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INFORMATION

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 6 and 7 November 2025 - Comments from Spain on Articles 30a and 39

Delegations will find in the annex comments from Spain on Articles 30a and 39 of the proposal for a Regulation on the production and marketing of PRM in the EU.

AOB for the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials) on 6 and 7 November 2025

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Dear colleagues,

In view of the next meeting on 6th and 7th of November, please find below some comments from Spanish delegation regarding articles 30a and 39.

Article 30a - PRM of a generation prior to pre-basic category

In general terms, Spain supports this article, but we think the drafting should be a bit adapted to fruit PRM.

In the case of seeds (agricultural species mainly), the PRM from which the pre-basic category is obtained usually comes from the variety maintainer. However, in fruit plants, it is slightly different. The material used as the generation prior to the pre-basic category may come from the maintainer, of course, but it could also come from any other operator/producer who produces that variety within the EU, provided that the identity of the variety is maintained and guaranteed. Sometimes, it may also come directly from the breeder.

For this reason, we propose some slight modifications to the current text, which we hope will be accepted because they do not pose any problem and are common practice.

Proposed changes:

> Art. 30a
>
> 1. By way of derogation from Articles 6 to 22, PRM of a generation prior to pre-basic seed or material may be produced and marketed for the purpose of its multiplication for the production of pre-basic seed or material, if that PRM fulfils all of the following conditions:
>
> a) the marketing is made directly from the professional operator responsible for the maintenance of the variety, **from the breeder, or from any other professional operator that guarantees the identity of the variety** to the professional operator carrying out the production of pre-basic seed or material, with no further marketing of that PRM thereafter; and
>
> b) it is accompanied by an operator's label bearing the denomination of the variety and the indication 'Seed prior to pre-basic seed' or 'Material prior to pre-basic material'.
>
> 2. The Commission may, by means of implementing acts, adopt rules concerning size, form, colour and content of the operator's label as referred to in paragraph 1. 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

In general terms, Spain supports this article, but we have several remarks that and we believe that they should not go unnoticed.

Art. 39

1. PRM may only be imported from third countries, if it is established, pursuant to paragraph 2, that it fulfils requirements equivalent to those applicable to PRM produced and marketed in the Union, **or if seeds are under OECD seed scheme.**

(Explanation: The drafting can be confusing and it can be understood that PRM under OECD cannot be imported, as it is said that PRM can only be imported if it comes from third countries for which an equivalence has been established pursuant paragraph 2. Adding this very simple reference to OECD scheme the understanding can be improved).

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

(Explanation: we proposed not to limit imports for PRM subjet to derogations concerning articles 30a and 32.2a. The reason for not limiting PRM from art. 30a is that for several species we have mantainers outside EU, in third countries. Also breeders from third countries could send the PRM prior to the pre-basic categories from those countries (if they are countries with equivalence established). Regarding art. 32, the reason for not limiting PRM from art. 32.2a is that it is a common practice nowadays to be able to import PRM of fruit species since the moment of the variety application within a register in an EU Member State. If we limit the whole art. 32 we are limiting the importation of new varieties for fruit species, which are already applied for registration within the EU but are still under DUS testing, and therefore we are delaying their imports several years. If we were to limit those imports, we would reach a situeation where operators inside EU would be able to produce and market within the EU those applied varieties, but they would not be able to import the same varieties from equivalent third countries up to 4-5 years later. This is a huge change and a new administrative burden from the current practice set out in fruit directive).

1a. By way of derogation from paragraph 1, seed as grown of vegetable species as referred to in column 1 of Annex I may be imported into the Union for the purpose of being processed **prior to be** marketed as standard seed without the need to comply with the requirements as referred to in that paragraph. Such seed shall comply with the following conditions:

(a) it is accompanied by a label pursuant to Article 40 (2aa) and the identity of the seed is ensured;

(aa) the variety is a variety applied or registered within a national register pursuant article 44.

(b) it is marketed only up to the **authorised** place(s) of processing without further marketing;

(c) the import of that seed has been notified in advance by the professional operator to the competent authority.

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The professional operator responsible for the imported 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, the varieties to which the seed belongs and the quantities imported pursuant to this paragraph.

(Explanation: additions are proposed to make the text clearer in certain respects, such as that the varieties must be varieties that comply with Article 44, that processing is carried out priot to the placing on the market, and that the processing facility must be a facility authorised for that purpose, in order to facilitate having a universe of facilities that inspectors can visit to carry out checks if necessary.

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