Council of the European Union
General Secretariat

PUBLIC

**Interinstitutional files:**
**2023/0227 (COD)**

**Brussels, 09 September 2025**

**WK 11208/2025 INIT**

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**MEETING DOCUMENT**

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| From: | General Secretariat of the Council |
| To: | Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials) |
| Subject: | Meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 1 and 2 September 2025 - Outcome of the discussion |

As a follow up to the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) of 1 and 2 September 2025, delegations will find in the annex the Presidency's **revised** drafting suggestions on Articles 3, 26, 44 to 46, 48 to 65a and 72, as well as on Annex VII of the proposal on the production and marketing of plant reproductive material in the Union.

Please note that yellow colour indicates changes to documents 8964/2025 INIT and 9894/2025 INIT made during the Working Party meeting, and blue indicates changes subsequently made by the Presidency.

**ANNEX**

**2023/0227(COD)**

**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 revised drafting suggestions on Articles 3, 26, 44 to 46, 48 to 65a and 72, as well as on Annex VII

# (Outcome of the Working Party meeting on 1 and 2 September 2025)

*Article 3*

**Definitions**

[(29) 'conservation variety' means a variety that:

(a) […]

(i) is traditionally grown under specific local conditions in **a certain region of** the Union **('region of origin')**, and adapted to those conditions; **,** and

(ii) **may be** is characterised by reduced uniformity due to a certain level of genetic and phenotypical diversity between individual reproductive units, except in the case of vegetatively propagated material **varieties**; or

(iii) […]

(b) was deleted or expired from the Union variety register for at least two years and is adapted to specific local conditions.]

(29a) 'commonly known fruit variety' means a variety that is commonly known within the meaning of Directive 2008/90/EC and is still marketed at the date of application of this Regulation;

~~[~~(29b) '~~a new~~ local **~~amateur~~** variety ~~(amateur variety)~~' means a variety **of fruit plant or vegetable plant species listed in Annex I** that is:

~~(i) a variety of fruit and vegetable species;~~

**(a) newly or recently locally bred in a certain region of the Union ('region of origin');**

(~~ii~~ **b**) ~~new, locally bred, and~~ adapted to **the** local agro-climatic conditions and farming systems **~~in the Union~~ of that region**;

(~~iii~~ **c**) characterised by reduced uniformity due to a certain level of genetic and phenotypic diversity between individual reproductive units, except in the case of ~~species that are~~ vegetatively propagated **varieties**~~; and~~

(iv) […]

~~(v~~ **d**~~) is intended for non-professional users~~.

(c) […] ~~]~~

*Article 26*

**~~[~~PRM belonging to conservation varieties or local ~~amateur~~ varieties**

1. By way of derogation from Articles 6a and 9b, PRM belonging to a conservation variety **or a local ~~amateur~~ variety** registered in a national variety register referred to in Article 44 ~~(1), point (b),~~ may only be produced and marketed in the Union as standard seed or material, if it complies **~~in compliance~~** with all the requirements ~~concerning standard seed and material for the respective species, as~~ referred to in Article 8 **~~and the respective implementing acts~~**.

**1a.** **~~A 'conservation variety' shall be registered with respect to the region where it has been historically grown and to which it is naturally adapted ('region of origin'). A 'local variety' shall be registered with respect to the region where it has been bred and to which it is adapted ('region of origin'). (moved to the respective definitions in Article 3)~~ PRM of a 'conservation variety' or a 'local variety' shall be produced only in the respective region of origin unless it belongs to a variety that has previously been registered in a national variety register with an official description. ~~A 'conservation variety' and a 'local variety' shall be maintained only in that region. (moved to Article 72(2a))~~**

2. PRM referred to in paragraph 1 shall be accompanied by an operator's label as referred to in Article 16, with the indication 'Conservation **variety' or 'Local ~~amateur~~** variety'**, as applicable**.

~~**This provision shall apply without prejudice to Article 16.**~~

3. A professional operator who uses this derogation shall **annually** notify this activity~~.~~**.**

~~**as well as,**~~ **On request of the competent authority, and in accordance with the instructions of that authority, the professional operator shall report the quantities produced and marketed**~~**, to the competent authority**~~ ~~in accordance with~~ ~~Article 43, last subparagraph~~ ~~**the instructions of that authority**~~ **with regard to the** ~~**genera and**~~ **species and varieties concerned**.~~]~~

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# CHAPTER IV
# VARIETY REGISTRATION

## SECTION 1
## VARIETY REGISTERS

*Article 44*

**Establishment of national variety registers**

1. Each Member State shall establish and publish, in electronic format, and shall keep updated a single national register of varieties ~~of cultivated species~~ ('national variety register') containing **at least**:

(a) all varieties registered pursuant to the procedure set out in Articles 55 to 68;

~~(b) the conservation varieties referred to in Article 26 and registered pursuant to Article 53.~~

**(aa) varieties for which an application has been submitted pursuant to Article 55 and have not yet been registered pursuant to Article 67.**

**1a. Any varieties additional to those referred to in** ~~**the first subparagraph**~~ **paragraph 1 shall be indicated in the national variety register separately.**

2. PRM belonging to a variety that is registered in accordance with paragraph 1**, point (a),** in at least one national variety register may be **immediately** produced and marketed in the Union, in accordance with this Regulation.

**PRM belonging to a variety subject to paragraph 1, point (aa), may only be marketed pursuant to Article 32.**

~~This paragraph shall apply without prejudice to Article 26(1) with regard to conservation varieties.~~

3. Following the establishment of their national variety registers, as well as following any of their updates, Member States shall as soon as possible~~, but in any case within one month,~~ notify ~~them~~ to the Commission **any elements of those registers, which are subject to this Regulation,** for inclusion in the Union variety register referred to in Article 45.

4. ~~Member States may decide that v~~**V**arieties which are intended solely as components of hybrid varieties and are not marketed as individual varieties are not required to be registered pursuant to this Article and Articles 45 to 74.

*Article 45*

**Establishment of a Union variety register**

1. The Commission shall establish, publish, in an electronic format, and keep updated a single register of varieties ~~of cultivated species~~ ('the Union variety register').

2. The Union variety register shall include the ~~varieties registered in~~ **elements of the** national variety registers ~~and~~ **as** notified in accordance with Article 44**(3)**.

**2a.** The Union variety register ~~may~~ **shall** be accessible by an electronic portal ~~(EU Plant Variety Portal)~~ **established and managed by the Commission.**~~,~~ ~~which should~~ **That portal ~~shall~~ may** ~~also~~ enable access to other registers of plant varieties, registers of forest reproductive material**, registers of clones and polyclonal ~~selections~~ PRM** or other plant databases.

~~3. [The Union variety register shall also contain the following varieties, which do not belong to paragraph 1 and 2:~~

~~(a) nationally registered varieties that are not regulated under this Regulation;~~

~~(b) selected clones and polyclonal selections; and~~

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~~(c) varieties, for which an application for registration has been submitted pursuant to Articles 55 to 68.]~~

*Article 46*

**Contents of the national and Union variety registers**

1. The national variety registers and Union variety register shall contain all the elements set out in Annex VII, concerning the varieties referred to in Article 44(1)~~, point (a)~~.

~~In the case of the conservation varieties referred to in Article 44(1), point (b), those registers shall indicate at least a link to the officially recognised description, their denomination, the natural or legal person that maintains them and where possible, the initial region of their origin.~~

2. The Commission ~~shall, as appropriate,~~ **is empowered to** adopt a delegated act ~~[~~in accordance with Article 75, in order to amend Annex VII~~]~~ taking into account the technical and scientific developments, and on the basis of gained experience indicating the need of competent authorities or professional operators to obtain more precise information about the varieties referred to in Article 44(1).

**SECTION 2**
**REQUIREMENTS FOR REGISTRATION OF VARIETIES**

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*Article 48*

**Distinctness**

1. For the purposes of the official description referred to in Article 47(1), point (a)**(i)** , a variety shall be deemed to be distinct if it is clearly distinguishable, by reference to the expression of the characteristics that results from a particular genotype or combination of genotypes, from any other variety whose existence is a matter of common knowledge ~~[in the Union]~~ on the date of the submission of the application established in accordance with Article 58.

[2. The existence of another variety, as referred to in paragraph 1, shall be deemed to be a matter of common knowledge **taking into account the respective UPOV guidelines[1], inter alia, and in particular** if ~~one or more of the following conditions are complied with~~:

(a) the variety ~~is included~~ **has been registered** in a national variety register **~~at any point of time~~** ~~and the Union variety register~~**;** or

**(aa)** the variety has been granted a plant variety right ~~pursuant to Regulation (EC) No 2100/94 or pursuant to national rules~~**, at any point of time**;

(b) an application for registration of the variety has been ~~filed~~ **submitted** in accordance with Article 55 of this Regulation and is under examination;

(c) […]

(d) an application for granting a plant variety right in respect of that variety has been submitted in accordance with Regulation (EC) No 2100/94 **or in accordance with national rules in the Union** and is under examination.**]**

3. […]

*Article 49*

**Uniformity**

For the purposes of the official description, as referred to in Article 47(1), point (a)(i), a variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its **propagation** ~~reproduction and type~~, it is sufficiently uniform in the expression of ~~the~~ **those** characteristics **which are** included in the examination for distinctness, as well as in the expression of any other characteristics used for its official description.

*Article 50*

**Stability**

For the purposes of the official description, as referred to in Article 47(1), point (a)(i), a variety shall be deemed to be stable if the expression of the characteristics included in the examination for distinctness, as well as of any other characteristics used for the variety description, remains

[1] TG/1/3 GENERAL INTRODUCTION TO THE EXAMINATION OF DISTINCTNESS, UNIFORMITY AND STABILITY AND THE DEVELOPMENT OF HARMONIZED DESCRIPTIONS OF NEW VARIETIES OF PLANTS

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unchanged after repeated **propagation** ~~reproduction~~ or, in the case of **a particular** cycle~~s~~ of ~~reproduction~~ **propagation**, at the end of each such cycle.

*Article 51*

**Granted plant variety rights**

1. If a variety has been granted a plant variety right pursuant to Article 62 of Regulation (EC) No 2100/~~19~~94 or pursuant to national rules of a Member State, that variety shall be deemed to be distinct, uniform~~,~~ **and** stable for the purposes of the official description ~~as referred to in Article 47(1), point (a)(i), of this Regulation~~ and to have a suitable denomination ~~for the purposes of~~ **as referred to in** Article 47(1), point**s (a)(i) and** (b).

2. ~~In the case of a variety that has been granted a plant variety right pursuant to national rules,~~ ~~t~~**T**his Article shall apply only where the official description was produced on the basis of a technical examination carried out in such premises and under such working arrangements that have been found suitable pursuant to Article 60.

*Article 52*

**Value for sustainable cultivation and use**

1. For the purpose~~s~~ of **fulfiling the requirements set out in** Article 47(1), point (a~~a~~)**(i)**, the value of a variety ~~belonging to the species listed an Annex I~~ for sustainable cultivation and use ~~of a variety~~ shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, offer an improvement for the sustainable cultivation and the uses which can be made of the crops, or the products derived therefrom.

   The characteristics referred to in the first subparagraph may include the following, as appropriate, for the species, regions, agro-ecological conditions and uses concerned:

   (a) yield, including yield stability and yield under low-input conditions;

   (b) tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests ~~different from those tested in the context of distinctness, uniformity and stability~~;

   (c) tolerance/resistance to abiotic stresses, including adaptation to climatic~~al~~ conditions;

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(d) ~~more efficient~~ **efficiency in the** use of natural resources, such as water and nutrients;

(e) ~~reduced~~ need for external inputs, such as plant protection products and fertilisers;

(f) characteristics that enhance the sustainability of storage, processing and distribution;

(g) quality or nutritional characteristics;

(h) ability to be cultivated in association with other species or varieties during all or part of the development cycle.

~~2. For the purpose of paragraph 1, Member States may collaborate with other Member States with similar agro-ecological conditions. Those Member States may establish shared facilities **and resources** for carrying out the **entire, or part of the,** examination for value for sustainable cultivation and use.~~ *(moved to Article 59b)*

3. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by establishing the minimum requirements for:

(a) […]

(b) assessing the characteristics listed under paragraph 1, points (a) to (h ~~g~~);

(c) the evaluation and the reporting of the results of the examination of the value for sustainable cultivation and use.

Those delegated acts shall adapt ~~the~~ **those** ~~minimum~~ requirements ~~referred to in points (b) and (c)~~ to the applicable technical or scientific developments, and to any new Union policies or rules on sustainable agriculture.

Where no such rules have been established, Member States may apply national rules to their territories. They shall notify them to the Commission and ~~to~~ the other Member States. ~~Member States may maintain those national rules until Union rules have been established.~~

4. For the purposes of registration of organic varieties suitable for organic production as defined in Article 3, point (19) of Regulation (EU) 2018/848, the examination of the value for sustainable cultivation and use shall be conducted under organic conditions, in accordance with that Regulation, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 thereof and Part I of Annex II to that Regulation.

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Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs.

*Article 53*

**Registration of conservation varieties**

1. By way of derogation from Articles 48, 49, 50, 52, 55(2), 57, and 59 to 65, a conservation variety shall be registered in a national variety register if it complies with the following conditions:

(a) it has an officially recognised description, specifying the characteristics that qualify it as a conservation variety;

(b) it has an indication of its region(s) of origin, except for varieties that had been initially registered on the basis of an official description;

(c) it bears a denomination, complying with Article 54;

(d) it is maintained in the region(s) of origin, except for varieties that had been initially registered on the basis of an official description;

For the purpose of point (a), an official desription that has been produced for the registration of that variety in the past shall be considered as an officially recognised description.

2. A conservation variety shall be registered in the national variety register upon application by a professional operator established in the Union. That application shall, in addition of the requirements of Article 56, include all the elements referred to in paragraph 1 of this Article.

The competent authority shall accept or reject the registration of a conservation variety, after checking its compliance with paragraph 1. That check may include a growing trial of a maximum duration of growing cycle.

3. A variety shall not be listed in the national variety register as conservation variety if:

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(a) it is already listed in the Union variety register with an official description, pursuant to Article 44(1), point (a), or it was deleted from the Union variety register as a variety with an official description within the last 2 years, or within 2 years from the expiry of the period granted pursuant to Article 71(2); or

(b) it is protected by a Community plant variety right as provided for in Regulation (EC) No 2100/94, or by a national plant variety right, or an application for such a right is pending.

4. The officially recognised description referred to in paragraph 1, point (a), shall be based on knowledge gained from practical experience during cultivation, reproduction and use, or other information, in particular from the plant genetic resource authorities or from organisations recognised for this purpose by Member States. [It shall contain the characteristics of the species presented in the technical questionnaires.]

[In the case of varieties that have been registered on the basis of an official description but are no longer registered in a national variety register, that official description shall be considered an officially recognised description for the purpose of their registration as conservation varieties pursuant to this Article.]

The Commission may, by means of implementing acts, specify the characteristics and information that that description should cover if appropriate for specific species. Such implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

5. The person responsible for the maintenance of a conservation variety shall keep samples of it and, upon request, make them available to the competent authorities.

*Article 54*

**Suitability of variety denominations**

1. For the purposes of Article 47(1), point (b), the denomination of a variety shall not be deemed suitable if:

(a) its use in the territory of the Union is precluded by the prior right of a third party;

(b) it may commonly cause its users difficulties as regards recognition or reproduction;

(c) it is identical to, or may be confused with, a ~~variety~~ denomination:

(i) under which another variety of the same or of a closely related species is entered in a national variety register ~~or in the Union variety register~~**, or has been granted a plant variety right pursuant to Regulation (EC) No 2100/94 or pursuant to national rules of a Member State of the Union or of a third country which is a member of UPOV, unless that variety no longer remains in existence and its denomination has aquired no special significance**; or

(ii) under which ~~material of~~ another variety **of the same or of a closely related species** has been made available on the market in a Member State **of the Union** or in **a third country which is a** a ~~M~~**m**ember of ~~the International Union for the Protection of New Varieties of Plants~~ **UPOV, unless that variety no longer remains in existence and its denomination has aquired no special significance**;

(d) it is identical to, or may be confused with, other designations which are commonly used for making available on the market goods or which have to be kept free pursuant to Union legislation;

(e) it is liable to give offence in one of the Member States or is contrary to the public order;

(f) it is liable to mislead or to cause confusion concerning the characteristics, the value or the identity of the variety, or the identity of the breeder **or the applicant;**

**[(fa) it contains the denomination of another variety of the same or of a closely related species, ~~unless that variety no longer remains in existence and its denomination has aquired no special significance~~.]**

2. Without prejudice to paragraph 1, if a variety is already registered in other national variety registers, the denomination shall be deemed suitable only if it is identical to ~~that~~ **the denomination** appearing in those registers.

This paragraph shall not apply if:

(a) the denomination is likely to mislead, offend or cause confusion concerning the relevant variety in one or more Member States; or

(b) the rights of third parties impede the free use of that denomination in connection with the variety in question.

2a. ~~I~~In the case of conservation varieties referred to in Article 3, point (29)~~(a)~~, one or more commonly used synonyms may also be indicated **in the national variety register** ~~next to the denomination~~. ~~In the case of~~ ~~c~~**C**onservation varieties ~~referred to **in** Article 3, point (29)(c),~~ which had been registered on the basis of an official description but are no longer registered in a national variety register, the denomination which had been used for that registration shall be retained for the purposes of this Article.~~I~~

3. […]

**3a. The Commision may, by means of implementing acts, adopt rules specifying the elements referred to in paragraphs 1~~, points (a) to (fa),~~ and ~~in paragraph 2, points (a) and (b)~~, taking into account any applicable international standards, as well as the ~~respective~~ relevant guidelines on variety denominations developed by the CPVO. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).**

4. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by setting out specific criteria concerning the suitability of variety denominations as regards:

(a) their relation to trade marks;

(b) their relation to geographical indications or designations of origin for agricultural products;

(c) written consents of holders of prior rights to remove impediments to the suitability of a denomination;

~~(d) determination of whether a denomination is misleading, offensive or confusing as referred to in paragraph 1, point (f); and~~

(e) the use of a denomination in the form of a code;

(f) the definition of closely related species as referred to in paragraph 1, point (c)~~(i)~~**; and**

**(g) determination of whether a denomination is misleading, offensive or confusing as referred to in paragraph 1, points (e) and (f).**

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## SECTION 3
## PROCEDURE FOR REGISTRATION OF VARIETIES IN THE NATIONAL VARIETY REGISTERS

*Article 55*

**Submission of application**

~~1.~~ Any **natural or legal** person established in the Union may submit to the competent authority an application for registration of a variety in the national variety register. ~~That application may be submitted electronically or in physical form.~~

~~2. [The submission of the application referred to in paragraph 1 may be subject to a fee paid by the applicant, as established by the competent authority.]~~

*Article 56*

**[Contents of the application for registration of a variety**

1. The application for registration of a variety in a national variety register shall **include all elements referred to in Annex VII, accompanied by the necessary** ~~**elements**~~ **documentation** ~~**to prove its content**~~ ~~consist of at least the following:~~**, as well as all of the following elements, accompanied by the necessary documentation, as applicable:**

(a) […]

(b) ~~the identification of the botanical taxon~~ ~~**the scientific name of the genus or species**~~ ~~to which the variety belongs~~;

(ba) ~~where applicable,~~ an indication whether it is**:**

(i) a conservation variety **or a local variety**;

~~(bb)~~ **(ii)** ~~where applicable, an indication whether it is~~ an organic variety suitable for organic production;

~~(bc) an indication whether the variety is~~

**(iii) a component variety of another registered variety;**

**(iv) a hybrid variety; or**

**(v) a synthetic variety;**

~~(bd) an indication whether the PRM belonging to the variety is to be produced and marketed only as rootstocks;~~

(c) ~~where applicable, the registration number of the applicant, its~~ **the** name and address **of the applicant** or, where ~~appropriate~~ **applicable**, the names and addresses of the joint applicants, and the credentials of any procedural representative~~,~~**;**

**(ca) where applicable, the official registration number, as referred to in Article 41b, of the applicant(s) if they are professional operator(s);**

~~(d) the proposed denomination or~~ ~~the~~ ~~breeder's reference and/or a proposed denomination, and,~~ ~~in the case of conservation varieties,~~ ~~where applicable, one or more commonly used synonyms~~, ~~where applicable~~;

~~(e) the name and address of the person responsible for the variety maintenance, and~~, ~~where applicable,~~ ~~the official registration number of that person~~, ~~with an indication of the case where the applicant is a different person than the professional operator responsible for the maintenance~~;

(f) the description of the main characteristics of the variety **and its propagation method** ~~information on whether it is adapted only for particular seasons of the year, and in the case of the variety to be registered on the basis of an official description a completed technical questionnaire~~ **included, as applicable, in protocols established by the CPVO, or other relevant guidelines of** ~~the International Union for the Protection of new Varieties of Plants (~~UPOV~~);~~**, or other national protocols, and information on whether it is adapted only for particular seasons of the year**;

~~(g) a description of the propagation method;~~

~~(h) in the case of conservation varieties~~**y**, ~~an indication of~~ the region(s) ~~of origin~~ ~~where the variety has historically been grown (region(s) of origin) and, if applicable, to which it is naturally adapted, except for varieties that have been initially registered on the basis of an official description;~~

(i) information on whether the variety ~~is~~ **has been** registered in another national variety register ~~and, where applicable, indication whether~~ **or** an application for registration in another national **variety** register **has been submitted**;

**(ia) information on whether the variety has been granted plant variety rights pursuant to Regulation (EC) No 2100/94, or pursuant to national rules of a Member State, or an application for plant variety rights has been submitted;**

~~**(ib) in the case of an application concerning varieties with a granted plant variety right pursuant to Regulation (EC) No 2100/94 or pursuant to national rules of a Member State, the proof that the variety is protected by such right, with the corresponding official description or the proof that the respective application for granting that right has been submitted and is still under examination;**~~

(j) where the variety contains or consists of a genetically modified organism, evidence that the genetically modified organism in question is authorised for cultivation in the Union, in accordance with Directive 2001/18/EC or Regulation (EC) No 1829/2003, or, where applicable, in the ~~respective~~ Member State **concerned** in accordance with Article 26b of Directive 2001/18/EC;

~~(k) where the application concerns conservation varieties, information related to the production of an officially recognised description of the variety, a proof of that description and any document or publication supporting it;~~

~~(l) in the case of an application concerning varieties with a granted plant variety right pursuant to Regulation (EC) No 2100/94 or pursuant to national rules of a Member State, the proof that the variety is protected by such right, with the corresponding official description or the proof that the respective application for granting that right has been submitted and is still under examination;~~

~~(m) where the variety contains or consists of a category 1 NGT as defined in Article 3, point (7), of Regulation (EU) …/… (Office of Publications, please insert referrence to NGT Regulation), evidence that the plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of that Regulation or is progeny of such plant(s);~~

~~(n) where the variety contains or consists of a category 2 NGT plant as defined in Article 3, point (8), of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation), indication of that fact;~~

(o) the intended use ~~or conditions of cultivation, if applicable pursuant to Article 47(1), of the variety~~;

(p) in the case of varieties tolerant to herbicides, an indication of that fact, and **the active substance to which the variety is tolerant** ~~an indication of the required growing conditions to which they are subjected for the purposes of producing PRM and for all other purposes, in order to avoid the development of resistance to herbicides in weeds and other species~~.

2. The application for registration of a variety in a national variety register shall be accompanied by a sample ~~to be used for the examination of that variety~~. The competent authority of the respective Member State shall set a deadline for the submission of that sample and specify its quality and quantity.]

*Article 57*

**Formal examination of the application**

1. The competent authority of the respective Member State shall register and examine each application referred to in Article 55 in order to establish whether it complies with the requirements laid down in Article 56.

2. If the application does not comply with the requirements laid down in Article 56, the competent authority shall give the applicant a possibility to rectify the application accordingly within a given time. If the application does not meet these requirements by the expiry of that given time, the competent authority shall reject the application ~~and terminate the variety registration~~.

*Article 58*

**Date of ~~[valid]~~ application for registration**

1. The date of the submission of the application for registration shall be the date on which the application is received by the competent authority of the respective Member State.

2. The competent authorities shall ~~send to~~ **inform** the applicant ~~a confirmation~~ of the successful submission of the application, including information on the date of ~~that submission~~ **receipt of that application**.

*Article 59*

**Technical examination of the variety**

[...]

*Article 59a*

**[Technical examination of ~~DUS~~ distinctness, uniformity and stability**

1. Where, as a result of the formal examination, the application is found to comply with the requirements referred to in Article 56, a technical examination of the variety**, except for conservation and local varieties,** shall be carried out to verify its compli~~e~~ance with the requirements of distinctness, uniformity and stability ~~of the variety~~, as laid down in Articles 48, 49 and 50.

**1a. The technical examination shall be carried out by an ~~competent authority~~ examination office in accordance with Article 60.**

**The Commission may, by means of implementing acts, specify the way in which that examination office collaborates with other natural or legal persons for the purpose of the technical examination.**

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

2. The technical examination shall be carried out by growing the variety, taking into account the intended use and **the** conditions for cultivation of the variety. The technical examination will conclude with the adoption of an examination report and**, where applicable,** a**n** ~~final~~ official description.

~~**2a. The technical examination shall be carried out by the competent authority in accordance with Article 60.**~~

3. **By way of derogation ~~to~~ from the first subparagraph, ~~W~~w**here an ~~official~~ **examination** report on the distinctness, uniformity and stability of the variety **or an official description**, produced by the CPVO or another ~~competent authority~~ **examination office** ~~found suitable for that purpose~~ in accordance with Article 60, is already available, the ~~competent authority~~ **examination office** may take into consideration **or accept, without growing the variety,**

the results of that report **or that official description** ~~for the purposes of concluding the technical examination~~.

4. **By way of derogation to the first subparagraph,** ~~Where~~ an ~~official~~ **examination** report on the distinctness, uniformity and stability of the variety, produced by the CPVO or another competent authority ~~found suitable for that purpose~~ in accordance with Article 60, is already available, the competent authority may take into consideration **without growing the variety** the results of that report for the purposes of concluding the technical examination.

~~**3a. By way of derogation from paragraph 2, the competent authority may accept an examination report or an official description, as referred to in Article 47(1), point (a)(i), which has been produced by a competent authority of another Member State.**~~ *(merged with paragraph 3)*

~~4. The technical examination shall be carried out by the competent authorities in accordance with Article 60.~~

5. In reference to the examination of requirements laid down in Articles 48, 49 and 50 other means, including the use of bio-molecular techniques, may be used as a supplementary tool **or as a compulsory tool if it is required in acordance with CPVO protocols**, as appropriate for the purposes of the technical examination, the species concerned or the characteristics to be checked.**]**

*Article 59b*

**[Technical examination of the ~~VSCU~~ value for sustainable cultivation and use**

1. Where, as a result of the formal examination, the application is found to comply with the requirements referred to in Article 56, a technical examination of the variety**, except for conservation and local varieties,** shall be carried out in order to verify whether the variety has value for sustainable cultivation and use, in accordance with Article 52, in the case of the varieties referred to in Article 47(1), point (a~~a~~)**(i)**.

**1a. The technical examination shall be carried out by the competent authority.**

**The Commission may, by means of implementing acts, specify the way in which that competent authority collaborates with other natural or legal persons for the purpose of the technical examination.**

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

2. The technical examination shall be carried out by growing the variety, taking into account the intended use **and** **the** conditions for cultivation of the variety~~, and the updated technical standards [which may include the biochemical and molecular techniques.]~~ The technical examination ~~will~~ **shall be** conclude**d** with the adoption of an examination report.

~~**2a. The technical examination shall be carried out by the competent authority or by the natural or legal person referred to in Article 61(1).**~~

~~**2aa.**~~ **By way of derogation from the first subparagraph, ~~The competent authority may accept~~ where an ~~official~~ examination report of the requirements for value for sustainable cultivation and use~~, as referred to in Article 47(1), point (a)(i), which~~ has been produced by a competent authority of another Member State with similar agro-ecological conditions, the competent authority may take into consideration or accept that report without growing the variety.**

**2ab. Member States may collaborate with other Member States with similar agro-ecological conditions. Those Member States may establish shared facilities and resources for carrying out the entire, or part of the, examination for value for sustainable cultivation and use.**

**2b. Other means, including bio-molecular techniques, may be used as a supplementary tool or as a compulsory tool if it is required in accordance with the respective national rules, as appropriate for the purposes of the technical examination, the species concerned or the characteristics to be checked.**

~~3. The technical examination shall be carried out by the competent authorities or by professional operators under the supervision of competent authorities in accordance with Article 61(1).~~

~~Member States may collaborate with each other and establish shared facilities for carrying out those examination.~~ **]**

*Article 60*

**[~~Audit of the competent authority's premises~~ Examination offices carrying out technical examination**

**1.** ~~The competent authority of the respective Member State may carry out t~~**T**he technical examination **pursuant to Article 59a** ~~as regards compliance with the requirements for distinctness, uniformity and stability referred to in Articles 48, 49 and to 50~~ **shall be carried out** ~~**pursuant to Article 59a**~~ only **by** ~~after its~~ **the** ~~**respective** premises and working arrangements~~ **examination offices that** ~~, dedicated to this purpose,~~ have been ~~found suitable~~ **accredited by the** ~~**according to**~~ **CPVO for certain genera or species. That accrediation shall be granted in accordance with the CPVO entrustment requirements** for carrying out this examination**. It shall also be based on** ~~pursuant to an~~ **regular** audit**s** ~~conducted by the CPVO~~ **taking place within specific periods, depending on the genera or species concerned**.

**~~Competent~~ Examination offices ~~in a Member State~~ that have been ~~found suitable~~ accredited by the ~~according to~~ CPVO in accordance with the entrustment requirements for certain genera or species, in accordance with Article 55(1) of Regulation (EC) No 2100/94 ~~concerning the designation of examination offices~~, shall be considered ~~suitable~~ accredited for carrying out the examination of the respective genera or species for the purposes of this Article.**

**1a.** ~~**In the case w**~~**Where, for certain genera or species, no ~~competent~~ examination offices in the Union have been ~~found suitable~~ accredited in accordance with paragraph 1, the technical examination referred to in that paragraph may be carried out in the ~~competent~~ examination office of a third country, if that office has been ~~found suitable~~ accredited by the CPVO for the respective genera or species.]**

*Article 61*

**~~Authorisation to carry out technical examination for of the value for sustainable cultivation and use~~**

~~1. By way of derogation from Article 59**b**(2 **3**), the competent authority may allow any natural or legal person or persons to carry out the technical examination of whether the variety has a satisfactory value for sustainable cultivation and use, in accordance with Article 52 if:~~

(a) that **the** person **or persons** has **have** been authorised by the competent authority of the respective Member State;

(b) the examination is carried out under the official supervision and guidance of the competent authority concerned; **and**

(c) the examination is carried out in the premises dedicated to that purpose.

That or those persons shall include, in the growing trials, **The examination shall include** all [reference] varieties of the species concerned which are determined by the competent authority. All PRM **reference varieties** for technical examination shall be provided by the competent authority.

2. Prior to granting the authorisation to carry out the technical examination on the premises of the person **or persons** referred to in paragraph 1, the competent authority shall evaluate the premises, the resources and the organisational capacities of the that **those** person**s**. That evaluation shall verify whether the premises, the laboratory facilities, the organisation and the carrying out of the growing trials are suitable for realising the technical examination on those premises as regards compliance with the requirements of a value for sustainable cultivation and use referred to in Article 52.

3. [The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by setting out the rules concerning the evaluation referred to in paragraph 2.]

4. On the basis of the evaluation referred to in paragraph 2, the competent authority may recommend to the person concerned, if appropriate, actions to ensure the suitability of the person's relevant premises, organisation of the examination and compliance with the applicable methodology.

5. The competent authority may carry out additional evaluations to the one referred to in paragraph 2 and, where applicable, recommend to the person concerned to perform, within a specific period of time, corrective actions concerning its premises and the working arrangements. In case the competent authority concludes, following that period, that the relevant premises and working arrangements are not suitable, it may withdraw or modify the authorisation referred to in paragraph 1, point (a).

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*Article 62*

~~[**Additional rules on technical examination**~~

~~1. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing the requirements on the technical examination laid down in Article 59. Those delegated acts may concern:~~

~~(a) qualification, training and activities of staff of the competent authority or of the applicant, for the purposes of the technical examination referred to in Article 61;~~

~~(b) the necessary equipment, including laboratories for testing, necessary to carry out the technical examination;~~

~~(c) the establishment of a variety reference collection to compare the examined variety with other varieties to assess distinctness, and the storage management of such reference collection;~~

~~(d) the establishment of quality management systems, including record of activities and protocols or guidelines, to be used for the technical examination;~~

~~(e) the carrying out of growing trials and laboratory tests for particular genera or species, including bio-molecular techniques.~~

~~Those delegated acts adapt to the available international technical and scientific protocols.~~

~~2. Where no requirements have been adopted pursuant to paragraph 1, technical examinations shall be carried out in accordance with national protocols as regards the elements referred in paragraph 1, points (a) - (e).]~~

*Article 63*

**Confidentiality**

1. Where, for the purpose of the technical examination provided for in Article 59**a**, an examination of the genealogical components appears to be necessary, the results of that examination and the description of those components shall be treated as confidential. The confidential treatment of this information is without prejudice to the possibility for competent authorities to exchange information among each other or with the European Commission.

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2. In the case of varieties intended exclusively for the production of [agricultural] raw materials for industrial purposes, certain elements of the technical examination and the intended uses of those varieties, whose public disclosure may affect the competitive position of the applicant, shall be treated as confidential, if that applicant requests so.

3. This Article shall apply without prejudice to Article 8 of Regulation (EU) 2017/625.

*Article 64*

[**Provisional examination report and provisional official description**

1. Following the technical examination provided for in Article 59, the competent authority shall produce a provisional examination report, as to the compliance with the distinctness, uniformity and stability requirements, and the characteristics of value for sustainable cultivation and use, as applicable, as referred to in Articles 48, 49, 50 and 52, and shall issue a provisional official description of the variety on the basis of that report.

2. The provisional examination report may refer to findings of other examination reports, produced on the relevant variety, by the competent authority concerned, other competent authorities or the CPVO.

3. The competent authority shall communicate the provisional examination report and the provisional official description of the variety to the applicant. The applicant may comment on these documents within 15 calendar days.

4. Where the competent authority does not consider that theprovisional examination reportconstitutes a sufficient basis for a decision on the registration of the variety, it shall request from the applicant additional information, examinations or other actions, as appropriate, to ensure compliance of the variety with the requirements concerning distinctness, uniformity, stability and value for sustainable cultivation and/or use, as set out respectively in Articles 48, 49, 50 and 52.]

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*Article 65*

**Examination report and ~~final~~ official description**

1. Following the technical examination provided for in Article 59**a and, where applicable, Article 59b**, the competent authority shall communicate a draft of the **respective** examination report to the applicant and give the applicant an opportunity to provide comments within a reasonable time.

2. After ~~taking into account~~ **examining** the comments of the applicant as referred to in paragraph 1, the competent authority shall issue**:**

   **(a)** a final examination report and a**n** ~~final~~ official description on the distinctness, uniformity and stability of the variety ~~and including~~**; and**

   **(b)** **where applicable,** ~~a summary of the examantion results~~ **a final examination report** on **the** value for sustainable cultivation and use.

3. **The** ~~C~~**c**ompetent ~~authorities~~ **authority** shall, on reasoned request, make available the examination reports and the official description to third parties, subject to national or Union law on data protection and to rules on confidentiality.

*NEW **Article 65a***

**Examination of conservation and local varieties**

**The competent authority shall examine the compliance of the proposed description of a conservation or local variety with the requirements of Article 47(1), point (a)(ii).**

**That examination may include a growing trial ~~of a maximum duration of one growing cycle~~.**

**If that compliance is established, the competent authority shall officially recognise the respective description.**

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*Article 72*

**Variety maintenance**

1. Varieties registered in a national variety register shall be maintained by the applicant or by any other person in the Union**,** or in a third country that has been subject to the implementing act referred to in Article 39(4) **("maintainer")**. The name and ~~registration number~~ **address** of that other person shall be recorded ~~to~~ by the competent authority of the Member State. That other person may be accepted by the competent authority as a maintainer of that variety, if that ~~other~~ person ~~supplies a sample complying with the standard sample referred to in Article 74 and~~ is able to demonstrate the capability to carry out ~~that~~ **the** maintenance.

~~[In the case of varieties of fruit plants and vine, the provision of such sample shall not be required.]~~

2. Variety maintenance shall take place in accordance with accepted practices concerning, as appropriate, genera, species or particular types of varieties.

**2a. Conservation varieties and local varieties shall be maintained in their respective region of origin unless they belong to a variety that has previously been registered in a national variety register with an official description.**

3. The ~~persons referred to in paragraph 1~~ **maintainer** shall keep records concerning the variety maintenance. It shall at all times be possible for the competent authority to check the variety maintenance from those records. Those records shall also cover all the relevant stages of production of PRM, including the relevant categories.

**3a.** A standard sample of the variety concerned shall be provided **by the maintainer** to the competent authority on request. **In the case of vegetatively reproduced varieties, instead of a standard sample, the maintainer may demonstrate that it has living plants of that variety for the appropriate checks and maintenance.**

4. The competent authority shall carry out controls on the manner in which the variety maintenance is carried out and may, to this purpose, take samples of the ~~varieties~~ **variety** concerned. The frequency of those controls shall be based on the likelihood of non-compliance with paragraphs 1 to 3.

5. Where ~~a~~ **the** competent authority finds that the ~~person responsible for~~ variety ~~maintenance does not comply~~ **is not maintained in accordance** with paragraphs 1 to 3, it shall give ~~that~~ **the** ~~person~~ **maintainer** appropriate time to take corrective action or request another person to carry out ~~the~~ **that** ~~variety~~ maintenance. If no such action is taken within that time limit, the competent authority shall ~~remove~~ **terminate** the **registration of the** variety ~~from the national variety register~~ in accordance with Article 71(1), point (~~d~~ **c**).

6. Where variety maintenance takes place in a Member State other than the Member State in whose national variety register the variety has been registered, the competent authorities of the two Member States concerned shall assist each other in the controls on variety maintenance. If no such assistance is provided within a reasonable period of time, or if it is concluded that the variety maintenance is not carried out in accordance with this Article, the respective competent authority shall **request the maintainer to take corrective actions. If the corrective actions are not taken within reasonable time, the competent authority shall** ~~remove~~ **terminate** the **registration of the** variety ~~from the national variety register~~ in accordance with Article 71(1), point (~~d~~ **c**).

7. Where variety maintenance takes place in a third country, the competent authorities of the Member State, in whose national variety register the variety has been registered, shall request the third country's authorities**'** assistance in the controls on variety maintenance, if such a maintenance has been subject to the recognition of equivalence referred to in Article 39(4). If no such assistance is provided within a reasonable period of time, or if it is concluded that the variety maintenance is not carried out in accordance with this Article, the respective competent authority shall request the maintainer to take corrective actions. If the corrective actions are not taken within reasonable time, the competent authority shall ~~remove~~ **terminate** the **registration of the** variety from ~~the national variety register~~ in accordance with Article 71(1), point (~~d~~ **c**).

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## ANNEX VII

## CONTENTS OF THE NATIONAL AND UNION VARIETY REGISTERS AS REFERRED TO IN ARTICLE 46

The national variety registers and the Union variety register shall contain all of the following elements**,** where applicable **as indicated in columns 3 to 5**:

| **1** | **2** | **3** | **4** | **5** |
|---|---|---|---|---|
| | | **National variety register** | **Union variety register** | **Conservation varieties** |
| (a) | the scientific name of the genus or species to which the variety belongs, and, in the case of national variety registers, its common name; | **x** | **x** | **x** |
| **(aa)** | **the common name of the genus or species to which the variety belongs;** | **x** | | **x** |
| (b) | **the breeder's reference and/or** the denomination **and, if applicable, the** breeder's reference of the variety and, for varieties marketed before the entry into force of this Regulation, where applicable, other alternative denominations [or **known** synonyms] used for that variety; | **x** | **x** | **x** |
| (c) | the name **and the** reference **official registration number**, of the applicant and, where applicable, the name of the applicant's representative; | **x** | **x** | **x** |
| (ca) | the application number and application date; | **x** | **x** | **x** |
| (cb) | the status of the variety, including indication whether the variety is registered, its registration **has** **is** **expired,** terminated **due to other reasons**, or surrendered by the applicant, or with an application pending for | **x** | **x** | **x** |

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| | registration, or an application that has been withdrawn **by the applicant** or rejected **by the competent authority** ~~*(the terminology will be adapted to the content of other articles)*~~; | | | |
| (d) | the date of the registration of the variety and any change of its status according to point (cb); | ~~x~~ | ~~x~~ | ~~x~~ |
| (e) | the date of ~~the end of validity~~ **termination** of **the** registration and, where applicable, the date of the end of ~~extension~~ **marketing** pursuant to Article 71(2); | ~~x~~ | ~~x~~ | |
| (f) | a ~~reference to the~~ link ~~containing the summary of the file, where~~ **to** the official description of the variety, or~~, if applicable,~~ the officially recognised description of the variety~~, can be retrieved from, without prejudice to the second paragraph of Article 65~~; | ~~x~~ | ~~x~~ | ~~x~~ |
| (g) | in the case of conservation **and local** varieties ~~with officially recognised description and, if applicable,~~ ~~an indication of~~ the region~~(s)~~ **of origin**~~, where the variety has historically been grown and to which it is naturally adapted ('region(s) of origin')~~; | ~~x~~ | ~~x~~ | ~~x~~ |
| ~~**(ga)**~~ | ~~**in the case of local varieties, an indication of the region(s) where the variety has been bred and to which it is adapted ('region(s) of origin');**~~ | ~~x~~ | ~~x~~ | ~~x~~ |
| (h) | the name, address and**, where applicable,** the ~~reference~~ **official registration** number of the ~~professional operator responsible for the maintenance of the variety~~ **maintainer**; | ~~x~~ | ~~x~~ | ~~x~~ |
| (i) | **For the Union register,** the name of the Member States having established the relevant national variety register(s); | | ~~x~~ | |

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| | | | | |
|---|---|---|---|---|
| (j) | the ~~reference number~~ **unique variety identifier** under which the variety has been registered in the national variety register(s); | ~~x~~ | | ~~x~~ |
| (k) | ~~where applicable,~~ the indication that the variety is an 'organic variety suitable for organic production' according to Regulation (EU) 2018/848; | ~~x~~ | ~~x~~ | |
| (l) | where applicable, the indication that the variety contains, or consists of, a genetically modified organism **as defined in Article 2, point (2), of Directive 2001/18/EC, excluding organisms obtained through the techniques of genetic modification listed in Annex I B to that Directive**; | ~~x~~ | ~~x~~ | ~~x~~ |
| (m) | ~~where applicable,~~ the indication that the variety is a component variety of another registered variety; | ~~x~~ | ~~x~~ | |
| (n) | ~~where applicable,~~ the indication that PRM belonging to the variety is only produced and marketed ~~in~~ **as** rootstocks; | ~~x~~ | ~~x~~ | ~~x~~ |
| (o) | […] | | | |
| (p) | ~~where applicable,~~ an indication of the reproduction method of the variety, including information on **whether it is**:<br>(i) ~~whether it is~~ a hybrid ~~or a synthetic variety~~; ~~or~~<br>**(ia) ~~whether it is~~ a synthetic variety; or**<br>(ii) ~~whether it is~~ a vegetatively or seed propagated variety in case of species with both types of ~~varieties~~ **propagation**; | ~~x~~ | ~~x~~ | ~~x~~ |

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|---|---|---|---|---|
| (q) | ~~where applicable, the~~ indication ~~that~~ **whether** the variety contains, or consists of a category 1 NGT plant within the meaning of Article 3**, point** (7)**,** of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation) and the identification number(s) referred to in Article 9(1), point (e) of [NGT Proposal] assigned to the category 1 NGT plant(s) it has been derived from; | ~~x~~ | ~~x~~ | ~~x~~ |
| (r) | ~~where applicable, the~~ indication ~~that~~ **whether** the variety contains, or consists of a category 2 NGT plant within the meaning of Article 3**, point** (8)**,** of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation); | ~~x~~ | ~~x~~ | ~~x~~ |
| (s) | ~~where applicable,~~ indication ~~that~~ **whether** the variety is herbicide tolerant; | ~~x~~ | ~~x~~ | ~~x~~ |
| ~~(t)~~ | ~~where applicable, indication that the variety has certain characteristics, other than the one referred to in point (s);~~ | | | |
| (u) | types or uses of the variety, including winter or spring type, **turf grass uses,** or industrial, or food or feed uses; | ~~x~~ | ~~x~~ | ~~x~~ |
| ~~(v)~~ | ~~where applicable, references of the patents or published patent applications covering the variety, on the basis of available information;~~ | | | |
| ~~(w)~~ | ~~where applicable, references to the granted plant variety rights;~~ | | | |
| ~~(x)~~ | ~~[in the case of selected clones, indication of denomination, maintainer, description and reference number];~~ | | | |

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| | | | | |
|---|---|---|---|---|
| ~~(y)~~ | ~~[in the case of polyclonal PRM, indication of denomination, (maintainer,) description, reference number and its composition].~~ | | | |

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