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MEETING DOCUMENT

From:	Presidency
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 - Presidency Steering Note

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 Steering Note regarding its proposed changes to the proposal on the production and marketing of plant reproductive material in the Union.

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PRESIDENCY STEERING NOTE

Meeting of the Working party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials) on 6-7 November 2025.

Date: 31 October 2025
The Danish Agricultural and Fisheries Agency
Nyropsgade 30
1780 Copenhagen V

Plant Reproductive Material (PRM)

The Presidency has prepared this steering note to guide the discussions at the upcoming meeting of the Working Party.

The steering note concerns all drafting suggestions mentioned in the Presidency Flash (WK 14081/2025). For a better overview the steering note is structured with reference to the relevant documents containing different drafting suggestions and includes all explanations from previous steering notes.

Document 9894/2025 -Articles 66-74

Article 66 Examination of the denomination of a variety

It is clarified that the competent authority shall take a decision on the variety denomination. Furthermore, it is clarified that the decision shall be taken based on facts available to the competent authority at the time of the proposal for the denomination.

Article 67 Decision on the registration of a variety in the national variety register

It is suggested to add as a basis for the decision on registration, that a person responsible for the maintenance of the variety is established.

Paragraph 5 is modified to accommodate the fact that national administrative rules will apply in case of appeals.

Article 68 Varieties registered pursuant to Directives 68/193/EEC, 2002/53/EC, 2002/55/EC and 2008/90/EC

To make the reading of the article more coherent, paragraph 2 is suggested to be included in paragraph 1.

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In paragraph 1a, it is added that the beginning of the registration period for vine varieties is the date of application of the PRM Regulation, as varieties of vine do not have a limited registration period under the current directive.

A new paragraph 3 is suggested to be added to ensure transitional provisions for varieties where the examination of a variety has begun prior to the date of application of the PRM Regulation.

NEW Article 68a Varieties of species registered pursuant to national rules
This new article was added to ensure transitional provisions for species that are registered according to national rules, because they are not covered by the Directives, but will become covered by the newly added species in Annex I.

Article 69 Period of registration
Paragraph 2a is suggested to be deleted. This means that conservation varieties will be subject to the same period of registration as all other varieties. The registration period for conservation varities can, as for other varieties, be renewed for furher periods.

Article 70 Procedure and conditions for renewal of registration
A new paragragh 3a is suggested to be added. The handling of the commonly known fruit varieties has been discussed on several occasions, including in connection with the definition of conservation varieties. Our suggestion is to add a derogation in this article, with the result, that the registration of commonly known fruit varieties may be renewed, without fulfilling the requirements concerning maintenance. This proposal will in our view solve the challenges with already registered commonly known fruit varieties, which would otherwise not be able to be renewed.

Parapgraph 4 is deleted on request by Member States.

Article 71 Termination of variety registration
“Removal” is suggested to be changed to “Termination”, as varities are not removed from the national or Union registers, but they change status. This is also clarified in the new paragraph 4, providing for varieties to remain in the registers but with the indication of their status in line with the content of Annex VII.

It as also suggested to add a new point (h) in paragraph 1, where the applicant can request the termination of a varity registration (surrender).

Article 72 Variety maintenance.
Paragraph 3 is suggested to be divided into two paragraphs. The new paragraph 3a contains provisions on the maintainer providing standard samples. It is specified that in case of vegetatively reproduced varieties, the maintainer may demonstrate that they have living

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plants of that varity. As a consequence, the second subparagraph of paragraph 1 is suggested to be deleted.

Article 73 Documentation on the national variety registers
Article 73 is suggested to be deleted, as the provisions of this article is considered to be covered by national administrative rules.

Article 74 Standard samples of the registered varieties
It is suggested to add to this article, that the competent authority, in case of vegetatively reproduced varieties, may keep living plants of that variety instead of a standard sample. This is in line with the change regarding standard sample in Article 72.

Document 13849/2025 -Articles 75-79, 81-83
Article 77 Reporting
Only minor clarifications have been made. In several provisions "production and marketing" is added.

NEW Article 78 Fees
A suggestion is made to include a general provision on fees.

Article 79 Amendments of Regulation (EU) 2016/2031
It is suggested to add a provision to secure the link to Section 2 of Annex II in the PHR.

NEW Article 81a Amendment of Regulation (EU)… [NGT]
The reference to the PRM-regulation in the NGT-regulation is amended, subject to the adoption of the NGT-regulation.

NEW Article 82a Transitional provisions
It is suggested to include a provision describing according to which rules PRM produced before the application of the regulation shall be marketed.

Document 11208/2025 Rev 1 -Articles 48(2), 54(1), 59a, 59b, 60
Article 48(2) Distinctness
During the September meeting the understanding of the term "common knowledge" where discussed. The Presidency suggest to include in the text a reference to the UPOV guidelines to avoid confusion regarding the understanding of a well-established term.

Article 54(1) Suitability of variety denomination
During the September meeting a new point (fa) was added. After the discussion the Presidency was made aware that the intervention by the CPVO regarding the provision "unless that variety no longer remains in existence and its denomination has acquired no

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special significance" is today used in a different context. For this reason, the provision was moved to point (c)(i) and (ii) to align it with todays practice. Delegations are asked to consider if they still agree with the new wording of point (fa).

Article 56 Contents of the application for registration of a variety
As discussed during the September meeting the Presidency suggests to refer to the content of Annex VII instead of repeating almost the same list in Article 56. The Presidency has compared the content of the two lists in Annex VII and Article 56 and have concluded that only a few further elements should be retained in Article 56.

Article 59a Technical examination of distinctness, uniformity and stability
Based on the discussions at the September meeting a suggestion for an empowerment to the Commission to adopt rules regarding breeders' participation is included for consideration.

Furthermore, it is suggested to change "competent authority" to "examination office" throughout the article based on changes suggested to Article 60.

Finally, paragraph 3a, which was drafted during the September meeting, is suggested to be included with paragraph 3, which is now included as a subparagraph in paragraph 2.

Article 59b Technical examination of the value for sustainable cultivation and use
The structure of the article is adapted to the structure of Article 59a.

Also, in this article it is suggested to include an empowerment to the Commission to adopt rules regarding breeders' participation.

It is included in the article that an examination report from another competent authority can be accepted without growing the variety.

Furthermore, the provisions on cooperation between competent authorities which was previously in Article 52 is inserted in this article.

Article 60 Examination offices carrying out technical examination
Some changes are suggested in this article after the discussions at the September meeting.

To avoid unnecessary confusion the term "competent authority" is changed to "examination office" and the term "found suitable" is changed to "accredited" throughout the article. This is to align the terms to the current practices.

Document 11099/2025 Rev 1 -Article 8(5)
Article 8(5) Requirements for the production and marketing of standard seed and material

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It is suggested to include in the empowerment that the implementing acts also cover conditions for the production of conservation varieties and local varieties. This is to make sure a difference can be made between these types of varieties and other types of standard PRM.

Document 14161/2025 -Remaining square bracketed text and registration of clones

Article 5(1a) Belonging to a registered variety
Article 6(2) Belonging to certain categories of PRM
In these two articles the references to Articles 28-30a are reintroduced based on the conclusion of discussions of those articles.

Article 39(1a) Imports on the basis of Union equivalence
The Working Party should discuss which articles should be included in the exclusion from import. Discussions regarding inclusion of Article 32 may depend of the outcome of discussion of that article.

Article 41c Derogation from obligations of professional operators
After concluding the discussions on Articles 28-30 the Working Party should discuss which obligations the professional operators using those derogations should be exempt from.

Article 42 Traceability
The Presidency suggests not to exclude any operators from the traceability requirement.

NEW Article 46a Establishment of national lists of selected clones and polyclonal material
NEW Article 54 (2aa) Suitability of variety denominations
NEW Annex XX Technical requirements for the registration of selected clones and polyclonal material
The Presidency suggests to include new provisions on the registration of clones. This would require all Member States to establish a separate national list of selected clones and polyclonal material as clones should not be registered in the national variety register, because they are not varieties. The suggested provisions contain the requirements and information needed in respect of the registration of clones.

Document 14585/2025 -Articles 32, 40a, 43(2), 80

Article 32 PRM of varieties under registration
Considering the Members States' comments received during the written consultation, the Presidency proposes the following amendments to paragraph 2a:

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It is proposed to add that seeds of fruit plants may be marketed under paragraph 2a. It is furthermore, in square brackets for consideration by the Member States, suggested that seeds of vegetable plants may also be covered by this paragraph.

The Presidency suggests a new paragraph 7, according to which professional operators shall notify the quantities of the respective varieties marketed under Article 32, at the request of the competent authority.

Article 40a Information provided for PRM imported from third countries
Based on the comments received during the written consultation no further changes to the text have been made.

Article 43(2) Notification of the production for the purpose of marketing of PRM
Based on the comments received during the written consultation the Presidency suggests to keep the notification requirement limited to "upon request".

Article 80 Amendments of Regulation (EU) 2017/625

NEW Article 80a
The Presidency intends to reach a compromise regarding the application of the Official Controls Regulation (OCR) to the PRM sector. After the meeting in November no further discussions on this topic are foreseen in the Working Party at expert level.

At the meeting in October the Presidency suggested, as a compromise, to exclude variety registration from the scope of the OCR. This was supported by some Member States, while others wanted further exclusions.

During the written consultation specific drafting suggestions on exclusions were received.

The Presidency suggests to introduce a new article containing derogations from specific articles of the OCR. This includes a derogation from the designation of official laboratories as regards the accreditation requirement, a derogation from the obligations relating to Multi-annual national control plans and a derogation from the requirement of publication of information on official controls in relation to transparency. These derogations are suggested with the aim to lessen the administrative burden of the competent authorities, which is of great concern to some Member States.

Further explanation will be provided during the meeting.