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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	Meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 1 and 2 October 2025 - Meeting document on agenda item 1

In view of the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 1 and 2 October 2025, delegations will find in the annex the Presidency's drafting suggestions on the outstanding issues. Please note that, in addition to the articles submitted for written consultation during the summer, the Presidency has also added Article 8(5), where consequential amendments are deemed necessary. Furthermore, the Presidency's drafting suggestions for Article 80 have also been added in preparation for the discussion on official controls.

The Presidency's changes to the Polish Presidency text (9647/2025) are marked in yellow, with the exception of Article 80, where the changes are marked only in the usual formatting, without color, as the text is being revised for the first time.

ANNEX

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)

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Danish Presidency's drafting suggestions on the outstanding issues, as well as on Articles 8(5) and 80, in view of the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 1 and 2 October 2025

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Article 8

Requirements for the production and marketing of standard seed and material

5. The Commission shall adopt implementing acts specifying the production and marketing requirements referred to in ~~Part A to E of~~ Annex III for certain genera or species of standard ~~seed or material~~ **PRM**. Those requirements shall concern one or more of the following elements **for all or certain species**:

(k) conditions for the production of conservation varieties and local varieties.

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Article 80

Amendments of Regulation (EU) 2017/625

Regulation (EU) 2017/625 is amended as follows:

(1) in Article 1, paragraph 2, the following point is added:

'(k) production and marketing of plant reproductive material.';

(2) in Article 3, the following point is added:

'(52) 'plant reproductive material' means plant reproductive material as defined in Article 3(1) of Regulation (EU) …/… of the European Parliament and the 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.]

(3) the following article is inserted after Article 22:

'*Article 22a*

Specific rules on official controls and for action taken by the competent authorities in relation to plant reproductive material

1. Official controls to verify compliance with the rules referred to in Article 1(2), point (k), shall include official controls on plant reproductive material, **professional** operators and other persons subject to those rules.

2. The Commission is empowered to adopt delegated acts in accordance with Article 144 to supplement this Regulation by laying down rules for the performance of official controls on plant reproductive material in order to verify compliance with Union rules referred to in Article 1(2), point (k), applicable to those goods and for action taken by the competent authorities following the performance of those official controls.

Those delegated acts shall lay down rules on specific requirements for the performance of such official controls on:

(a) the import into, and marketing within, the Union of particular plant reproductive material subject to the rules referred to in Article 1(2), point (k), concerning its identification and quality, and

(b) ~~specific requirements for the performance of such official controls on~~ the activities of **professional** operators during the production of particular plant reproductive material subject to the rules referred to in Article 1(2), point (k).

3. The Commission shall, by means of implementing acts, lay down rules on uniform practical arrangements for the performance of official controls on plant reproductive material in order to verify compliance with Union rules referred to in Article 1(2), point (k), applicable to those goods and for action taken by the competent authorities following such official controls on:

(a) uniform minimum frequency of such official controls, where a minimum level of official control is necessary to respond to recognised uniform risks of non-compliance with the rules on plant reproductive material of a particular origin or provenance;

(b) uniform frequency of official controls performed by competent authorities on operators authorised to carry out certification under official supervision in accordance with Article 12(1) of Regulation (EU) …/… **of the European Parliament and of the Council*** ++

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 145(2).

*** Regulation (EU) .... of the European Parliament and of the Council of ... [the final title of the PRM Regulation] (OJ L ..., ELI:...).'**

++ 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.]**

4. For the purposes of Article 30, the delegation of certain official control tasks, referred to in this Article, to one or more natural persons shall be allowed.';

(4) in Article 40(1), the following point is added:

'(c) laboratories which are accredi~~t~~ated by the International Seed Testing Association to carry out **sampling of seed and** analyses, tests and diagnoses on seed samples '~~samples~~'.

Article 2

Scope and objectives

4. This Regulation does not apply to:

~~[(i) PRM marketed by non-profit organisations and networks other than gene banks, with a purpose defined in their articles of association or other equivalent document of conserving plant genetic resources, to any natural or legal person, under the condition that those organisations and networks have notified their activity to the competent authority and the respective PRM is identified as such through appropriate labelling;]~~

Article 3

Definitions

~~[~~**(32a) 'true potato seed' means seed of *Solanum tuberosum* L.**~~]~~

Article 6

Belonging to certain categories of PRM

2. By way of derogation from paragraph 1, PRM may be produced and marketed without belonging to a category listed in points (a) to (~~eb~~**d**) of that paragraph in the following cases:

~~[~~**(f) PRM as commercial seed in accordance with Article 32a;**~~.]~~

~~[~~**(g) preservation mixtures produced in accordance with Article 22.**~~]~~

Article 17a (former Article 23)

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

~~[~~**4.** **In addition to the ~~provision of~~ traceability requirements pursuant to Article 42,** ~~T~~the professional operators shall keep records~~, when~~ **of** re-packaging, re-sealing and re-labelling ~~seed lots~~ **performed by them**, for ~~3~~ **6** years after the respective ~~re-labelling, re-sealing and re-packaging~~ **activity**. The information contained in ~~the~~ **those** records shall include:

(a) the reference number of the original ~~seed~~ lot;

(b) the reference number of the re-packaged or re-labeled ~~seed~~ lot;

(c) the weight **or units** of the original ~~seed~~ lot;

(d) the weight **or units** of the re-packaged or re-labeled ~~seed~~ lot;

(e) the most recent date of re-sealing of the lot.

Those records shall be kept in a form allowing 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 original ~~seed~~ lot **where possible, or it shall be indicated on the seal or label that they are no longer valid**. The professional operator shall also keep the replaced label, **a record of** its content or **a** digital equivalent ~~of~~ **for** each original ~~seed~~ lot for at least ~~3~~ **6** years after the respective re-sealing. ~~In the case~~ **If** the professional operator chooses to keep **a record of** 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~~ **that record may be kept in electronic format**, provided that ~~this~~ **it** includes the information that is needed to guarantee ~~the~~ traceability.~~]~~

Article 28

~~[~~PRM ~~produced for and~~ marketed to non-professional users

1. By way of derogation from Articles 5~~(1)~~ **to** ~~12~~, **9b and 14** ~~15~~ **to 17a** ~~and 20~~, PRM **[of fruit and vegetable species]** ~~with the exception of seed potatoes~~ **and mixtures of seed**~~, intended to be used~~ **exclusively** ~~by~~ **may be marketed by professional operators [directly] to** non-professional users ~~may be produced, and marketed~~ ~~to non-professional users,~~ if it complies with all of the following requirements:

(a) ~~to~~ **it** bear**s** 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 **~~PRM~~** for non-professional user **~~– not certified~~'** ~~or, in the case of seed, 'Seed for non-professional user~~;

(b) in case **of PRM** not belonging to a variety registered in a national ~~or in the Union~~ variety register referred to in Article 44 ~~and 45~~:

(i) ~~to use a denomination complying with Article 54 and~~ [~~starting with the Prefix "Art. 28~~ **followed by** **it has the indication on the operator's label 'variety not registered pursuant to Article 44** of Regulation (EU) .../… of the European

Parliament and of the Council'[1]**, and complying with Article 54** followed by any given denomination in order to clearly differentiate] from varieties registered in national or Union variety registers; and

(ii) to have **it has** a description made publicly available**;** on the basis of **a** private documentation**;** kept by the professional operator**.** This **and that** private documentation shall be **is** made available by the professional operator upon request to the competent authority **upon request**;

(c) to be **it is** practically free from quality pests and any defects likely to impair its quality as reproductive material, and**:**

(i) in the case of PRM other than seed, shall have satisfactory **sufficient** vigour and dimensions in respect of its usefulness as PRM**;** and**,**

(ii) in the case of seed, shall have **has** satisfactory **minimum sufficient** germination **as applicable for the lowest possible category of the respective species** capacity; **and**

(iii) in the case of PRM other than seed, has sufficient vigour and dimensions.

(ca) to be kept separate and identifiable from the PRM not intended for non-professional user during the production and marketing process; and

(d) to be **it is** marketed as individual plants**,** or trays, or in the case of seed and tubers, **or** in small packages**,** clearly distinct **distinguishable** from those **packages** used for any pre-basic, basic, certified and standard seed **PRM**.

A professional operator producing or repackaging PRM intended for non-professional users who uses **using** this derogation **by placing on the market for the first time individual plants or small packages of that PRM** shall annually notify this activity**, as well as the quantities produced and marketed,** to the competent authority in accordance with the instructions of the **that** competent authority, with regard to the species [and denomination] concerned.

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1 Regulation (EU) .../… of the European Parliament and of the Council …. (OJ…., p….).

\+ OJ: Please insert in the text the number of the Regulation contained in document (… (COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

2. The Commission ~~shall~~ **may**, by means of implementing acts, adopt rules concerning the size, form, sealing and handling requirements concerning **individual plants and** the small packages referred to in paragraph 1, point (d**), and size, form, colour and content of the operator's label.**

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).~~1~~

~~1~~*Article 29*

PRM marketed by organisations and networks for the conservation of plant genetic resources

1. By way of derogation from Articles 5 **to** ~~15 and 19 –~~ 25, PRM **intended for the conservation of plant genetic resources** may be marketed~~, for~~ **by** non-profit ~~purposes, by~~ organisations and networks **~~other than gene banks~~, having a purpose defined in their articles of association or other equivalent document** ~~with a statutory objective, of ensuring the conservation~~ **conserving** ~~of~~ plant genetic resources**, to any natural or legal** persons ~~who carry~~**ies** out conservation of that PRM and to farmers or non-professional users.

~~In these cases, this~~ **Such** PRM shall fulfil the following requirements:

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

(a) be listed in a register kept by those organisations and networks with appropriate related information of that PRM; **and**

~~(b) be conserved by those 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.

2. The organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species~~, if listed in Annex I,~~ concerned.

3. The Commission may, by means of implementing acts, adopt rules concerning size, form and content of the operator's label.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).~~1~~

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Article 30

[Seed exchanged in kind between farmers

1. By way of derogation from Articles 5 to 25 farmers may exchange seed in kind, if such seed fulfil all of the following conditions:

(a) are produced in the respective farmer's own premises;

(b) are derived from the respective farmer's own harvest; and

(c) are not subject to a service contract between the farmer and a professional operator for multiplication of seed.

(4) […]

2. Such seed shall fulfil all of the following requirements:

(a) they do not belong to a 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) they 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 authories, without using commercial intermediaries or public offer of marketing; and

(c) they are practically free from quality pests and any defects likely to impact their quality as seed.

3. Member States shall notify to the Commission and the other Member States the defined limitation concerning small quantities per species defined in accordance with paragraph 2, point (b), and any subsequent changes to those quantities.]

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Article 32

PRM of varieties under registration ~~for which an application for registration has been submitted~~

~~**1a. By way of derogation from Articles 5, 9a and 9b, and pursuant to the paragraphs below, a competent authority may authorise professional operators to produce and market PRM of a variety for which the competent authority has confirmed the successful submission of the application for variety registration in accordance with Article 58 for the following purposes:**~~

~~**(c) production and marketing of fruit plants and vine in accordance with paragraph 2a.]**~~

~~[~~2a. By way of derogation from Article 5, professional operators may produce and market standard material of fruit plants and vine belonging to a variety ~~not yet registered in a national variety register as referred to in Article 44~~ **for which an application for variety registration has been accepted pursuant to Article 58** before the PRM has been ~~certified~~ **confirmed** to comply with the requirements referred to in Article 8 concerning varietal identity and varietal purity, if all of the following requirements are fulfilled:

(a) there is no risk that the marketing will lead to insufficient identification or quality of the marketed PRM;

(b) that PRM complies with the requirements pursuant to Article 8 concerning varietal identity and varietal purity, which shall be attested by the technical questionnaire provided by the professional operator; **and**

(c) that PRM bears a **proposed denomination or a** denomination deemed suitable pursuant to Article 54~~;~~ ~~and~~

~~(d) that PRM belongs to a variety for which an application has been submitted for registration in a national variety register pursuant to Article 55~~.

That ~~PRM shall not be produced and marketed anymore when a decision pursuant to Article 67 is adopted concerning the registration of the respective variety or~~ **production and marketing shall cease** if the application for registration of the respective variety is withdrawn **or ~~rejected~~ a decision rejecting registration is adopted in accordance with Article 67**.~~]~~

Article 32a

~~[~~Requirements for the ~~P~~production and marketing of commercial seed

1. By way of derogation from Articles 5, **6, 6a, 7, ~~8.~~** ~~24~~ **9a** and ~~25~~ **9b,** seed of the genera or species included in column ~~7~~ **3** ~~[V]~~ of Annex I may be produced and marketed as commercial seed if ~~the~~ **they comply with the** requirements referred to in ~~**Annex III**~~ **Article 8, with the exception of varietal aspects** ~~Article 7 are fulfilled with the exception of the requirement of varietal identity and varietal purity~~.

~~2. By way of derogation from Article 5, seed of the genera or species newly added to Annex I via a delegated act pursuant to Article 2(3) and for which fewer than [30 varieties] are registered in the Register of Community Plant Variety Rights pursuant to Regulation (EU) 2100/94 when the delegated act enters into force may also be produced and marketed as commercial seed.~~

~~When seed of the genera or species newly added to Annex I may be produced and marketed as commercial seed pursuant to this paragraph, the Commission shall indicate column 7 of Annex I for these species or genera when adopting the delegated act referred to in the first subparagraph.~~

3. The Commission is empowered in accordance with Article 75 to adopt delegated acts~~:~~ amending Annex I~~:~~ ~~to the breeding and economic developments of the~~ **by adding** genera ~~and~~ **or** species **to,** ~~in that Annex by adding~~ or removing genera or species from**,** column ~~7~~ **3** ~~[V]~~ of that Annex.

Those delegated acts shall take into account the breeding and economic developments concerning the production and marketing of PRM of the respective genera or species.

~~The delegated act shall add genera or species to column 7 of Annex I if they fulfil at least one of the two following elements:~~

~~(a) the number of varieties registered in the Union variety register pursuant to Article 45 does not meet the needs of the operators concerned;~~

~~(b) the value of the genera or species mainly lies within multifaceted purposes that extend beyond traditional food and feed production.~~

~~The delegated act referred to in the first subparagraph shall remove genera or species from column 7 of Annex I if they no longer fulfil both of the elements set out in the second subparagraph.~~

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4. Seeds referred to in paragraph 1 and 2 shall be accompanied by an official **operator's** label pursuant to Article 15, with the indication 'Commercial seed'.

5. The Commission may, by means of implementing acts, adopt rules concerning size, form, colour and content of the operator's label. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

Article 36a

Derogation from the production and marketing rules for certain species

1. By way of derogation from Articles 5 to 22, PRM may be produced in a Member State subject to national rules pursuant to a request from that Member State demonstrating, on the basis of consultations with the professional operators concerned, that the following conditions are fulfilled:

a) the cultivation of that species in the requesting Member State is insignificant, in terms of economic value and area of cultivation, due to the agro-climatic conditions in that Member State; and

b) the certification and control of the production of PRM of that species would impose a disproportionate administrative burden on the competent authority of that Member State.

That PRM may only be marketed in the territory of that Member State with a label indicating that it is for marketing in that territory only.

2. The Commission may, by means of implementing acts, temporarily allow PRM belonging to certain species listed in Annex I to be produced and marketed in a Member State without being subject to the rules of Articles 5 to 22 as referred to in paragraph 1 of this Article.

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

PUBLIC

Article 39

Imports on the basis of Union equivalence

1a. …

[The ~~EU~~ professional operator responsible for the imported ~~PRM~~ seed as grown shall provide, upon request of the competent authority, information on the conditions under which the production or multiplication took place, the place of processing, and the varieties to which the seed belongs.]

Article 40a

[Information provided for PRM imported from third countries

~~3.~~ **1.** ~~The professional operator responsible for the imported~~ PRM **may ~~only~~ ~~by~~ be imported into the Union only after ~~the~~ an electronic notification ~~is~~ has been delivered**~~, shall inform~~ **by the professional operator** ~~the respective competent authority in advance of the arrival of the consignment and provide the information referred to in paragraph 1 or 2~~ through the information management system for official controls (IMSOC) referred to in Article 131 of Regulation (EU) 2017/625. **The rules of the delegated act referred to in Article 45(4) of Regulation (EU) 2017/625 shall apply accordingly.**

~~3a.~~ **2** **In addition to the information pursuant to paragraph ~~3~~ 1 of this Article, the professional operator responsible for the imported PRM shall immediately and directly inform the competent authority of the place of destination as referred to in Article 44(3), point (e), of Regulation (EU) 2017/625 about the arrival of the consignment.**

~~4. Member States shall immediately notify the Information management system for official controls (IMSOC), referred to in Article 131 of Regulation (EU) 2017/625, of all established non-compliances of the imported PRM concerning the requirements of paragraphs 1 and 2.~~

~~5. The Commission is empowered in accordance with Article 75 to adopt delegated acts, amending paragraphs 1b and 2, in order to align these provisions to technical and scientific developments of international standards.~~ **]**

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