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NOTE

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

With a view to the meeting of the Permanent Represenatives Committee on 12 June 2026, delegations will find in the Annex a proposal submitted by the Presidency on the issue of the exemption of micro-enterprises.

ANNEX

Room document

for COREPER I on 12 June 2026

Submitted by the Presidency

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Regarding the exemption of micro-enterprises from certain obligations, Presidency proposes to revise Article 41c in order to reach a compromise, should the Parliament insist on its amendment nr. 201. The proposed revision aims to provide further derogations for professional operators while minimising the administrative burden for competent authorities.

Option A: To defend the Council mandate

Option B: Revision of Article 41c providing derogations for farmers exchanging PRM in kind

Article 41c

Derogation from obligations of professional operators

1. By way of derogation from Article 41, point (b), professional operators shall not be required to be registered if they exclusively carry out one or more of the following activities:

   (a) the production and marketing of PRM intended to be used exclusively by, and marketed directly to non-professional users pursuant to Article 28;

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

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

2. Professional operators whose activities relating to PRM are limited to marketing directly to non-professional users as referred to in Article 28, without altering the content of the lots, packaging or labelling, are exempt from the obligations listed in Article 41, points (d), (e) and (g).

3. Organisations and networks involved in the conservation of plant genetic resources, as referred to in Article 29, shall not be subject to the requirements of Article 41, points (d) and (e).

3a. Farmers exchanging in kind PRM as referred to in Article 30, shall not be subject to the requirements of Article 41, points (b) to (j).

4. The Commission is empowered to adopt delegated acts in accordance with Article 75 amending paragraph 1 of this Article by adding other professional operators to be exempted from the obligation in Article 41, point (b), where registration would constitute an administrative burden for them which is disproportionate to the low risk related to their professional activities.

Option C: Revision of Article 41c providing derogations for farmers exchanging PRM in kind and for professional operators producing and marketing exclusively PRM of conservation varieties and locally adapted varieties

Article 41c

Derogation from obligations of professional operators

1. By way of derogation from Article 41, point (b), professional operators shall not be required to be registered if they exclusively carry out one or more of the following activities:

(a) the production and marketing of PRM intended to be used exclusively by, and marketed directly to non-professional users pursuant to Article 28;

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

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

2. Professional operators whose activities relating to PRM are limited to marketing directly to non-professional users as referred to in Article 28, without altering the content of the lots, packaging or labelling, are exempt from the obligations listed in Article 41, points (d), (e) and (g).

3. Organisations and networks involved in the conservation of plant genetic resources, as referred to in Article 29, shall not be subject to the requirements of Article 41, points (d) and (e).

3a. Professional operators producing and marketing exclusively PRM of conservation varieties or locally adapted varieties, as referred to in Article 26, shall not be subject to the requirements of Article 41, point (e).

3b. Farmers exchanging in kind PRM as referred to in Article 30, shall not be subject to the requirements of Article 41, points (b) to (j).

4. The Commission is empowered to adopt delegated acts in accordance with Article 75 amending paragraph 1 of this Article by adding other professional operators to be exempted from the obligation in Article 41, point (b), where registration would constitute an administrative burden for them which is disproportionate to the low risk related to their professional activities.

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