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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	Meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 6 and 7 November 2025 - Meeting document on agenda item 1

In view of the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 6 and 7 November 2025, delegations will find in the annex the Presidency's drafting suggestions on Articles 75 to 83 (excluding Article 80).

ANNEX

Danish Presidency's drafting suggestions on Articles 75 to 83 (excluding Article 80), in view of the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 6 and 7 November 2025

PUBLIC

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, (EU) 2017/625 and ~~2018/848~~ .../... [NGT Regulation] 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)

(Text with EEA relevance)

CHAPTER V

PROCEDURAL PROVISIONS

Article 75

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Articles 2(3), **6a(2),** 7(3), 8(4), 10(2), 15(5), **16(4),** ~~20(2),~~ 22(2), ~~24(4), 27(3),~~ **32a(2), 41c(4),** 46(2), 47(3), 52(3)~~,~~ **and** 54(4)~~, 61(3), and 62(1)~~ shall be conferred on the Commission for 5 years from the date of the entry into force of this Regulation.

   The delegation of power shall be tacitly extended for periods of 5 years, unless the European Parliament or the Council opposed such extension not later than three months before the end

of each period. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the first 5-year period.

3. The delegation of power referred to in Articles 2(3), **6a(2),** 7(3), 8(4), 10(2), 15(5), **16(4),** ~~20(2),~~ 22(2), ~~24(4), 27(3),~~ **32a(2), 41c(4),** 46(2), 47(3), 52(3)~~,~~ **and** 54(4)~~, 61(3), and 62(1)~~ may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 2(3), **6a(2),** 7(3), 8(4), 10(2), 15(5), **16(4),** ~~20(2),~~ 22(2), ~~24(4), 27(3),~~ **32a(2), 41c(4),** 46(2), 47(3), 52(3)~~,~~ **and** 54(4)~~, 61(3), and 62(1)~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of the notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Article 76

Committee procedure

1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council[1]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

[1] Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee decides so or a simple majority of committee members requests it.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof shall apply.

CHAPTER VI

REPORTING, PENALTIES AND AMENDMENTS OF REGULATIONS (EU) 2016/2031, AND (EU) 2017/625 ~~AND 2018/848~~

Article 77

Reporting

1. By … [*5 years after the date of application of this Regulation*], and every five 5 years there after, Member States shall transmit to the Commission a report on the following:

(a) **annual** quantities **[produced and marketed]** of certified and standard PRM ~~and areas used for their production~~ per ~~year and~~ **genera or** species with a specification of the quantities used for organic varieties suitable for organic production;

~~(b) quantities of marketed PRM of heterogeneous material and areas used for their production per year and species;~~

(c) **annual** quantities of **[produced and]** marketed PRM of conservation varieties **or local varieties** per ~~year and~~ **genera or** species;

(d) **the** number of professional operators using the derogations for marketing to ~~final~~ **non-professional** users in accordance with Article 28, the **genera or** species concerned and ~~total~~ **annual** quantities **[produed and marketed]** of PRM per **genera or** species;

(e) **the** number of ~~gene banks,~~ organisations and networks with a statutory or other declared objective to conserve plant genetic resources, in accordance with Article 29 and the **genera or** species concerned;

(f) the quantities as defined per ~~genus~~ **genera or** species for the seeds exchanged in kind between farmers, in accordance with Article 30**, when defined or subsequently changed**;

(g) the quantities authorised per species for PRM intended for tests and trials for the breeding of new varieties, in accordance with Article ~~31~~ **32(2), second subparagraph**;

(h) **the** quantities of PRM per genera ~~and~~ **or** species ~~for which~~ **that is allowed to be marketed in accordance with** Article 33(4) ~~has been applied~~;

(i) **annual** quantities of PRM per genera ~~and~~ **or** species imported from third countries, in accordance with Article 39;

(j) penalties imposed **annually** in accordance with Article 78;

(k) number of professional operators ~~established in their territory~~ **registered in accordance with Article 41, point (b)**.

2. The Commission shall, by means of implementing acts, specify the technical formats for reporting made pursuant to paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

Article 78

Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and of any subsequent amendment affecting them.

2. Member States shall ensure that financial penalties for violations of this Regulation, perpetrated through fraud are equal, in accordance with national law, at least either to the acquired economic advantage for the professional operator or to a percentage of the professional operator's turnover.

NEW Article 78a

Fees

Member States may collect fees for their official acts provided for under this Regulation.

Article 79

Amendments of Regulation (EU) 2016/2031

In Article 37 of Regulation (EU) 2016/2031, paragraph 4 is replaced by the following:

‘4. The Commission shall, by means of an implementing act, where appropriate, set out measures to prevent the presence of Union regulated non-quarantine pests on the plants for planting concerned, as referred to in Article 36, point (f). Those measures shall, where appropriate, concern the introduction into, and the movement within, the Union of those plants. **Those measures shall be adopted in accordance with the principles set out in Section 2 of Annex II to this Regulation. Those measures shall apply without prejudice to Regulation (EU) … / … of the European Parliament and of the Council*+.**

_____

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

[+ OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.]

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Article 81

~~**Amendment of Regulation (EU) 2018/848**~~

~~Regulation (EU) 2018/848 is amended as follows:~~

~~(1) Article 3 is amended as follows:~~

~~(a) point (17) is replaced by the following:~~

~~‘(17) ‘plant reproductive material’ means plant reproductive material as defined in Article 3(1) of Regulation (EU) …/… of the European Parlament and Council(*)+;’;~~

~~_____~~

~~(*) Regulation (EU) …/… of the European Parliament and of the Council …. (OJ …, p…). [*footnote that will be in that regulation goes here*]~~

~~[+ OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.]~~

~~(b) point (18) is replaced by the following:~~

~~'(18) 'organic heterogeneous material' means heterogeneous material as defined in Article 3(27) of Regulation (EU) …/…(*)++ , produced in accordance with this Regulation;'~~

~~(*) Regulation (EU) …/… of the European Parliament and of the Council …. (OJ …, p…). [*footnote that will be in that regulation goes here*]~~

~~[++ OJ: Please insert in the text the number of this Regulation.]~~

~~(2) Article 13 is deleted.~~

~~(3) The second paragaph of Point 1.8.4. of Part I of Annex II to Regulation (EU) 2018/848 is replaced by the following: "All multiplication practices, except plant tissue cultures, cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material, shall be carried out under certified organic management".~~

[NEW Article 81a

Amendment of Regulation (EU) ... [NGT]

In Article 10(2) of Regulation (EU) ... [NGT], the first sentence is replaced by the following:

'The indication that a variety contains or consists of a category 1 NGT plant and the identification number of the category 1 NGT plant(s) it has been derived from shall be included in the catalogues of varieties referred to in Article 44 and 45 of Regulation (EU) .../... of the European Parliament and of the Council*+, and in any databases and marketing documentation where the plant reproductive material is offered.]

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

[+ OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.]

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CHAPTER VII
FINAL PROVISIONS

PUBLIC

Article 82

Repeals

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 are repealed.

References to those repealed acts shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.

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***NEW* Article 82a**

Transitional provisions

PRM produced before … [*the date of application of this Regulation*] in accordance with the Directives referred to in Article 82 or with national rules may continue to be marketed until exhaustion of the respective stocks. Such PRM may continue to be marketed with the appropriate label issued pursuant to those Directives.

***

Article 83

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from … *[36 months from the date of the entry into force of this Regulation]*.

~~However~~

~~(a) Article 40(4) shall apply from three days after the entry into force of this Regulation;~~

~~(b) Article 52 shall apply from ... *[120 months from the date of the entry into force of this Regulation]* for the species listed column 3 and 4 [except vine] of Annex I.~~

It shall be binding in its entirety and directly applicable in all Member States.