result]**.
5. **When the results of the test referred to in paragraph 1 indicate that the requirements of Article 8 have not been fulfilled, the competent authority shall withdraw the concerned seed lot from the market or ensure that it complies with the applicable requirements.**
6. **The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by setting out rules for the control plot tests of seeds per genera or species. Those rules shall adapt to the development of scientific and technical knowledge and international standards, and may be established per particular genera or species. They may concern the criteria for the conduct of the risk analysis referred to in paragraph 2.**

SECTION 7

DEROGATIONS FROM THE REQUIREMENTS OF ARTICLES 5 TO 25

Article 26

PRM belonging to conservation varieties

1. By way of derogation from Article 20, PRM belonging to a conservation variety registered in a national variety register referred to in Article 44(1), point (b), may be produced and marketed in the Union as standard seed or material, if it complies with all the requirements concerning standard seed and material for the respective species, as referred to in Article 8.
2. PRM referred to in paragraph 1 shall be accompanied by an operator's label **as referred to in Article 16(2)(e)**, with the indication 'Conservation variety'.
3. A professional operator who uses ~~the~~is derogation **referred to in paragraph 1** shall ~~annually notify to the competent authority~~ this activity, with regard to the species and quantities concerned **when submitting the declaration referred to in Article 43, last subparagraph**.

Article 27

PRM of heterogeneous material

- 1 ~~By way of derogation from~~ **As referred to** in Article 5(~~3~~), PRM of heterogeneous material ~~shall~~~~may~~ be produced and marketed within the Union without belonging to a variety. The heterogeneous material shall be notified to and registered~~ed~~ by the competent authority prior to its ~~production and/or marketing~~, in accordance with the requirements set out in Annex VI.
- 1a **PRM of heterogeneous material other than organic heterogeneous material as referred to in Article 3(18) of Regulation (EU) 2018/848 shall only be produced and marketed within the Union if it is not vegetatively propagated and does not belong to a genus or species set out in Annex VIa.**

2. By way of derogation from Articles 7(1), ~~(23)~~ and Article 8(1), ~~(23)~~, the PRM of heterogeneous material referred to in paragraph 1 shall be produced and marketed in accordance with the requirements set out in Annex VI.
3. The Commission is empowered to adopt a delegated act in accordance with Article 75, amending Annex VI. Those amendments may concern all, or particular genera or species only, and shall:
 - (a) improve the provision of information in notifications, description and identification of heterogeneous ~~uys~~ **material**PRM, on the basis of experience gained by the application of the respective rules;
 - (b) improve the rules concerning packaging and labelling of **PRM of** heterogeneous **material**PRM, on the basis of the experience gained from the checks carried out by the competent authorities;
 - (c) improve the rules on main~~tenance~~ of heterogeneous **material**PRM, on the basis of ~~the emergence of~~ best practices.

Those amendments shall be adopted in order to adapt to the development of the respective technical and scientific evidence, and the international standards, and to follow up on the experience gained by the application of this Article concerning all or certain genera or species only.

4. Any professional operator ~~producing and/or intending~~ **with the intention** to market PRM of heterogeneous material shall submit a notification to the competent authority prior to marketing. If no further information is requested by the national competent authority within **three months**, ~~a time determined by the competent authority~~, the PRM of heterogeneous material may be marketed **the notification is considered acknowledged.** **The heterogeneous material shall only be notified once.**
5. ~~The professional operator shall ensure the traceability of the PRM of heterogeneous material by keeping information allowing to identify the professional operators which have supplied them with the initial material used for the production (parental material) of heterogeneous material.~~

~~The professional operator shall keep that information for 5 years.~~

The professional operator producing PRM of heterogeneous material intended for marketing shall **ensure traceability of the PRM of heterogeneous material by** also recording and keeping the following information:

- (a) the name of the species and denomination used for each notified heterogeneous material;
- (b) the type of technique used for the production of heterogeneous material ~~as referred to in paragraph 1;~~
- (c) the **description of the** characteristics of the notified heterogeneous material;
- (d) the **country** ~~breeding location~~ **where** of the PRM of **the notified** heterogeneous material **was initially bred** and production location;
- (e) the ~~surface~~ area for the production of PRM of heterogeneous material and quantity produced; **and**
- (f) **identification of the professional operators which have supplied the initial propagating material (source material) used for the production of heterogeneous material.**

The professional operator shall keep that information for 5 years.

The competent authorities shall have access to the information referred to in this paragraph.

- 6. Article 54 shall apply accordingly for the suitability of the denomination of heterogeneous material.
- 7. Heterogeneous material as notified pursuant to paragraph ~~41~~, shall be registered by the competent authorities in a dedicated register ('heterogeneous material register').

The competent authorities shall keep, update and publish that register, and notify immediately its content and updates to the Commission **for inclusion in a single register of heterogeneous material composed of all the national heterogeneous material registers. The single register of heterogeneous material shall be published in the electronic portal referred to in Article 45(2), second subparagraph. Organic heterogeneous material shall be indicated as such.**

Article 28

PRM produced and intended to be marketed to ~~final~~ non-professional users

1. By way of derogation from Articles 5(1) - 12, 14, 15 and 20, PRM **intended to be used by non-professional users** may be **produced, and** marketed to ~~final~~ **non-professional** users, if it complies with all of the following requirements:
 - (a) to bear an operator's label **as referred to in Article 16(2), second subparagraph,** with the denomination of the PRM and the indication 'Plant reproductive material for ~~final~~ **non-professional** users—~~not officially certified~~' or, in the case of seeds, 'Seeds for ~~final~~ non-professional users—~~not officially certified~~';
 - (b) in case not belonging to a variety registered in a national **or Union** variety register referred to in Article 44 **and 45;**
 - (i) **to use a denomination that is clearly different from varieties registered in national or Union variety registers; and**
 - (ii) to have a description made publicly available, on the basis of a private documentation, ~~in a commercial catalogue~~ kept by the professional operator. This private documentation shall be made available by the professional operator upon request to the competent authority;

- (c) to be practically free from quality pests and any defects likely to impair its quality as reproductive material, and shall have satisfactory vigour and dimensions in respect of its usefulness as PRM, and, in the case of seeds, shall have satisfactory germination capacity; and
- (d) to be marketed ~~as individual plants, or, in the case of seeds and tubers,~~ in small packages.

A professional operator, **producing or repackaging PRM intended for non-professional users,** who uses this derogation shall ~~annually~~ notify this activity to the competent authority, with regard to the species and quantities concerned.

2. The Commission shall, by means of implementing acts, adopt rules concerning the size, form, sealing and handling requirements concerning the small packages referred to in paragraph 1 point (d).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

Article 29

PRM marketed for the conservation of plant genetic resources ~~to and between~~ by gene banks, organisations and networks

1. By way of derogation from Articles 5 - **15 and 19 - 25**, PRM may be marketed, **for non-profit purposes,** ~~to, or between,~~ **by** gene banks, organisations and networks with a statutory objective, ~~or an objective official notified to the competent authority, to conserve~~ **of ensuring the conservation** of plant genetic resources, ~~whereby any of the activities are carried out for non-profit purposes.~~

It can be marketed as well from those ~~gene banks,~~ organisations and networks to persons who carry out conservation of that PRM ~~and to as final consumers~~ **farmers or non-professional users,** for non-profit purposes.

In the cases provided for in the first ~~and the second~~ subparagraphs, PRM shall fulfil the following requirements:

(aa) to bear an operator's label as referred to in Article 16(2)(g), with the indication 'Plant reproductive material for the conservation of plant genetic resources';

- (a) be listed in a register kept by those ~~gene banks~~, organisations and networks with an appropriate description of that PRM;
- (b) be conserved by those ~~gene banks~~, organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and
- (c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material, ~~and have satisfactory vigour and dimensions in respect of its usefulness as PRM, and, in the case of seeds, have satisfactory germination capacity.~~

2. The ~~gene banks~~, organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species concerned.

Article 30

Seed exchanged in kind between farmers

1. By way of derogation from Articles 5 - 25, **and in order to allow farmers to carry out dynamic management of their own seeds,** farmers may exchange seeds in kind, if such seeds fulfill all of the following conditions:
- ~~(1a)~~ **(a)** are produced in the respective farmer's own premises;
 - ~~(2b)~~ **(b)** are derived from the respective farmer's own harvest; **and**
 - ~~(3c)~~ **(c)** are not subject to a service contract conducted by the respective farmer with a professional operator performing seed production; ~~and~~
 - ~~(4) — the seed is used for dynamic management of farmer's own seed for the purpose of contributing to agro-diversity.~~

2. Such seeds shall fulfil all of the following requirements:
- (a) **they do** not ~~to~~ belong to a ~~to~~-variety for which plant variety rights have been granted **either** in accordance with Regulation (EU) 2100/94 **or with the national rules on plant variety rights of the Member State of production**;
 - (b) ~~to be~~ **are** limited to small quantities, defined by the competent authorities for specific species per year and per farmer;
(ba) they are exchanged at a local level, defined by the competent authorities, without using commercial intermediaries or public offer of marketing; and
 - (c) **they are** ~~to be~~ practically free from quality pests and any defects likely to impact their quality as seeds, ~~and shall have satisfactory germination capacity.~~
3. Member States shall ~~annually~~ notify to the Commission and the other Member States the ~~amounts~~ **defined limitation concerning small quantities** per species defined in accordance with paragraph 2, point (b), **and any subsequent changes to those quantities.**

Article 31

Breeder's seed

- ~~1. By way of derogation from Articles 5-25, a competent authority may authorise operators to market seed of generations preceeding the pre-basic category to another operator, for the purpose of breeding new varieties (breeders' seed).~~

~~The competent authority shall determine the duration of the authorisation and quantities per species, when granting that authorisation.~~

- ~~2. The PRM referred to in paragraph 1 shall be accompanied by a label issued by the professional operator, with the indication 'breeder's seed', that shall be affixed, as applicable, on the container, bundle or package of that material.~~

~~It shall be sealed and bear a lot number to be used for identification purposes and control plot testing before it is used as pre-basic seed.~~

PRM of ~~not yet registered~~ varieties for which an application for registration has been submitted

1. By way of derogation from Article 5, a competent authority may authorise professional operators to produce and market, for the purposes of multiplication, ~~PRM pre basic seeds, pre basic material, basic seeds and basic material~~ belonging to a variety not yet registered in a national variety register, referred to in Article 44, if all of the following requirements are fulfilled:
 - ~~(a) the respective marketing sectors need to acquire that material or seeds in advance, so as to have sufficient stocks available, when the respective variety will be registered; and~~
 - (aa) the marketing is made to professional operators carrying out the multiplication in order to have sufficient stock available for further multiplication when the respective variety will be registered, with no further marketing of PRM thereafter;**
 - (b) there is no risk that such an authorisation will lead to insufficient identification or quality of the marketed PRM; ~~and~~
 - (ba) there is no indication of non-compliance with the requirements of distinctness, uniformity and stability pursuant to Articles 48, 49 and 50; and**
 - (c) the respective PRM belongs to a variety for which an application has been submitted for registration in a national variety register pursuant to Article 55.

Such authorisation may be granted for a maximum period of 3 ~~3~~ years in the case of seeds, and 5 years in the case of PRM other than seeds, and for small quantities per species as specified by the competent authority. **That authorisation shall automatically expire when a decision pursuant to Article 67 is adopted concerning the registration of the respective variety.**

2. By way of derogation from Articles 5, 7, 10 -12, 15, 20, 23 and 24, a competent authority may authorise professional operators ~~for a maximum period of 3 years in the case of seeds, and 5 years in the case of PRM other than seeds, and for small quantities per species as determined by the competent authority,~~ to produce and market PRM belonging to a variety not yet registered in a national variety register referred to in Article 44 **for the purpose of carrying out tests or trials**, if all of the following requirements are fulfilled:

- (a) ~~that~~ authorised PRM is only used for tests or trials carried out by professional operators **on the premises of specifically designated persons**, in order to gather information on the cultivation or use of the variety concerned on farms;
- (b) the marketing is made ~~by~~ ~~to those~~ **the** professional operators **carrying out the tests and trials to the persons referred to in point (a)** only, with no further marketing of **PRM** thereafter **to be allowed**, ~~who produces a report on results of the tests or trials, in relation to the information on the cultivation or use of that variety;~~
- (c) there is no risk that such an authorisation will lead to insufficient identification or quality of the marketed PRM; ~~and~~
- ~~I~~(d) ~~that~~ authorised PRM complies with the requirements of standard PRM for the respective species; ~~:- and~~
- (e) **the respective PRM belongs to a variety for which an application has been submitted for registration in a national variety register pursuant to Article 55.**

The professional operator carrying out the tests and trials shall produce a report on results of the tests and trials, in relation to the information on the cultivation or use of that variety. That report shall be made available to the competent authority.

Such authorisation may be granted for a maximum period of 3 years in case of seeds, and 5 years in the case of PRM other than seeds, and for small quantities per species as determined by the competent authority. That authorisation shall automatically expire when a decision pursuant to Article 67 is adopted concerning the registration of the respective variety.

3. In order to obtain the authorisation referred to in paragraphs 1 and 2, the professional operator shall submit to the competent authorities a request, indicating the information about the following:
- (a) the production of the stock of ~~pre-basic seeds and material, and basic seeds and material, and certified seeds and material~~ available before the variety registration and the envisaged tests and trials for the standard seeds and material, **and the quantities of the material to be marketed;**
 - (b) the breeder's reference **and species** of the variety indicated in the application for registration;
 - (c) the procedure for the variety maintenance, where applicable;
 - (d) the authority before which the application for the registration of the variety is pending, and the reference assigned to that application;
 - (e) the sites where production, **and where applicable tests and trials,** will take place; and
 - ~~(f) the quantities of the material to be made available on the market.~~
- (fa) in case of authorisation referred to in paragraph 1, proof of satisfactory interim results of technical examinations set out in Article 59(1) point (a).**
4. The Member States whose competent authorities have granted the authorisation referred to in paragraphs 1 and 2 shall annually inform the other Member States and the Commission thereof.
5. PRM referred to in paragraphs 1 **shall be accompanied by an official label as referred to Article 15(1),** and **PRM referred to in paragraph 2** shall be accompanied by an **operator's** label **as referred to Article 16(2)(h),** ~~issued by the professional operator,~~ with the indication 'Not yet **registered** ~~listed~~ variety'.

Authorisation in cases of temporary difficulties in the supply

1. In order to remove temporary difficulties in the ~~general~~ supply of pre-basic, basic, certified or standard seed or material PRM that may occur in the Union due to adverse climatic conditions or other unforeseen circumstances, the Commission, by means of an implementing act, may authorise Member States for a maximum period of 1 year, to allow the marketing of the categories of pre-basic, basic ~~or~~ certified or standard material or seed ~~that, which fulfils one of the following conditions:~~
 - (a) belongs to a variety not included in a national variety register referred to in Article 44; and/or
 - (b) complies with less stringent requirements than the requirements referred to in Articles 7(1), 7(2), 8(1) and 8(2).

Point (a) shall apply by way of derogation from Articles 5, and point (b) shall apply by way of derogation from Articles 7(1), 7(2), 8(1) and 8(2).

That implementing act may set out the maximum quantities, which may be marketed per genera or species.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 76(2).

2. PRM referred to in paragraph 1 shall be accompanied by an official label as referred to in Article 15 or an operator's label as referred to in Article 16(2)(i) that states, as ~~applicable,~~ that the PRM in question belongs to a non-registered variety and/or fulfils less stringent quality requirements than the ones referred to in Articles 7(1), 7(2), 8(1) and 8(2).

3. The Commission may decide, by means of an implementing act, that the authorisation concerned has to be repealed or amended, if it concludes that is no longer necessary or proportionate to the objective of removing the temporary difficulties in the ~~general~~ supply of the PRM concerned. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 76(2).
4. Member States may, without obtaining the authorisation of the Commission referred to in paragraph 1, allow, for a maximum period of 1 year, and for a limited amount of quantities per genera or species as necessary for supply difficulties in question, the production and marketing of seeds that fulfill germination rates reduced up to 15 percentage points compared to the ones set out pursuant to the implementing act referred to in Article 7(34).
In this case, the official label as referred to in paragraph 2 shall indicate ‘reduced germination rate’. The Member States will notify each authorisation to the Commission and the other Member States mentioning the species and the germination rate of the seeds.

Article 34

~~Provisional authorisation in urgency cases for m~~Marketing of seeds not certified as complying with applicable quality germination rate requirements in case of rapid supply needs

1. Competent authorities may authorise professional operators, ~~for a maximum period of 1 month, the~~ to marketing of seeds as pre-basic, basic or certified seeds, and mixtures thereof, before they have been certified to comply with the requirements referred to in Article 7 concerning germination, ~~maximum content of other species or purity~~, if it is necessary to make that seed rapidly available on the market ~~to address urgent needs of supply~~. **Such seeds shall comply with the requirements adopted pursuant to Article 7(1) concerning germination, which shall be attested by preliminary analytical tests on the seeds performed by the professional operator.**

2. The authorisation referred to in paragraph 1 shall be granted ~~on the basis~~ **taking into account that the professional operator has in place:** ~~of a~~ **an analytical report on the seed, issued by the professional operator, attesting its compliance with the requirements concerning germination, content of other species or purity, adopted pursuant to Article 7(1).**

(a) the necessary procedures which ensure sufficient security for the seeds marketed, particularly in relation to performing the preliminary analysis of the seeds and identifying critical points of the process;

(b) procedures to ensure the fulfillment of the requirements concerning the identification of lots pursuant to Article 13; and

(c) procedures to ensure the traceability requirements set out in Article 42.

~~The name and address of the first recipient of the seeds shall be submitted to the competent authority by the professional operator. The professional operator shall keep the information on the provisional analytical report at the disposition of the competent authority.~~

The professional operator shall keep the name and address of the first recipients of the seeds and the results of the preliminary analytical tests, as referred to in paragraph 1, and make it available to the competent authority on request.

3. The seeds referred to in paragraph 1 shall bear **an official label as referred to in Article 15** indicating 'Provisional authorisation for ~~marketing~~ marketing'.

Marketing of PRM which is not yet certified

1. PRM which has been produced in the Union, but has not yet been certified as pre-basic, basic or certified seed **or material** pursuant to Article 7, may be marketed with a reference to any of those categories, if all of the following requirements are fulfilled:
 - (a) prior to the harvesting, a field inspection has been carried out by the competent authority, or the professional operator under the official supervision of the competent authority, and that inspection has confirmed compliance of that PRM with the production requirements referred to in Article 7(1), **(2)**;
 - (b) it is in the process of being certified by the competent authority, or by the professional operator under the official supervision of the competent authority; and
 - (c) the requirements set out in paragraphs 2 to 5 are fulfilled.
2. PRM referred to in paragraph 1 may be marketed only by the professional operator who has produced that PRM to the professional operator who is to carry out the **storage, final processing or** certification. ~~Such PRM may not be further transferred to any other person before its final certification.~~
3. PRM referred to in paragraph 1, shall be accompanied by **an official** label **as referred to in Article 15**, ~~issued by the professional operator,~~ with the indication ‘Seeds/Material not yet finally certified’.
4. If the competent authority, where the PRM has been harvested (‘competent authority of production’), and the competent authority where the PRM is certified pursuant to Article 7 (‘competent authority of certification’) are **of** different **Member States**, they shall exchange the relevant information concerning the production and marketing of that PRM.

5. PRM which has been harvested in a third country, but has not yet been certified as pre-basic, basic or certified material pursuant to Article 7, may be marketed in the Union by reference to any of those categories, if:
- (a) a decision on equivalence has been adopted pursuant to Article 39 concerning that third country;
 - (b) the requirements set out in paragraph 1, points (a) and (b), paragraphs 2 and 3, are fulfilled, and the professional operators of the third country concerned have been subject to the official supervision of their competent authorities;
 - (c) the competent authorities of the Member State and the third country concerned exchange between themselves the relevant information concerning the marketing of that material; ~~and~~
 - (d) on request, the competent authorities of the third country concerned provide all relevant production information to the competent authority of the Member State of certification; and-
 - (e) where applicable, the OECD label and in other cases another official label attesting compliance with points (b), (c) and (d).**

For the purposes of this paragraph, references made in paragraphs 1 - ~~45~~ to the competent authority of production shall be construed as references made to the competent authority of the third country concerned, and references made therein to the requirements set out pursuant to Article 7(1) or 7(2) shall be construed as references made to equivalent requirements of the third country, as recognised pursuant to Article 39(2).

More stringent production and marketing requirements

- 1a. Member States may impose more stringent production and marketing requirements with regards to the requirements for production and marketing of PRM as laid down in the Annexes II or III of this Regulation. Member States shall inform the Commission and other Member States thereof.**

Those more stringent measures shall not impose, or result in, any prohibitions or restrictions on the marketing of plant reproductive material in the Union.

- ~~1. The Commission, by means of implementing acts, may authorise the Member States to impose, with regards to production and marketing of PRM, more stringent production or marketing requirements than those referred to in Articles 7 and 8, in all or part of the territory of the Member State concerned, provided that those more stringent requirements correspond to specific production conditions in, and agro-climatic needs, of that Member State in regard to the respective PRM.~~

~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).~~

- ~~2. In order to obtain the authorisation referred to in paragraph 1, Member States shall submit to the Commission a request setting out:~~
- ~~(a) the draft provisions containing the proposed requirements; and~~
 - ~~(b) a justification on the necessity and proportionality of such requirements.~~

~~3. The authorisation referred to in paragraph 1 shall be granted only if the following conditions are fulfilled:~~

- ~~(a) the implementation of the draft provisions, as referred to in paragraph 2, point (a), ensures the improvement of the identity and quality of the PRM concerned, and it is justified by the specific agricultural or climatic conditions of the Member State concerned; and~~
- ~~(b) the draft provisions are necessary and proportionate to the objective of the measure referred to in paragraph 2, point (a).~~

~~4. Where applicable, each Member State shall, by ... [one year after date of application of this Regulation], review the measures it has adopted pursuant to Article 5 of Directive 66/401/EEC, Article 5 of Directive 66/402/EEC, Article 7 of Directive 2002/54/EC, Article 24 of Directive 2002/55/EC, Article 5 of Directive 2002/56/EC and Article 7 of Directive 2002/57/EC, and either repeal those measures or amend them to comply with the production and marketing requirements set out in, and adopted pursuant to, Articles 7 and 8.~~

~~The Member State concerned shall inform the Commission and the other Member States of those actions.~~

~~The Commission may, by means of implementing acts, decide that the measures, as referred to in the first subparagraph, are to be repealed or amended, in case they are considered to be unnecessary and/or disproportionate to their objective. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).~~

Emergency measures

1. Where **there are detailed grounds based on [new or additional] scientific knowledge for considering that** the production or marketing of PRM ~~is likely to constitute~~ a serious risk to human, animal or plant health, environment or cultivation of other species, and such risk **has not been assessed pursuant to any other Union rules and** cannot be contained satisfactorily by means of measures taken by the Member State concerned, the Commission shall take, without delay, by means of implementing acts, any appropriate **and proportionate** interim emergency measures. Such measures shall be limited in time. They may include provisions restricting or prohibiting the marketing of the PRM concerned, ~~or laying down appropriate conditions for its production or marketing,~~ **and depending on the gravity of the situation, appropriate conditions for the production and marketing of PRM shall be established.**

Such measures may be taken on the Commission's own initiative or at the request of a Member State. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

On duly justified imperative grounds of urgency to address a serious risk to human health, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 76(3).

2. Where a Member State officially informs the Commission of the need to take emergency measures and the Commission has not acted in accordance with paragraph 1, that Member State may adopt the appropriate interim emergency measures. Those measures may include provisions restricting, prohibiting or laying down appropriate conditions for the production or marketing of PRM within the territory of that Member State, depending on the gravity of the situation. The Member State concerned shall immediately inform the other Member States and the Commission of the measures adopted, stating the grounds for its decision.

3. **Whithin 30 working days, the Commission shall put the measures adopted pursuant to paragraph 2 before the Committee referred to in Article 76(1) in accordance with the regulatory procedure referred to in Article 76(2) with a view to the extension, amendment or repeal of the national interim protective measure.** ~~The Commission may decide, by means of implementing acts, that the national interim emergency measures referred to in paragraph 2 are to be repealed or amended, if it considers that those measures are not justified in view of the respective risk as referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2). The Member State concerned may maintain its national interim emergency measures until the date of application of the implementing act(s) referred to in this paragraph.~~

Article 38

Temporary experiments to seek improved alternatives to provisions of this Regulation

1. By way of derogation from Articles 2, **3**, 5, 6, 7, 8, **9** and 20, the Commission may, by means of implementing acts, decide on the organisation of temporary experiments to seek improved alternatives to provisions of this Regulation concerning the genera and species it applies to, the requirements for belonging to a registered variety, the production and marketing requirements for pre-basic, basic, certified and standard material or seed, and the obligation to belong to pre-basic, basic and certified material or seed.

Those experiments may take the form of technical or scientific trials examining the feasibility and appropriateness of new requirements compared to the ones set out in Articles 2, 5, 6, 7, 8 and 20 of this Regulation. **They may only be carried out if at least two Member States participate, upon their request.**

2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 76(2) and shall specify one or more of the following elements:

- (a) the genera or species concerned;
- (b) the conditions of the experiments per genera or species;
- (c) the duration of the experiment;
- (d) the monitoring and reporting obligations of the participating Member States.

Those acts shall adapt to the evolution of techniques for production of the PRM concerned, as shall be based on any comparative trials carried out by the Member States.

3. The Commission shall review the results of those experiments and summarise them in a report, indicating, if necessary, the need to amend Articles 2, 3, 5, 6, 7, 8, 9 or 20.

[...]

CHAPTER III

REQUIREMENTS FOR PROFESSIONAL OPERATORS

Article 41

Obligations of professional operators ~~producing PRM~~

Professional operators, ~~which produce PRM~~, shall:

- (a) be established in the Union;
- (b) be registered in ~~the~~ a register **of the Member States as** referred to in Article 65 of Regulation (EU) 2016/2031, **and** in accordance with Article 66 of that Regulation, **as applicable for the PRM professional operators**;
- (c) be available personally, or designate another person, to liaise with the competent authorities for facilitating the official controls;

- (d) identify and monitor the critical points of the production process, or of the marketing, which may influence the identity and quality of PRM;
- (e) keep records of the monitoring of the critical points referred to in point (d) and provide them -for examination when requested by the competent authorities;
- (f) ensure that lots of PRM remain separately identifiable;
- (g) keep updated information on the address of the premises and other locations, **including those of contracting third parties**, used for the **activities defined in Article 3(2)** ~~production of PRM~~;
- (h) make sure that competent authorities have access to the premises and other locations ~~of production~~ **where the activities referred to in Article 3(2) take place**, including premises and fields of third contracting parties, and to the records of the monitoring and all related documents;
- (i) take measures, where appropriate, for the maintenance of the identity of the PRM in accordance with the requirements of this Regulation; **and**
- (j) make available on request of the competent authorities any contracts with third parties, **without prejudice to national and Union rules on confidentiality, access to information and private data protection**.

Networks and organisations involved in the conservation of plant genetic resources as referred to in Article 29 shall not be subject to the requirements of points (d) and (e).

A professional operator whose activities relating to PRM are limited to sale to non-professional users as referred to in Article 28, without altering the content of the lots, packaging or labelling, is exempt from the obligations listed in points (b), (d), (e), (f) and (g).

Article 68 of Regulation (EU) 2016/2031 shall apply accordingly.

Registration of professional operators

1. The registration of the professional operators as referred to in Article 41(b), shall, where applicable and in addition to the elements detailed in Article 66(2) of Regulation (EU) 2016/2031, include:

(a) a statement concerning the intention of the professional operator to exercise one or more of the activities referred to in Article 3(2), supplemented with the intended use of the PRM;

(b) a statement concerning the intention to carry out activities under official supervision;

(c) the issuing of official labels or operator's labels pursuant to Article 15, 16, 21-23, 26-29 and 32-35.

2. By way of derogation from Article 41(b), professional operators are not required to be registered in order to engage in the following activities:

(a) the supply of PRM exclusively to non-professional users pursuant to Article 28, only when the marketing does not imply altering the content, packaging or labelling of the lots;

(b) the marketing of PRM for the conservation of plant genetic resources by organisations and networks pursuant to Article 29; or

(c) the exchange of seed in kind between farmers pursuant to Article 30.

3. The Commission is empowered to adopt delegated acts in accordance with Article 75 concerning one or two of the following:
- (a) amending this Regulation by adding further categories of professional operators to be exempted from the application of paragraph 1, where registration would constitute a disproportionate administrative burden, disproportionate to the low risk related to their professional activities;
- (b) supplementing this Regulation by setting out particular requirements for the registration of certain categories of professional operators, taking into account the nature of the activity or of the PRM concerned.
4. When the registered professional operator no longer performs the activities it is registered for, it shall rectify or ask for withdrawal of its registration according to the instructions of the competent authority.
5. The competent authorities shall have full access to this register referred to in Article 65(1) of Regulation (EU) 2016/2031.

Article 42

Traceability

1. Professional operators who are registered according to Article 41(b), shall ensure that PRM is traceable at all stages of production and marketing.
2. For the purposes of paragraph 1, professional operators shall keep information or records allowing them to identify:
 - (a) the professional operators or other persons, ~~which~~ who have supplied them with the PRM ~~seeds and the material~~ concerned;
 - (b) the professional operators or the persons to whom they have supplied PRM and the PRM concerned, except in case of ~~final users~~ **non-professional users**.

On request, they shall make such information available to the competent authorities.

3. Professional operators shall keep records of the PRM and the information of the professional operators and persons referred to in paragraph 2 for at least 3 years after that material 6 years after the PRM has been respectively supplied to or by them.

Article 43

Annual notification of the intended production and certification of pre-basic, basic and certified seed and material and of the production of standard seed and material

Every year, professional operators shall notify the competent authorities, within a reasonable time in advance, and in accordance with the instructions of the competent authority, about:

- (a) ~~their intention to produce~~ tion of pre-basic, basic and certified PRM material ~~or pre-basic, basic and certified seed, at least one month before the beginning of that production; and~~
- (b) the production of pre-basic, basic and certified PRM material that started in previous years and continues in the year concerned.

That notification shall state the plant species, varieties or where appropriate, selected clones, and categories of the PRM concerned and the exact location of production.

Once a year, professional operators shall submit to the competent authority a declaration concerning the quantities per species of standard seed and material they produced for the purpose of its marketing in the Union.

Article 81

Amendment of Regulation (EU) 2018/848

Regulation (EU) 2018/848 is amended as follows:

(1) Article 3 is amended as follows:

(a) point (17) is replaced by the following:

‘(17) ‘plant reproductive material’ means plant reproductive material as defined in Article 3(1) of Regulation (EU) .../... of the European Parliament and Council(*)+;’;

(*) Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). *[footnote that will be in that regulation goes here]*

[+ OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.]

(b) point (18) is replaced by the following:

‘(18) ‘organic heterogeneous material’ means heterogeneous material as defined in Article 3(27) of Regulation (EU) .../...(*)++ , produced in accordance with this Regulation;’

(*) Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). *[footnote that will be in that regulation goes here]*

[++ OJ: Please insert in the text the number of this Regulation.]

(2) Article 13 is deleted.

- (3) The second paragraph of Point 1.8.4. of Part I of Annex II to Regulation (EU) 2018/848 is replaced by the following: “ All multiplication practices, except plant tissue cultures, cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material, shall be carried out under certified organic management”.

[...]

ANNEX VI**REQUIREMENTS FOR PRODUCTION AND MARKETING OF PRM OF
HETEROGENEOUS MATERIAL AS REFERRED TO IN ARTICLE 27(2)****A. Notification of heterogeneous material**

PRM of heterogeneous material as referred to in Article 27 (~~12~~) may be marketed following a notification of the heterogeneous material by the professional operator to the competent authorities, made ~~m~~**y** means of a dossier containing:

- a) the contact details of the applicant;
- b) the species and denomination of the heterogeneous material;
- c) the description of the heterogeneous material as referred **to** in point B;
- d) a declaration by the applicant concerning the truth of the elements in points (a), (b) and (c);-
- e) **if the competent authority requires so, a representative sample according to the instructions of the competent authority;**
- ea) where applicable, information whether the PRM was or will be produced in accordance with Regulation (EU) 2018/848.**

~~The notification shall be sent by registered letter or by any other means of communication accepted by the competent authorities with confirmation of receipt requested. Three months after the date shown on the return receipt provided that no additional information was requested or that non formal refusal for reasons of incompleteness of the notification was communicated to the supplier, the competent authority shall be deemed to have acknowledged the notification and its content, and the heterogeneous material shall be included in the heterogeneous material register.~~

B. Description of the heterogeneous material

1. The description of heterogeneous material shall include all of the following elements:

- (a) a description of its characteristics, including:
 - (i) the phenotypic characterisation of the key characters which are common to the material, together with the description of the heterogeneity of the material, by characterising the phenotypic diversity observable between individual reproductive units;
 - (ii) documentation of its relevant characteristics, including agronomic aspects such as yield, yield stability, suitability for low input systems, performance, resistance **or tolerance** to abiotic **or biotic** stress, ~~disease resistance~~, quality parameters, taste or colour;
 - (iii) any available results from tests concerning the characteristics referred to in point (ii);
- (b) a description of the type of technique used for the breeding or production method of the heterogeneous material;
- (c) a description of the parental material used to breed or produce the heterogeneous material and own production control programme used by the operator concerned with a reference to the practices as referred to in point B.2.(a) and, if applicable, in point B.2.(c);
- (d) a description of the on-farm management and selection practices with a reference to point B.2.(b) and, if applicable, of the parental material with a reference to point B.2.(c);
- (e) a reference to the country of breeding or production, with information on the year of **the final breeding stage**~~production~~ and description of the pedo-climatic conditions.

2. The heterogeneous material may **shall** be generated by one of the following techniques:
- (a) crossing of several different types of parental material, using crossing protocols to produce diverse heterogeneous material by bulking of the progeny, repeatedly re-sowing and exposing the stock to natural and/or human selection, provided that this material shows a high level of genetic diversity;
 - (b) on-farm-management practices, including selection, establishing or maintaining material, which is characterized by a high level of genetic diversity;
 - (c) any other technique used for breeding or production of heterogeneous material, taking into account particular features of propagation.

C. Requirements concerning the identity of PRM lots of heterogeneous material

PRM of heterogeneous material shall be identifiable on the basis of all of the following elements:

- (a) the initial material and the production scheme used in the crossing for creation of the heterogeneous material, as provided for in point B.2.(a) or, if applicable, in point B.2.(c), or the history of the material and the on-farm management practices, including whether the selection has occurred naturally and/or through human intervention, in the cases of points B.2.(b) and point B.2.(c);
- (b) the country of breeding **and** production; and
- (c) characterisation of the common key characters and of the phenotypic heterogeneity of the material.

D. Requirements concerning the ~~sanitary quality~~, analytical purity and germination of PRM of heterogeneous material

1. PRM of heterogeneous material shall comply with the requirements for the analytical purity and germination requirements for seed and the quality requirements for other material of the lowest category for the respective species.

~~The plants shall be treated or excluded as a source of PRM, in case of defects or positive test results or visual symptoms of pests in accordance with Regulation (EU) 2016/2031.~~

2. By way of derogation from point D.1, professional operators may place on the market PRM of heterogeneous material which does not satisfy the conditions with respect to germination, provided that the operator indicates the germination rate of the PRM concerned on the label or directly on the package.

E. Requirements for packaging and labelling of PRM of heterogeneous material

1. PRM of heterogeneous material shall be contained in small packages and in maximum quantities as defined in point H. However, they may be contained in other packages or containers, only if these are closed in such a manner that they cannot be opened without leaving evidence of tampering on the package or container.
2. The professional operators shall affix on packages, trays or containers of PRM of heterogeneous material a label in at least one of the official languages of the Union.

That label shall:

- (i) be legible, printed or written on one side, newly issued and easily visible;
- (ii) include the information set out in point G of this Annex, except where that information is printed or written directly on the package or the container; and
- (iii) be yellow, with a green diagonal cross.

3. In the case of small, transparent packages, the label may be placed inside the package provided it is clearly legible.
4. By way of derogation from points E.1 and E.2, PRM of heterogeneous material contained in closed and labelled packages and containers may be sold to final users in unmarked and unsealed packages up to the maximum quantities provided for in point H, if on request, the purchaser is informed in writing at the time of delivery, about the species, the denomination of the heterogeneous material and the reference number of the lot.

4a. In case of seedlings, the label shall indicate the fact that they have been produced from seed of heterogeneous material.

F. Maintenance of heterogeneous material

1. Where maintenance is possible, the professional operator who has notified the heterogeneous material to the competent authorities, shall preserve the main characteristics of the material at the time of its notification, by maintaining it as long as it remains on the market.
2. That maintenance shall be undertaken in accordance with accepted practices adapted to the maintenance of such heterogeneous material. The professional operator responsible for the maintenance shall keep records of duration and content of maintenance.
3. At all times, the competent authorities shall have access to all records kept by the professional operator responsible for the material, in order to check its maintenance. The professional operator shall keep those records for 5 years after the moment the heterogeneous material is not marketed anymore.

G. Content of the label of the packages

PRM of heterogeneous material shall be marketed in packages bearing a label containing the following elements:

- (1) the denomination of the heterogeneous material, together with the phrase 'heterogeneous material' **or 'organic heterogeneous material' where applicable;**
- (2) the indication 'EU rules and standards';
- (3) the name and address of the professional operator responsible for affixing the label, **and** its registration code;
- (4) country of production;
- (5) lot reference number given by the professional operator responsible for affixing the labels;
- (6) month and year of closing, following the term: 'closed **on**';
- (7) species, indicated ~~at least under~~ **by** its botanical **scientific** name, which may be given in ~~abridged form and without the authors' names,~~ **and its common name in at least one official Union language;**
- (8) declared net ~~or gross~~ weight **of seeds**, or declared number of PRM **other than seeds**, ~~except for small packages;~~
- (9) where weight is indicated and pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight; and
- (10) the germination rate, if applicable.

H. Maximum quantities of PRM of heterogeneous material in small packages

Species	Maximum net mass (kg)
Seed of Fodder plants	10
Beet seed	10
Cereals seed	30
Seed of Oil and fiber plants	10
Seed Potato	30
Vegetable seed :	
Legumes	5
Onions, chervil, asparagus, spinach beet or chard, red beet or beetroot, turnips, water melon, gourd, marrows, carrots, radishes, scorzonera or black salsify, spinach, corn-salad or lamb's lettuce	0,5
All other vegetable species	0,1

ANNEX VIa

GENERA AND SPECIES AS REFERRED TO IN ARTICLE 27

a) Poaceae (Gramineae):

Agrostis canina L.

Agrostis gigantea Roth

Agrostis stolonifera L.

Agrostis capillaris L.

Alopecurus pratensis L.

Arrhenatherum elatius (L.) P. Beauv. ex J. Presl & C. Presl

Bromus catharticus Vahl

Bromus sitchensis Trin.

Cynodon dactylon (L.) Pers.

Dactylis glomerata L.

Festuca arundinacea Schreb.

Festuca filiformis Pourr

Festuca ovina L.

Festuca pratensis Huds.

Festuca rubra L.

Festuca trachyphylla (Hack.) Hack.

Lolium multiflorum Lam.

Lolium perenne L.

Lolium × *hybridum* Hausskn

Phalaris aquatica L.

Phleum nodosum L.

Phleum pratense L.

Poa annua L.

Poa nemoralis L.

Poa palustris L.

Poa pratensis L.

Poa trivialis L.

Trisetum flavescens (L.) P. Beauv.

xFestulolium Asch. & Graebn.

b) *Fabaceae* (*Leguminosae*)

Lotus corniculatus L.

Medicago doliata Carmign.

Medicago italica (Mill.) Fiori

Medicago littoralis Rohde ex Loisel.



Medicago lupulina L.

Medicago murex Willd.

Medicago polymorpha L.

Medicago rugosa Desr.

Medicago sativa L.

Medicago scutellata (L.) Mill.

Medicago truncatula Gaertn.

Medicago × *varia* T. Martyn Sand

Onobrychis viciifolia Scop.

Phleum pretense L.

Plantago lanceolata L.

Secale cereal L.

Trifolium alexandrinum L.

Trifolium fragiferum L.

Trifolium glanduliferum Boiss.

Trifolium hirtum All.

Trifolium hybridum L.

Trifolium incarnatum L.

Trifolium isthmocarpum Brot.

Trifolium michelianum Savi

Trifolium pratense L.

Trifolium repens L.

Trifolium resupinatum L.

Trifolium squarrosum L.

Trifolium subterraneum L.

Trifolium vesiculosum Savi

Vicia faba L. partim x *Festlolium* Ash. & Graebn


