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MEETING DOCUMENT

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 - 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 October 2025, delegations will find in the annex the Presidency's **revised** drafting suggestions on Articles 2(4), 3(32a), 6(2), 9a(3) and (5b), 17a, 21(1c), 28, 29, 30, 32a, 36a and 39(1a) of the proposal on the production and marketing of plant reproductive material in the Union; as well as on the text from the vine expert group.

ANNEX

Concluded text during the Working Party meeting on 1 and 2 October 2025 - including Articles 2(4), 3(32a), 6(2), 9a(3) and (5b), 17a, 21(1c), 28, 29, 30, 32a, 36a and 39(1a)

The Presidency's drafting suggestions on the text proposed by the vine expert group are also included in this document

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Please note that in the text, yellow indicates changes made by the Danish Presidency for the Working Party meeting on 1 and 2 October 2025. Blue indicates the changes made during that meeting. Green indicates subsequent changes made by the Presidency.

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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)

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 (~~c~~**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 9a (former Article 24)

Control plot tests for pre-basic, basic and certified seed~~s~~

3. ~~On the basis of the risk analysis referred to in paragraph 2, the control plot tests shall be carried out by using~~ **The** samples ~~**from** of~~ **a tested** ~~seed~~ lots ~~**of seed**~~ referred to in paragraph 1 **shall be** taken by the competent authority**, by a~~~~n authorised~~ **sampler under official supervision and authorised by the competent authority.** ~~That sampling may be carried out or by~~ using an automatic sampling device officially approved by the competent authority. **If samples are taken during marketing, they shall be taken by the competent authority.**

5b. The Commission may, by means of implementing acts in accordance with Article 76(2) set out rules concerning the control plot tests of **lots of pre-basic, basic and certified** seed ~~lots~~ per genera or species. Those rules shall be adapted to the development of scientific and technical knowledge and international standards, and may be established per particular genera, species or category. They may concern the following **elements**:

(a) criteria for the conduct of the risk analysis referred to in paragraph 2;

(b) the **sampling and** testing procedure;

(c) the ~~way of~~ evaluation of **the** results of the tests~~;~~

~~(d) the proportion of the seed lots or the frequency rates~~.

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Article 17a (former Article 23)

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

~~1~~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 21

Mixtures of seeds~~~~

1c. ~~For the purposes of the second subparagraph, point (a),~~ **In cases where the mixture contains seed of categories referred to in Article 6(1), points (a), (b) and (c),** ~~T~~the professional operators~~**~~** shall~~, upon request,~~ submit to the competent authority~~, upon request,~~ the list of ~~constituent species and varieties~~ **components** of the mixture and their ratios, for verification of eligibility of those ~~varieties~~ **components to be part of ~~those~~ that mixtures.**

In any other case, the information shall be submitted upon request of the competent authority.

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 plant 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 [directly] to non-professional users, if it complies with all of the following requirements:

(a) to it bears 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(1) and (2) 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

(ia) it has the indication on the operator's label 'variety not registered pursuant to Regulation (EU) .../…';

(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:

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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.

~~(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. **Upon request of the competent authority, the professional operator concerned shall annually notify the respective quantities of PRM produced and marketed pursuant to this Article.**

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).~~[~~

~~[~~*Article 29*

PRM produced and 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~~ **22**, PRM **intended for the conservation of plant genetic resources** may be **produced and** 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. **Upon request of the competent authority, the network or organisation concerned shall annually notify the respective quantities of PRM produced and marketed pursuant to this Article.**

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~~

Article 30

~~1~~Seed exchanged in kind between farmers

1. By way of derogation from Articles 5 to ~~25~~ **22** 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.~~1~~

Article 32a

~~1~~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** **~~[Y]~~** 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~~.

Commercial seed shall be practically free from quality pests, and produced and marketed under the responsibility of the professional operator.

~~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** ~~IV~~ 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.~~

4. Seed~~s~~ 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).~~1~~

Article 36a

~~1~~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 pursuant to paragraph 2 and 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).‡

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 and the quantities imported pursuant to this paragraph.‡

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Presidency's drafting suggestions to the text proposed the vine expert group

Changes made by the Presidency in the vine expert group's text are marked with green.

Article 3

Definitions

(5) 'clone' means an individual plant progeny, originally derived from another single plant by vegetative reproduction, remaining genetically identical to that plant;

(6) 'selected clone' means a clone, which is the vegetative progeny of a single plant, ~~which~~ is true to the description of a certain variety and chosen for its phenotypic characteristics and its phytosanitary status. ~~It is applicable to vine and fruit species.~~

(7) 'Polyclonal material' means a group of several individual plant progenies, other than mixtures of selected clones, 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.~~

Article 5

Belonging to a registered variety

Paragraph 1a.

(a) as rootstocks for fruit plants **and vine which do not belong to ~~a~~ any variety,** provided that the material is produced and marketed with a reference, contained in an appropriate labelling, to the species to which they belong;

Article 6a (former Article 20)

PRM to be only produced and marketed as pre-basic, basic or certified seed or material

NEW 1a. Selected clones may only be produced and marketed as pre-basic, basic or certified material of fruit plants and vine.

NEW 1aa. Vine rootstocks may ~~only~~ be produced and marketed only as pre-basic, basic or certified material.

Article 7

Requirements for the production and marketing of pre-basic, basic and certified seed and material

Paragraph 4.

NEW (g) conditions for the production ~~or~~ and marketing of selected clones and polyclonal material.

Article 8

Requirements for the production and marketing of standard seed and material

Paragraph 5.

NEW (k) conditions for the production ~~or~~ and marketing of polyclonal material.

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