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CONTRIBUTION

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 October 2025 - AOB - Outcome of the discussion in the vine group

Delegations will find in the annex the outcome of the discussion in the vine group, including drafting suggestions, presented by Spain under AOB item at the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 1 and 2 October 2025.

Amendments to the current PRM text agreed during the VINE WG in May 2025:

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Article 3		
Definitions		
For the purposes of this Regulation, the following definitions apply:		
(5) 'clone' means an individual plant progeny, originally derived from another single plant by vegetative reproduction, remaining genetically identical to that plant;	~~(5) 'clone' means an individual plant progeny, originally derived from another single plant by vegetative reproduction, remaining genetically identical to that plant;~~	During VINE WG it was agreed that this definition shall be deleted, as it is not used through the entire text. This term "colne" was included because it was used to refer to in vitro material, but in the current text this term has changed to "material" in all in vitro references. So the term "clone" is not longer necessary.
(6) 'selected clone' means a clone **of a vine or fruit species** that has been selected and chosen for some special intravarietal phenotypic traits and its phytosanitary status that give the selected clone a better performance, is true to the description of the variety to	**(6) 'selected clone' means the vegetative progeny of a single plant, which is true to the description of a certain variety and chosen for its phenotypic characters and**	This definition was agreed during VINE WG.

which it belongs and, in the case of selected clones not belonging to a variety, ~~it~~ is true to the description of the species to which it belongs. ~~It is applicable to [vine and fruit] species in which this intra-varietal variability has been able to occur~~;	**its phytosanitary status. It is applicable to vine and fruit species.**	
(7) 'polyclonal ~~selections~~ **PRM**' means ~~[vine propagating material obtained from a selection, made through quantitative genetics tools, of a group of at least 7 genotypes from the same experimental set of a specific ancient variety, containing most of its intra-varietal diversity;]~~ **material belonging to a group of several ~~distinct~~ different individual plant progenies derived from different genotypes, each of which is true to the description of the variety to which it belongs**;	**(7) 'Polyclonal material' means a group of several individual plant progenies derived from different genotypes of the same variety, containing intra-varietal diversity between the individual plants, selected as a group by the performance of polyclonal selection methods based on recommendations of international standards. This is not a mixture of selected clones.**	This definition was agreed during VINE WG.
Article 5		
Belonging to a registered variety		

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1. Only PRM belonging to a variety registered in a national variety register referred to in Article 44 may be produced and marketed within the Union.		
1a. By way of derogation from paragraph 1, PRM of ~~all~~ the following cases may be produced and marketed within the Union without belonging to a ~~registered~~ variety **registered in accordance with Article 44**:		
(a) ~~[~~as rootstocks ~~[~~**for fruit plants**~~]~~**, provided that the material is**~~, if~~ produced and marketed with a reference, contained in an appropriate labelling, to the species to which they belong;~~]~~	(a) as rootstocks for fruit plants **and vine which do not belong to a variety**, provided that the material is produced and marketed with a reference, contained in an appropriate labelling, to the species to which they belong;	The text should be slightly improved. It should be specified that these are rootstocks that do not belong to a variety, as there are rootstocks that do belong to a variety, and for those, then the variety shall be registered. Also, it was agreed during VINE WG to add here vine rootstocks.
Article 6a (former Article 20)		
PRM to be only produced and marketed as pre-basic, basic or certified seed~~s~~ or material		

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1. PRM belonging to the genera or species as indicated in column ~~5~~ **2** ~~[X]~~ of Annex I may **only** be produced and marketed as ~~standard~~ **pre-basic, basic or certified** seed or material. ~~PRM belonging to the other genera or species of Annex I and are not indicated in column 5, may only be produced and marketed as pre-basic, basic or certified seed or material.~~	**1a. Selected clones may only be produced and marketed as certified material.** **1aa. Vine rootstocks may only be produced and marketed as pre-basic, basic or certified material.**	This is the current practice and it was agreed during VINE WG. The obligation for vine rootstocks was added by PRE PL as a footnote to Annex I, but it would be much clearer to add it here to Article 6a. The obligation for selected clones has not been added to Annex I, and affects all fruit and vine species, so the most appropriate place would also be Article 6a.

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Article 7		
Requirements for the production and marketing of pre-basic, basic and certified seed and material		
4. ~~[~~The Commission shall adopt implementing acts specifying the production and marketing requirements referred to in ~~Part A to E of~~ Annex II for certain genera, species or categories of PRM, and, where appropriate, for certain grades, classes, generations or other sub-divisions of the category concerned. Those requirements ~~may~~ **shall** concern one or more of the following elements **for all or certain species:**		
(a) **specific rules for one or more of the** intended uses of the genera, species or the types of the PRM concerned;		
(b) production methods of PRM, including sexual and asexual reproduction and *in vitro* propagation;		

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(c) conditions for sowing or planting;		
(ca) previous cropping and isolation distances;		
(d) ~~[~~open field or ~~in~~ greenhouse cultivation~~]~~;		
(da) varietal purity and identity, and content of other species in the production field;		
(e) ~~[~~harvesting and post-harvesting~~]~~;		
(ea) germination rates, purity and content of other species ~~among which *Avena fatua*~~, moisture, vigour, presence of soil or extraneous matter;		
(eb) **methods of** certification ~~methods~~ of PRM, including the application of bio-molecular or other technical methods, as well as their approval and use, and the listing of approved methods in the Union;		

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(ec) the conditions for rootstocks and other parts of plants of genera or species other than those listed in Annex I, or their hybrids, if propagating material of the genus or species listed in Annex I or their hybrids is grafted onto them;		
(ed) conditions for the production of ~~(true)~~ seed~~s~~ from fruit plants, ~~from seed~~ potatoes ~~I~~or vine~~I~~;		
(f) conditions for the production of fruit plants, ~~I~~vine~~I~~ or seed potatoes from seed~~s~~.	**(g) conditions for the production or marketing of selected clones and polyclonal material.**	Agreed during VINE WG. It is necessary to include a new letter in this empowerment to give the Commission the possibility to develop requirements for production and marketing for selected clones and polyclonal material.

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Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 76(2)~~,~~**.** **They may be amended** in order to adapt **them** to ~~the~~ **scientific and technical** developments ~~of the relevant~~ **and applicable** international ~~technical and scientific~~ standards. **Those implementing acts may ~~additionally set out~~ specify more stringent production and marketing requirements to be applicable in certain parts of the Union territory, if so required by the agro-climatic conditions, risk of spreading of noxious weeds, or other special conditions and needs of certain areas.**		
~~The first such~~ **I**mplementing act**s for each of the requirements listed above** shall be adopted no~~t~~ later than [*36 months from the date of the entry into force of this Regulation/any other date*].		
Article 8		

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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**:		
(a) **specific rules for one or more of the** intended uses of the genera, species or the types of the PRM concerned;		
(b) production methods of PRM, including sexual and asexual reproduction and *in vitro* propagation;		
(c) conditions for sowing or planting;		
(ca) previous cropping and isolation distances;		

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(d) **open** field or greenhouse cultivation;		
(da) varietal purity and identity, and content of other species in the production field;		
(e) harvesting and post-harvesting;		
(f) germination rates, purity and content of other species ~~among which *Avena fatua*~~, moisture, vigour, presence of soil or extraneous matter;		
(g) the application of bio-molecular or other technical methods, as well as their approval and use, and the listing of approved methods in the Union;		
(h) the conditions for rootstocks and other parts of plants of genera or species other than those listed in Annex I, or their hybrids, if propagating material of the genus or species listed in Annex I or their hybrids is grafted onto them;		

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(i) conditions for the production of ~~(true)~~ seed~~s~~ from fruit plants, ~~from seed~~ potatoes ~~[~~or vine~~]~~;		
(j) conditions for the production of fruit plants, ~~[~~vine~~]~~ or seed potatoes from seed~~s~~.	**(k) conditions for the production or marketing of polyclonal material.**	Agreed during VINE WG. It is necessary to include a new letter in this empowerment to give the Commission the possibility to develop requirements for production and marketing for polyclonal material (in this case we do not include selected clones because they cannot be produced or marketed as standard category).

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Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 76(2)~~,~~**.** **They may be amended** in order to adapt **them** to ~~the~~ **scientific and technical** developments ~~of the relevent~~ **and applicable** international ~~technical and scientific~~ standards. **Those implementing acts may ~~additionally set out~~ specify more stringent production and marketing requirements to be applicable in certain parts of the Union territory, if so required by the agro-climatic conditions, risk of spreading of noxious weeds, or other special conditions and needs of certain areas.**		
~~The first such~~ **I**mplementing act**s for each of the requirements listed above** shall be adopted no~~t~~ later than [*36 months from the date of the entry into force of this Regulation/any other date*].		
Article 28		
[PRM produced for and marketed to non-professional users		

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1. By way of derogation from Articles 5~~(1) –~~ **to** 12~~,~~ **and 14** ~~15~~ **to 17a** ~~and 20~~, PRM with the exception of seed potatoes **and mixtures of seed**, intended to be used **exclusively** by non-professional users may be produced~~,~~ and marketed ~~to non-professional users,~~ if it complies with all of the following requirements:	1. By way of derogation from Articles 5 to 12 and 14 to 17a, PRM with the exception of seed potatoes, **cannabis, Papaver sommniferum, vine** and mixtures of seed, intended to be used exclusively by non-professional users may be produced~~,~~ and marketed if it complies with all of the following requirements:	It was agreed during VINE WG to exclude vine from this article. Also from ES we propose to exclude cannabis and poppies from this article.
ADD a new article or as a new part of article 56 - **Contents of the application for registration of a variety**		
	Elements to be required for the registration of a selected clone: - Operator who has carried out the selection. - Maintainer of the selected clone if it is different from the above. - Variety to which the selected clone belongs. - Description of the effective gains related to agronomic and/or technological characteristics that differentiate the selected clone and for which the clone has been selected. - Documented clonal selection work done.	Some registration requirements for selected clones and for polyclonal material were also agreed during VINE WG. It was agreed that the best place to incorporate these registration requirements would be in the Register section, in PRM main text, but we did not decide if the best place is article 56, as a new part of this article, or as a new article after article 56.

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	- Proposed denomination for the selected clone.	
	<u>Elements to be required for the registration of the polyclonal material:</u> - Operator who has carried out the selection. - Maintainer of the polyclonal material if it is different from the above. - Variety to which the polyclonal materials belong. - Description of the effective gains related to agronomic and/or technological characteristics that differentiate the polyclonal materials and for which they have been selected. - Documented polyclonal selection work done. - Description of the composition of the polyclonal material (e.g. number of clones); - Proposed denomination for the polyclonal material.	Some registration requirements for selected clones and for polyclonal material were also agreed during VINE WG. It was agreed that the best place to incorporate these registration requirements would be in the Register section, in PRM main text, but we did not decide if the best place is article 56, as a new part of this article, or as a new article after article 56.

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For future implementing acts, during VINE WG we also conclude that the following requirements for production and marketing of selected clones and polyclonal material would be good, so they can be taken into account:

Requirements for production and marketing of selected clones.
Production requirements: - Candidate clones which passed the agronomical and/or technological and phytosanitary selection procedure successfully can be applied for official registration by the competent authorities. - Individuals shall be selected after a satisfactory phytosanitary inspection. - Selection work shall be documented and available for the competent authorities. - The competent authority shall decide on the registration of the selected clone based on the information provided by the operator and official evaluation. - Selected clones may only be produced and marketed if they are registered by a competent authority in a list of certifiable clones of at least one Member State. Each Member State shall publish its own list of certifiable clones in the EUPVP. - The registration requires a unique denomination or codification of the selected clone. Furthermore, the registration confirms that the selected clone is derived from the respective variety. - That register shall include all elements referred to in art. 53a. - Selected clone shall be produced and marketed in pre-basic, basic and certified categories. - The operator carrying out the clonal selection, or any other operator notified by the operator to the competent authority, shall maintain the mother plants of the pre-basic category for those selected clones. Other operators may establish fields of mother plants of basic or certified category for such selected clone. New mother plants of initial category may only be established with the authorization of the operator who has carried out the clonal selection.

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Marketing requirements:

- Selected clones shall be marketed with reference to the unique denomination or codification under which they have been registered.
- Comply with the requirements of the category pre-basic, basic or certified.

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Requirements for production and marketing of polyclonal material.

Production requirements:

- Polyclonal material shall be obtained by polyclonal selection methods based on international standards. Polyclonal selection can only be carried out on those ancient varieties with intra-varietal diversity.
- Individuals shall be selected after a satisfactory phytosanitary inspection.
- Candidates of polyclonal material which passed the selection procedure successfully can be applied for official registration by the competent authorities.
- Polyclonal selection work shall be documented and available for the competent authorities.
- The competent authority shall decide on the registration of the polyclonal material based on the information provided by the operator and official evaluation.
- Polyclonal materials may only be produced and marketed if they are registered by a competent authority in a list of Polyclonal materials of at least one Member State. Each Member State shall publish its own list in the EUPVP.
- The registration requires a unique denomination or codification of the polyclonal material.
- That register shall include all elements referred to in art. 53a.
- Polyclonal material may be produced and marketed in certified standard categories.
- The operator carrying out the polyclonal selection, or any other operator notified by the operator to the competent authority, shall maintain the mother plants of the polyclonal

material. Other operators may establish fields of mother plants of the same polyclonal material only with the authorization of the operator who has carried out the polyclonal selection.

Marketing requirements:

- Polyclonal materials shall be marketed with reference to the unique denomination or codification under which they have been registered.
- The composition of polyclonal material shall be made before the final packaging of that PRM and shall include identical proportions of material from all genotypes that constitute the selected polyclonal material.
- Comply with the requirements of the certified or standard category.

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