Council of the European Union
General Secretariat

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Interinstitutional files:
2023/0227 (COD)

Brussels, 15 September 2025

WK 11606/2025 INIT

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MEETING DOCUMENT

From:	Presidency
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 October 2025 - Presidency Steering Note

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 Steering Note regarding its proposed changes to the proposal on the production and marketing of plant reproductive material in the Union.

Danish Presidency
Council of the European Union

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PRESIDENCY STEERING NOTE

Meeting of the Working party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials) on 1-2 October 2025.

Date:15 September 2025
The Danish Agricultural and Fisheries Agency
Nyropsgade 30
1780 Copenhagen V

Plant Reproductive Materials (PRM)

The Presidency has prepared this steering note to guide the discussions at the upcoming meeting of the Working Party.

The steering note concerns the Presidency's drafting suggestions on the outstanding issues included in the written consultation during the summer, published in document 11099/2025 REV 1, as well as the drafting suggestions on the outstanding issues from the September meeting published in document 11208/2025 REV 1.

As regards Articles 66-74 the Presidency would like to refer to the steering note published for the September meeting in document 9921/2025.

Article 2(4) point (i), Scope and objectives
Point (i) of Article 2(4) is suggested to be deleted based on the comments received in the written consultation. A majority of delegations preferred to retain Article 29 rather than insert an exemption for non-profit organisations under Article 2(4).

This will also be the recommendation from the Presidency, based on advise from the Council Legal Service.

Article 6(2) Belonging to certain categories of PRM
Based on the written comments received, it is suggested to include point (f) and (g) in the exemption from belonging to a category, as a majority of delegations were in favor.

Article 17a (former Article 23) Re-packaging, re-sealing and re-labelling of PRM
In this article mostly editorial changes are made. However, it is suggested to align the period of keeping records of re-packaging, re-sealing and re-labeling with the period required in Article 42 regarding tracebility. The suggestion is to have 6 years in both articles.

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Furhermore it is suggested to ad that in case an original seal or label is not removable when re-labeling or re-sealing, it shall be indicated that they are no longer valid.

Article 28 PRM marketed to non-professional users
This article is one of the major issues to be discussed.
Delegations are requested to consider the content of the article and the requirements carefully.
It is suggested, in square brackets, that the scope of the article is limited to fruit and vegetables.

It is also suggested, in square brackets, that the article should be limited to marketing from professional operators directly to non-professional users. This will entail that e.g. supermarkets that market PRM to consumers would be covered by this article, but according to Article 41c, they would be exempt from registration. Other professional operators/producers of PRM can only use this derogation if they market PRM directly to non-professional users. Producers also marketing to other professional operators are not excluded from using this derogation, but it can only be used for the particular PRM marketed to non-professional users. Producers marketing to supermarkets or other retailers will not be able to use this derogation with the suggested wording.

Furthermore the following changes are suggested:
“Production” is deleted. This means that the intended use of the PRM at the time of production is not relevant. Only the actual marketing is the deciding factor.

In addition, a few editorial changes have been suggested as well as some clarifications.

Article 29 PRM marketed by organisations and networks for the conservation of plant genetic resources.
This article is also one of the major outstanding issues, and delegations are urged to consider their position carefully, including which conditions should be set for using the derogation. The Presidency furthermore asks delegations to keep in mind what kind of operators will be under the scope of this derogation in connection with assessing the conditions they shall fulfil.

As a consequence of the proposed deletion of Article 2(4), point (i), Article 29 is retained with some suggested changes. In paragraph 1 the wording “other than gene banks” is deleted. It is considered superfluous because gene banks are directly exempted in Article

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2(4). Furthermore, the requirement of being able to send a sample is suggested to be deleted, as this might be to burdensome for the networks and organisations.

Article 30 Seed exchanged in kind between farmers
Based on the comments received in the written consultation the Presidency suggests not to reinsert Article 30.

Article 32(1a) and (2a) PRM of varieties under registration
The entire paragraph 1a is suggested to be deleted, as it does not have any legal meaning in itself. It is mostly a reference to other paragraphs of Article 32 and is therefore superfluous.

Based on the comments received in the written consultation, paragraph 2a is retained and some editorial changes are suggested.

Article 32a Requirements for the production and marketing of commercial seed
Based on the comments received in the written consultation, most delegations agreed to include this article in the PRM regulation. No substantial changes are suggested, but it is made clear that the commercial seed is to comply with the requirements of Article 8, hence including Annex III.

Article 36a Derogation from the production and marketing rules for certain species
Based on the written consultation delegations are divided almost 50/50 as to whether this article should be included in the proposal. The Presidency suggests keeping the article as it is only a possibility, not a requirement. Hence, Member States can choose not to make use of it if they do not need it.

Only small changes were made to the text specifying that the derogation also sets out conditions for marketing.

Article 39(1a) Imports on the basis of Union equivalence.
Based on the comments received in the written consultation, a majority of delegations

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supported the insertion of the square bracketed text regarding information of the imported seed as grown given to the competent authority upon request.

Article 40a Information provided for PRM imported from third countries
Based on the comments received in the written consultation, a majority of delegations support to add Article 40a.

Article 48(2) Distinctness
During the September meeting the understanding of the term "common knowledge" were discussed. The Presidency suggests to include in the text a reference to the UPOV guidelines to avoid confusion regarding the understanding of a well-established term.

Article 54(1) Suitability of variety denomination
During the September meeting a new point (fa) was added. After the discussion the Presidency was made aware that the intervention by the CPVO regarding the provision "unless that variety no longer remains in existence and its denomination has acquired no special significance" is used today in a different context. For this reason, the provision was moved to point (c)(i) and (ii) to align it with todays practice. Delegations are asked to consider if they still agree with the new wording of point (fa).

Article 56 Contents of the application for registration of a variety
As discussed during the September meeting the Presidency suggests to refer to the content of Annex VII instead of repeating almost the same list in Article 56. The Presidency has compared the content of the two lists in Annex VII and Article 56 and have concluded that only a few elements should be retained in Article 56.

Article 59a Technical examination of distinctness, uniformity and stability
Based on the discussions at the September meeting a suggestion for an empowerment to the Commission to adopt rules regarding breeders' participation is included for consideration.

Furthermore, it is suggested to change "competent authority" to "examination office" throughout the article based on changes suggested to Article 60.

Finally, paragraph 3a, which was drafted during the September meeting, is suggested to be included with paragraph 3, which is now included as a subparagraph in paragraph 2.

Article 59b Technical examination of the value for sustainable cultivation and use
The structure of the article is adapted to the structure of Article 59a.

Also, in this article it is suggested to include an empowerment to the Commission to adopt rules regarding breeders' participation.

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It is included in the article that an examination report from another competent authority can be accepted without growing the variety.

Furthermore, the provisions on cooperation between competent authorities, which was previously in Article 52, is inserted in this article.

Article 60 Examination offices carrying out technical examination
Some changes are suggested in this article after the discussions at the September meeting.

To avoid unnecessary confusion the term “competent authority” is changed to “examination office” and the term “found suitable” is changed to “accredited” throughout the article. This is to align the terms to the current practices.