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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 - Remaining square bracketed text and the issue of clones

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 3(11), 5, 6, 39, 41c, 42 and 47; as well as on the issue of clones.

Regarding Articles 3(11), 5, 6, 39, 41c, 42 and 47, the Presidency based its changes on the latest agreed text, formatted in comparision to the Commission proposal. The Presidency's changes are marked yellow.

Regarding the issue of clones, the Presidency is proposing the addition of new Articles 46a and 54 (new paragraph 2aa) and a new Annex XX.

ANNEX

Danish Presidency's drafting suggestions to Articles 3(11), 5, 6, 39, 41c, 42 and 47; as well as on the issue of clones (new Article 46a, 54 (new paragraph 2aa) and new Annex XX 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

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)

Article 3

Definitions

(11) 'officially recognised description' means a written description of a ~~[~~conservation variety, **commonly known fruit variety or ~~new~~ local variety~~]~~, ~~which has been **prepared**~~ in accordance with Article ~~53(4)~~ 47(1)(a)(ii) and is** recognised by a competent authority~~,~~ ~~includes the specific characteristics of the variety, and has been obtained by other means than the examination of its distinctness, uniformity and stability~~;

Article 5

Belonging to a registered variety

1a. **By way of derogation from paragraph 1, PRM of the following cases may be produced and marketed within the Union without belonging to a variety registered in accordance with Article 44:**

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

(b) ~~as heterogeneous material in accordance with Article 27.~~

(c) ~~[~~as PRM ~~marketed to final~~**intended for non-professional** users in accordance with Article 28;~~]~~

(d) as PRM produced and marketed **by organisations and networks** for the ~~purposes of~~ conservation of **plant** genetic resources in accordance with Article 29;

(e) as seed exchanged in kind between farmers in accordance with Article 30;

(f) ~~as breeder's seed, in accordance with Article 31;~~ **as PRM of a generation prior to pre-basic category in accordance with Article 30a;**

~~(h)~~**(g)** in the event of ~~supply~~**temporary** difficulties **in the supply** of PRM in accordance with Article 33;

(h) as PRM of parent lines of hybrid varieties for the production of final hybrid varieties;

~~(g)~~**(i)** as PRM ~~of not yet registered varieties~~**which is subject to an application for registration** in accordance with **the derogation set out in** Article 32;

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 (d) of that paragraph**~~(a) - (d)~~ in the following cases:

(a) ~~marketing of PRM of heterogeneous material in accordance with Article 27;~~

(b) ~~[~~marketing ~~to a final~~ ~~of~~ as **PRM intended for non-professional** user**s** in accordance ~~to~~**with** Article 28;~~]~~

(c) **as PRM produced and marketed** ~~marketing to and between conservation networks~~ **by organisations, and networks for the conservation of plant genetic resources in accordance with** ~~as referred to in~~ Article 29;

(d) as seed exchanged in kind between farmers in accordance with Article 30;

(e) ~~breeder's seed as referred to in Article 31.~~

(ea) as PRM of a generation prior to pre-basic ~~**seed or material produced and marketed**~~ **category in accordance with Article 30a;**

(f) as ~~**PRM as**~~ **commercial seed in accordance with Article 32a;**

(g) as preservation mixtures produced in accordance with Article 22.

Article 39

Imports on the basis of Union equivalence

-1a. PRM belonging to preservation mixtures as referred to in Article 22 and PRM subject to the derogations of Articles 26, ~~[~~28~~]~~, ~~[~~30~~]~~, ~~[~~30a~~]~~, ~~[~~32~~]~~, 32a and 34 shall not be imported, and no such equivalence shall be recognised pursuant to paragraph 2 of this Article.

Article 41c

Derogation from obligations of professional operators

1. ~~[~~By way of derogation from Article 41, point (b), professional operators shall not be required to be registered if they exclusively carry out one or more of the following activities:

(a) the production and marketing of PRM intended to be used exclusively ~~**and directly to**~~ **by non-professional users pursuant to Article 28;**

(b) the production and marketing of PRM intended for the conservation of plant genetic resources by organisations and networks pursuant to Article 29;

(c) the exchange of seed in kind between farmers pursuant to Article 30.~~]~~

2. **[Professional operators whose activities relating to PRM are limited to ~~sale~~ marketing to non-professional users as referred to in Article 28, without altering the content of the lots, packaging or labelling, are exempt from the obligations listed in Article 41, points (d), (e) and (g).]**

3. **[~~Networks and o~~ Organisations and networks involved in the conservation of plant genetic resources as referred to in Article 29 shall not be subject to the requirements of Article 41, points (d) and (e).]**

Article 42

Traceability

~~**4. This Article shall not apply to […].**~~

Article 47

Requirements for registration in national variety registers

2. The Commission shall adopt, by means of implementing acts, specific requirements concerning: **[distinctness, uniformity and stability per genera and species of varieties, as referred to in paragraph 1, point (a)(i), based on protocols established by the CPVO, or the applicable guidelines of UPOV, or other relevant national protocols, including for organic varieties suitable for organic production, as defined in Article 3 of Regulation (EU) 2018/848, where the requirements concerning uniformity may be adjusted for specific genera or species.]**

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NEW Article 46a

Establishment of national lists of selected clones and polyclonal material

1. Each Member State shall establish and publish, in electronic format, and shall keep updated a single national list of selected clones and polyclonal material ('national list of selected clones and polyclonal material') of genera and species of fruit plants and vine as listed in Annex I.

Those selected clones and that polyclonal material shall belong to a variety that has been registered in a national variety register referred to in Article 44.

2. Member States shall notify the list referred to in paragraph 1 to the Commission. The Commission shall publish it on the electronic portal referred to in Article 45(2a).

3. Any natural or legal person established in the Union may submit to the competent authority an application for listing of a selected clone or polyclonal material in the list referred to in paragraph 1. That application shall include:

a) the species and variety to which the selected clone or polyclonal material belongs;

b) proposed denomination for the selected clone or polyclonal material in accordance with Article 54(2aa);

c) the professional operator that has carried out the selection;

d) the maintainer of the selected clone or polyclonal material, if different from the professional operator referred in point (c);

e) documentation of the methodology that led to the selected clone or polyclonal material;

f) where applicable, the description of the composition of the polyclonal material;

g) description of the effective gains in relation to the overall performance of the relevant variety as regards agronomic or technological characteristics or characteristics related to disease resistance or tolerance of the selected clone or polyclonal material;

h) information on whether the selected clone or polyclonal material is already listed in a national list of another Member State.

4. The competent authority shall include the selected clone or the polyclonal material in the national list of clones only after it concludes that the application is complete, the denomination is accepted, and that the requirements set out in Annex XX are fulfilled.

The Commission is empowered to adopt delegated acts, in accordance with Article 75, amending Annex XX in order to adapt that Annex to the scientific and technical developments and to the applicable international standards.

5. The national list of selected clones and polyclonal material shall include all information referred to in paragraph 2, points (a) to (h), as well as information on the variety to which they belong.

Article 54

Suitability of variety denominations

NEW paragraph 2aa

2aa. The denomination of a selected clone and of polyclonal material shall include the denomination of the variety to which it belongs, followed by a suffix in the form of an alphanumerical code. That code shall be in line with the denomination requirements of paragraphs 1 and 2.

NEW ANNEX XX: Technical requirements for the registration of selected clones and polyclonal material.

The selected clone or polyclonal material shall fulfil the following requirements, as applicable to the type of material concerned, in order to be registered:

i) the polyclonal material is selected in a single field trial containing a representative sample of the overall genetic diversity of the variety according to an experimental design based on internationally accepted methods; in the case of polyclonal material of vine propagating material, that design is based on methods prescribed by the International Organisation of Vine and Wine;

j) in the case of vine propagating material, the polyclonal material is composed of 7 to 20 distinct genotypes;

k) the trueness of the selected clone and of each genotype of the polyclonal material to the identity of the variety to which they belong is ensured through the observation of the phenotypic characteristics and, where appropriate, through molecular analysis pursuant to internationally accepted standards;

l) the selected clone or polyclonal material is maintained in accordance with internationally accepted practices.