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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 - Presidency drafting suggestions on Articles 32, 40a, 43(2) and 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, delegations will find in the annex the Presidency's drafting suggestions on Articles 32, 40a, 43(2) and 80.

The Presidency's latest changes are marked with pink.

ANNEX

Danish Presidency's drafting suggestions on Articles 32, 40a, 43(2) and 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

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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, (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 32

[PRM of varieties under registration ~~for which an application for registration has been submitted~~

~~**1a. By way of derogation from Articles 5, 9a and 9b, and pursuant to the paragraphs below, a competent authority may authorise professional operators to produce and market PRM of a variety for which the competent authority has confirmed the successful submission of the application for variety registration in accordance with Article 58 for the following purposes:**~~

~~**(a) multiplication of stocks in accordance with paragraph 1;**~~

~~**(b) tests and trials in accordance with paragraph 2;**~~

~~**(c) production and marketing of fruit plants and vine in accordance with paragraph 2a.]**~~

1. By way of derogation from Article**s** 5, ~~24~~ **9a and** ~~25~~ **9b,** a competent authority may authorise professional operators ~~before the PRM has been certified to comply with the requirements referred to in Article 7 or 8 concerning varietal identity and varietal purity,~~ to produce and market **PRM** ~~**fulfilling the respective requirements, other than varietal identity and varietal purity, of Articles 7 or 8 for the categories of**~~ ~~for the purposes of multiplication,~~ ~~pre-basic, basic, certified and standard seed or material~~ belonging to a variety ~~**under registration, for which the competent authority has confirmed the successful submission of the application for variety registration in accordance with Article 58**~~ ~~not yet registered in a national variety register, referred to in Article 44~~ **for the purpose of having sufficient stock available for further multiplication once the variety is registered**, if ~~all of~~ the following requirements are fulfilled:

(a) […]

(x) the PRM belongs to a variety for which the competent authority has confirmed the successful submission of the application for variety registration in accordance with Article 58;

(y) the PRM fulfills the respective requirements, other than varietal identity and varietal purity, of Articles 7 or 8 for the categories of pre-basic, basic, certified and standard seed or material;

(aa) the marketing is made ~~to~~ **between the authorised professional operator and the** professional operators carrying out the multiplication ~~in order to have sufficient stock available for further multiplication once the respective variety is registered~~, with no further marketing of **that** PRM thereafter; **and**

~~(ab) there are indications that PRM complies with the requirements pursuant to Article 7 or 8 concerning varietal identity and varietal purity, which shall be attested by the technical questionnaire provided by the professional operator;~~

(b) there is no risk that such an authorisation will lead to insufficient identification or quality of the marketed PRM**.**~~; and~~**.**

~~(c) the respective PRM belongs to a variety for which an application has been submitted for registration in a national variety register pursuant to Article 55.~~

Such authorisation may be granted ~~for a~~ **limited** ~~period and~~ for ~~small~~ **limited** quantities per species as ~~as~~ determined by the competent authority. That authorisation shall automatically expire **if the application for variety registration is withdrawn or** ~~when~~ a decision pursuant to Article 67**(1) or (2)** is adopted ~~concerning the registration of the respective variety or if the application for registration of the respective variety is withdrawn~~.

2. By way of derogation from Articles 5, **6a,** ~~10-12, 15, 23~~ and ~~24~~ ~~25~~ **9b**, a competent authority may authorise professional operators ~~before the PRM has been certified to comply with the requirements referred to in Article 7 or 8 concerning varietal identity and varietal purity,~~ to produce and market **PRM** ~~**fulfiling the respective requirements, other than varietal identity and varietal purity, of Article 8 for**~~ ~~certified or standard seed or material~~ belonging to a variety **under registration** ~~**for which the competent authority has confirmed the successful submission of the application for variety registration in accordance with Article 58**~~ ~~not yet registered in a national variety register referred to in Article 44~~ for the purpose of carrying out tests or trials to gather information on the cultivation or use of that variety, if ~~all of~~ the following requirements are fulfilled:

(x) the PRM belongs to a variety for which the competent authority has confirmed the successful submission of the application for variety registration in accordance with Article 58;

(y) the PRM fulfills the respective requirements, other than varietal identity and varietal purity, of Article 8 for standard seed or material;

(a) that PRM is only used for ~~tests or trials carried out~~ by professional operators on the premises of specifically designated **natural or legal** persons ~~in order to gather information on the cultivation or use of the variety concerned;~~

(b) the marketing is made by the **authorised** professional operators carrying out the tests and trials to the persons referred to in point (a) only, with no further marketing of PRM thereafter to be allowed; **and**

(c) there is no risk that such an authorisation will lead to insufficient identification or quality of the marketed PRM;

~~(ca) there are indications that PRM complies with the requirements pursuant to Article 7 or 8 concerning varietal identity and varietal purity, which shall be attested by the technical questionnaire provided by the professional operator; and~~

(d) […]

~~(e) the respective PRM belongs to a variety for which an application has been submitted for registration in a national variety register pursuant to Article 55.~~

Such authorisation may be granted for ~~a~~ **limited** ~~period and for small~~ quantities per species as determined by the competent authority. That authorisation shall automatically expire **if the application for variety registration is withdrawn or** ~~when~~ a decision pursuant to Article 67**(1) or (2)** is adopted ~~concerning the registration of the respective variety or if the application for registration of the respective variety is withdrawn~~.

~~[~~2a. By way of derogation from Article 5, professional operators may produce and market standard **seed or** material of **[vegetable plants.]** fruit plants and vine **except vine rootstocks** belonging to a variety **under registration** ~~not yet registered in a national variety register as referred to in Article 44~~ **for which an application for variety registration has been accepted pursuant to Article 58** ~~before the PRM has been certified~~ **confirmed** ~~to comply with the requirements referred to in Article 8 concerning varietal identity and varietal purity~~, if ~~all of~~ the following requirements are fulfilled:

(x) the PRM belongs to a variety for which an application for variety registration has been accepted pursuant to Article 58;

(y) the PRM fulfills the respective requirements, other than varietal identity and varietal purity, of Article 8 for standard seed or material;

(a) there is no risk that the marketing will lead to insufficient identification or quality of the marketed PRM;

~~(b) that PRM complies with the requirements pursuant to Article 8 concerning varietal identity and varietal purity, which shall be attested by the technical questionnaire provided by the professional operator~~; and

(c) that PRM bears a **breeders reference or the proposed denomination or a** denomination deemed suitable pursuant to Article 54~~; and~~

~~(d) that PRM belongs to a variety for which an application has been submitted for registration in a national variety register pursuant to Article 55~~.

That ~~PRM shall not be produced and marketed anymore when a decision pursuant to Article 67 is adopted concerning the registration of the respective variety or~~ **production and marketing shall cease** if the application for registration of the ~~respective~~ variety is withdrawn **or ~~rejected~~ a decision rejecting registration is adopted in accordance with Article 67(2).~~]~~**

3. In order to obtain the authorisation referred to in paragraphs 1 and 2, the professional operator shall submit to the competent authorities a request, indicating information about the following:

(a) […]

(b) **the species and** the breeder's reference, **or the proposed denomination, where applicable** ~~and species~~ of the variety indicated in the application for registration;

(c) […]

(d) the Member State and authority ~~before~~ **to** which the application **referred to in Article 58 has been submitted** ~~for the registration of the variety is pending~~, and the reference assigned to that application;

~~(da) the quantities of the PRM and the respective category to be made available on the market~~;

(e) in case of authorisation as referred to in paragraph 1, the sites where production ~~will~~ **is to** take place; and in case of authorisation as referred to in paragraph 2, the sites where tests and trials ~~will~~ **are to** take place; and

(ea) in case of authorisation as referred to in paragraph 1, the envisaged quantities to be produced of pre-basic, basic, certified, or standard seed and material before the variety registration and, in case of authorisation as referred to in paragraph 2, the envisaged **quantities to be produced for** tests and trials **for standard seed and material~~;~~.**

(f) […]

4. The Member States whose competent authorities have granted the authorisation referred to in paragraphs 1 and 2 shall without delay inform the other Member States and the Commission thereof**, through the electronic portal referred to in Article 45**.

5. Pre-basic, basic and certified seed or material referred to in paragraph 1 shall be accompanied by an official label ~~as referred to in Article 15(1a)(a),~~ and standard seed or material referred to in paragraph 1 shall be accompanied by an operator's label ~~referred to in Article 16(2)(gb)~~, **in both cases** with the indication '~~Not yet registered v~~**V**ariety **under registration** – stock for multiplication'.

~~Certified seed or material referred to in paragraph 2 shall be accompanied by an official label as referred to in Article 15(1a)(a) and s~~**S**tandard seed or material referred to in paragraph 2 shall be accompanied by an operator's label ~~as referred to in Article 16(2)(gb)~~, with the indication '~~Not yet registered v~~**V**ariety **under registration** – tests and trials'.

PRM referred to in paragraph 2a shall be accompanied by an operator's label ~~as referred to in Article 16(2)(h)~~ with the indication **'Variety under registration'** ~~'Not yet registered fruit variety' or 'Not yet registered vine variety', as applicable.~~

6. The Commission may, by means of implementing acts, adopt rules concerning size, form, colour and content of the offical label and the operator's label as referred to in paragraph 5. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

7. Upon request of the competent authority, the professional operator using this derogation shall notify the quantities of PRM of the respective varieties produced and marketed pursuant to this Article.

Article 40a

~~I~~Information provided for PRM imported from third countries

~~3.~~ **1.** ~~The professional operator responsible for the imported~~ PRM **may ~~only by~~ be imported into the Union only after ~~the~~ an electronic notification ~~is~~ has been ~~delivered~~ submitted**, ~~shall inform~~ **by the professional operator** ~~the respective competent authority in advance of the arrival of the consignment and provide the information referred to in paragraph 1 or 2~~ through the information management system for official controls (IMSOC) referred to in Article 131 of Regulation (EU)

2017/625. ~~The rules of the delegated act referred to in Article 45(4) of Regulation (EU) 2017/625 shall apply accordingly.~~ That notification shall include the place of destination.

~~3a. 2 In addition to the information pursuant to paragraph 3 1 of this Article, the professional operator responsible for the imported PRM shall immediately and directly inform the competent authority of the place of destination as referred to in Article 44(3), point (e), of Regulation (EU) 2017/625 about the arrival of the consignment.~~

~~4. Member States shall immediately notify the Information management system for official controls (IMSOC), referred to in Article 131 of Regulation (EU) 2017/625, of all established non-compliances of the imported PRM concerning the requirements of paragraphs 1 and 2.~~

~~5. The Commission is empowered in accordance with Article 75 to adopt delegated acts, amending paragraphs 1b and 2, in order to align these provisions to technical and scientific developments of international standards.~~ ~~1~~

Article 43

Notification of the production for the purpose of ~~and certification of pre-basic, basic and certified seed and material, and commercial seed and material and, of the production and~~ marketing of ~~standard seed and material and commercial seed~~ PRM

2. ~~1Once a year, p~~**P**rofessional operators shall**, upon request,** submit to the competent authority a declaration concerning the quantities per species of standard seed and material**, and commercial seed, that** they produced ~~**or marketed**~~ for the purpose of its marketing in the Union.~~1~~

CHAPTER VI

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

Article 80

Amendments of Regulation (EU) 2017/625

Regulation (EU) 2017/625 is amended as follows:

(1) in Article 1, paragraph 2, the following point is added:

'(k) production and marketing of plant reproductive material **with the exception of Chapter IV (Variety registration) of Regulation (EU) …/….'**;

(2) in Article 3, the following point is added:

'(52) 'plant reproductive material' means plant reproductive material as defined in Article 3(1) of Regulation (EU) …/… of the European Parliament and the 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.]

(3) the following article is inserted after Article 22:

'*Article 22a*

Specific rules on official controls and for action taken by the competent authorities in relation to plant reproductive material

1. Official controls to verify compliance with the rules referred to in Article 1(2), point (k), shall include official controls on plant reproductive material, **professional** operators and other persons subject to those rules.

2. The Commission is empowered to adopt delegated acts in accordance with Article 144 to supplement this Regulation by laying down rules for the performance of official controls on plant reproductive material in order to verify compliance with Union rules

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referred to in Article 1(2), point (k), applicable to those goods and for action taken by the competent authorities following the performance of those official controls.

Those delegated acts shall lay down rules on specific requirements for the performance of such official controls on:

(a) the import into, and marketing within, the Union of particular plant reproductive material subject to the rules referred to in Article 1(2), point (k), concerning its identification and quality, and

(b) ~~specific requirements for the performance of such official controls on~~ the activities of **professional** operators during the production **or marketing** of particular plant reproductive material subject to the rules referred to in Article 1(2), point (k).

3. The Commission shall, by means of implementing acts, lay down rules on uniform practical arrangements for the performance of official controls on plant reproductive material in order to verify compliance with Union rules referred to in Article 1(2), point (k), applicable to those goods and for action taken by the competent authorities following such official controls on:

(a) uniform minimum frequency of such official controls, where a minimum level of official control is necessary to respond to recognised uniform risks of non-compliance with the rules on plant reproductive material of a particular origin or provenance;

(b) uniform frequency of official controls performed by competent authorities on operators authorised to carry out certification under official supervision in accordance with Article 12(1) of Regulation (EU) …/… **of the European Parliament and of the Council***++

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 145(2).

*** 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.]**

4. For the purposes of Article 30, the delegation of certain official control tasks, referred to in this Article, to one or more natural persons shall be allowed.';

~~(4) in Article 40(1), the following point is added:~~

~~'(e) laboratories which are accreditated by the International Seed Testing Association to carry out **sampling of seed and** analyses, tests and diagnoses on seed samples 'samples'.~~

NEW Article 80a

Derogation from the rules on official controls and other official activities laid down in Regulation (EU) 2017/625

Article 11, Article 37(4), point (e), and Articles 109 to 113 of Regulation (EU) 2017/625 shall not apply to controls or other activities within the scope of this Regulation.

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