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## MEETING DOCUMENT

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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 - Outcome of the discussion

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As a follow up to the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) of 6 and 7 November 2025, delegations will find in the annex the outcome of the discussion on Articles 32, 40a, 43(2), 48(2), 54(1) and (2aa), 56, 59a, 59b, 60 and 66 to 83 (except 79), as well as on Annex VII, point (g) of the proposal on the production and marketing of plant reproductive material in the Union.

Changes made during the meeting in Articles 32, 40a, 43(2), 48(2), 54(1) and (2aa), 56, 59a, 59b, 60 and in Annex VII, point (g) are marked with grey.

Changes made during the meeting in Articles 66 to 83 are marked with yellow.

The Presidency's subsequent changes, which are mostly corrections and editorial changes, are marked with red.

**Outcome 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**

**Articles 32, 40a, 43(2), 48(2), 54(1) and (2aa), 56, 59a, 59b, 60 and 66 to  
83 (except 79), as well as Annex VII, point (g)**

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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, ~~and (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 Articles 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.~~

(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 **limited** quantities per species as as determined by the competent authority. That **The** 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.~~

**Such authorisation may only be granted by the competent authority with which the application for registration has been filed.**

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 fulfilling 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;
- ~~(ea) 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.

**Such authorisation may only be granted by the competent authority with which the application for registration has been filed.**

- 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 the competent authority has confirmed the submission of the an application for variety registration has been accepted pursuant to 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) 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).

**2b. By way of derogation from Articles 5 and 9b, a competent authority may authorise professional operators to produce and market standard seed or material of varieties of vegetable plant species belonging to a variety under registration, if the following requirements are fulfilled:**

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

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

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

**Such authorisation may be granted for 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 a decision pursuant to Article 67(1) or (2) is adopted.**

**Such authorisation may only be granted by the competent authority with which the application for registration has been filed.**

3. In order to obtain the authorisation referred to in paragraphs 1, 2 and 2b, 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 **and 2b**, 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;** **and, in case of authorisation as referred to in paragraph 2b, the envisaged quantities to be produced.**
  - (f) [...]
4. The Member States whose competent authorities have granted the authorisation referred to in paragraphs 1, ~~and 2~~ **and 2b** 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~~ **Variety 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 ~~sStandard S~~ 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~~Variety under registration – tests and trials'.

PRM referred to in paragraphs 2a and 2b 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. **I**

**6. The Commission may, by means of implementing acts, adopt rules concerning size, form, colour and content of the official 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*

##### **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. ¶

#### 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. Once a year, pProfessional 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. ¶

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#### Article 48

##### Distinctness

2. The existence of another variety, as referred to in paragraph 1, shall be deemed to be a matter of common knowledge taking into account the respective UPOV guidelines<sup>1</sup>, inter alia, and in particular if one or more of the following conditions are complied with:
- (a) the variety is included has been registered in a national variety register in the Union or in any third country at any point of time and the Union variety register; or
- (aa)** the variety has been granted a plant variety right in the Union or in any third country pursuant to Regulation (EC) No 2100/94 or pursuant to national rules, at any point of time;

<sup>1</sup> TG/1/3 GENERAL INTRODUCTION TO THE EXAMINATION OF DISTINCTNESS, UNIFORMITY AND STABILITY AND THE DEVELOPMENT OF HARMONIZED DESCRIPTIONS OF NEW VARIETIES OF PLANTS

- (b) an application for registration of the variety has been **filed submitted** in accordance with Article 55 of this Regulation and is under examination; **or**
- (c) [...]
- (d) an application for granting a plant variety right in respect of that variety has been submitted in accordance with Regulation (EC) No 2100/94 **or in accordance with national rules in the Union** and is under examination.}]

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#### Article 54

#### Suitability of variety denominations

1. For the purposes of Article 47(1), point (b), the denomination of a variety shall not be deemed suitable if:

~~[(fa) it contains the denomination of another variety of the same or of a closely related species, unless that variety no longer remains in existence and its denomination has acquired no special significance.]~~

#### **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.

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#### Article 56

#### **[(Contents of the application for registration of a variety**

1. The application for registration of a variety in a national variety register shall **at least include all elements referred to in Annex VII, accompanied by the necessary elements documentation to prove its content** consist of at least the following; **as well as all of the following elements, accompanied by the necessary documentation, as applicable:**
- (a) [...]
- (b) the identification of the botanical taxon **the scientific name of the genus or species to which the variety belongs;**

~~(ba) where applicable, an indication whether it is;~~

~~(i) a conservation variety or a local variety;~~

~~(bb) (ii) where applicable, an indication whether it is an organic variety suitable for organic production;~~

~~(bc) an indication whether the variety is~~

~~(iii) a component variety of another registered variety;~~

~~(iv) a hybrid variety; or~~

~~(v) a synthetic variety;~~

~~**(bd) an indication whether the PRM belonging to the variety is to be produced and marketed only as rootstocks;**~~

~~(c) where applicable, the registration number of the applicant, its **the** name and address **of the applicant** or, where appropriate **applicable**, the names and addresses of the joint applicants, and the credentials of any procedural representative;~~

~~**(ca) where applicable, the official registration number, as referred to in Article 41b, of the applicant(s) if they are professional operator(s);**~~

~~**(d) the proposed denomination or the breeder's reference and/or a proposed denomination, and, in the case of conservation varieties, where applicable, one or more commonly used synonyms,** where applicable;~~

~~**(e) the name and address of the person responsible for the variety maintenance, and, where applicable, the official registration number of that person,** with an indication of the case where the applicant is a different person than the professional operator responsible for the maintenance;~~

~~(f) the description of the main characteristics of the variety **and its propagation method** information on whether it is adapted only for particular seasons of the year, and in the case of the variety to be registered on the basis of an official description a completed technical questionnaire **included, as applicable, in protocols established by the CPVO, or other relevant guidelines of** the International Union for the~~

Protection of new Varieties of Plants (UPOV); **or other national protocols, and information on whether it is adapted only for particular seasons of the year;**

**(fa) where the application concerns conservation varieties or local varieties, information related to the production of an officially recognised description;**

(g) a description of the propagation method;

**(h) in the case of conservation varieties, an indication of the region(s) of origin where the variety has historically been grown (region(s) of origin) and, if applicable, to which it is naturally adapted, except for varieties that have been initially registered on the basis of an official description;**

(i) information on whether the variety is **has been** registered in another national variety register and, where applicable, indication whether **or** an application for registration in another national **variety** register **has been submitted**;

**(ia) information on whether the variety has been granted plant variety rights pursuant to Regulation (EC) No 2100/94, or pursuant to national rules of a Member State, or an application for plant variety rights has been submitted;**

**(ib) in the case of an application concerning varieties with a granted plant variety right pursuant to Regulation (EC) No 2100/94 or pursuant to national rules of a Member State, the proof that the variety is protected by such right, with the corresponding official description or the proof that the respective application for granting that right has been submitted and is still under examination;**

(j) where the variety contains or consists of a genetically modified organism, evidence that the genetically modified organism in question is authorised for cultivation in the Union, in accordance with Directive 2001/18/EC or Regulation (EC) No 1829/2003, or, where applicable, in the respective Member State **concerned** in accordance with Article 26b of Directive 2001/18/EC;

~~(k) where the application concerns conservation varieties, information related to the production of an officially recognised description of the variety, a proof of that description and any document or publication supporting it;~~

~~(l) in the case of an application concerning varieties with a granted plant variety right pursuant to Regulation (EC) No 2100/94 or pursuant to national rules of a Member~~

State, the proof that the variety is protected by such right, with the corresponding official description or the proof that the respective application for granting that right has been submitted and is still under examination;

~~(m) where the variety contains or consists of a category 1 NGT as defined in Article 3, point (7), of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation), evidence that the plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of that Regulation or is progeny of such plant(s);~~

~~(n) where the variety contains or consists of a category 2 NGT plant as defined in Article 3, point (8), of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation), indication of that fact;~~

(o) the intended use or conditions of cultivation, if applicable pursuant to Article 47(1), of the variety;

(p) in the case of varieties tolerant to herbicides, an indication of that fact, and **the active substance to which the variety is tolerant** an indication of the required growing conditions to which they are subjected for the purposes of producing PRM and for all other purposes, in order to avoid the development of resistance to herbicides in weeds and other species.

2. The application for registration of a variety in a national variety register shall be accompanied by a sample to be used for the examination of that variety. The competent authority of the respective Member State shall set a deadline for the submission of that sample and specify its quality and quantity.¶

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**Technical examination of DUS distinctness, uniformity and stability**

1. Where, as a result of the formal examination, the application is found to comply with the requirements referred to in Article 56, a technical examination of the variety, **except for conservation and local varieties**, shall be carried out to verify its compliance with the requirements of distinctness, uniformity and stability of the variety, as laid down in Articles 48, 49 and 50.

**1a. The technical examination shall be carried out by an competent authority examination office in accordance with Article 60.**

**The Commission may, by means of implementing acts, specify the way in which that examination office may collaborates with other natural or legal persons for the purpose of the technical examination.**

**Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).**

2. The technical examination shall be carried out by growing the variety, taking into account the intended use and **the** conditions for cultivation of the variety. The technical examination will conclude with the adoption of an examination report and, **where applicable, an final** official description.

**2a. The technical examination shall be carried out by the competent authority in accordance with Article 60.**

**3. By way of derogation to from the first subparagraph, Where an official examination report on the distinctness, uniformity and stability of the variety or an official description produced by the CPVO, or another competent authority or examination office found suitable for that purpose in accordance with Article 60, is already available, the competent authority examination office may take into consideration or accept, without growing the variety, the results of that report or that official description for the purposes of concluding the technical examination.**

**1. By way of derogation to the first subparagraph, Where an official examination report on the distinctness, uniformity and stability of the variety, produced by the CPVO or another competent authority found suitable for that purpose in accordance with Article 60, is already**

available, the competent authority may take into consideration **without growing the variety** the results of that report for the purposes of concluding the technical examination.

**3a. By way of derogation from paragraph 2, the competent authority may accept an examination report or an official description, as referred to in Article 47(1), point (a)(i), which has been produced by a competent authority of another Member State. (merged with paragraph 3)**

4. The technical examination shall be carried out by the competent authorities in accordance with Article 60.
5. In reference to the examination of requirements laid down in Articles 48, 49 and 50 other means, including the use of bio-molecular techniques, may be used as a supplementary tool **or as a compulsory tool if it is required in accordance with CPVO protocols**, as appropriate for the purposes of the technical examination, the species concerned or the characteristics to be checked.†

#### Article 59b

#### †**Technical examination of the VSCU value for sustainable cultivation and use**

1. Where, as a result of the formal examination, the application is found to comply with the requirements referred to in Article 56, a technical examination of the variety, **except for conservation and local varieties**, shall be carried out in order to verify whether the variety has value for sustainable cultivation and use, in accordance with Article 52, in the case of the varieties referred to in Article 47(1), point (aa)(i).

**1a. The technical examination shall be carried out by the competent authority.**

**The Commission may, by means of implementing acts, specify the way in which that examination office may collaborates with other natural or legal persons for the purpose of the technical examination.**

**Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).**

2. The technical examination shall be carried out by growing the variety, taking into account the intended use **and the** conditions for cultivation of the variety, and the updated technical

standards [which may include the biochemical and molecular techniques.] The technical examination will **shall be** concluded with the adoption of an examination report.

~~2a. The technical examination shall be carried out by the competent authority or by the natural or legal person referred to in Article 61(1).~~

~~2aa. By way of derogation from the first subparagraph, The competent authority may accept where an official examination report of the requirements for value for sustainable cultivation and use, as referred to in Article 47(1), point (a)(i), which has been produced by a competent authority of another Member State with similar agro-ecological conditions, the competent authority may take into consideration or accept that report without growing the variety.~~

~~2ab. Member States may collaborate with other Member States with similar agro-ecological conditions. Those Member States may establish shared facilities and resources for carrying out the entire, or part of the, examination for value for sustainable cultivation and use.~~

~~2b. Other means, including bio-molecular techniques, may be used as a supplementary tool or as a compulsory tool if it is required in accordance with the respective national rules, as appropriate for the purposes of the technical examination, the species concerned or the characteristics to be checked.~~

~~3. The technical examination shall be carried out by the competent authorities or by professional operators under the supervision of competent authorities in accordance with Article 61(1).~~

~~Member States may collaborate with each other and establish shared facilities for carrying out those examination.~~

#### *Article 60*

#### ~~[Audit of the competent authority's premises Examination offices carrying out technical examination~~

~~1. The competent authority of the respective Member State may carry out t~~**1. The technical examination pursuant to Article 59a as regards compliance with the requirements for distinctness, uniformity and stability referred to in Articles 48, 49 and to 50 shall be carried out pursuant to Article 59a only by after its the respective premises and**

working arrangements examination offices that, dedicated to this purpose, have been found suitable accredited by the according to CPVO for certain genera or species. That accreditation finding shall be based on granted in accordance with the CPVO entrustment requirements for carrying out this examination. It shall also be based on pursuant to an regular audits conducted by the CPVO taking place within specific periods, depending on the genera or species concerned.

Competent Examination offices in a Member State that have been found suitable entrusted accredited by the according to CPVO in accordance with the entrustment requirements for certain genera or species, in accordance with Article 55(1) of Regulation (EC) No 2100/94 concerning the designation of examination offices, shall be considered suitable accredited for carrying out the examination of the respective genera or species for the purposes of this Article.

1a. In the case wWhere, for certain genera or species, no competent examination offices in the Union have been found suitable accredited in accordance with paragraph 1, the technical examination referred to in that paragraph may be carried out in the competent examination office of a third country, if that office has been found suitable accredited by the CPVO for the respective genera or species.

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#### *Article 66*

#### **Examination of the denomination of a variety**

1. Where the denomination has not been proposed as referred to in Article 56(1), point (d), it may be proposed at a later stage at a reasonable time, pPrior to the registration of a variety in a national variety register pursuant to Article 67-, Tthe competent authority shall **take a decision on the variety denomination after consulting** the CPVO on the variety denomination proposed by the applicant. **That decision shall determine the suitability of the denomination on the basis of the facts applicable at the time of the proposal for that denomination. Where the denomination has not been proposed as referred to in Article 56(1), point (d), it may be proposed by the applicant at a later stage and at a reasonable time.**
2. The CPVO shall submit to the competent authority a recommendation on the suitability of the variety denomination proposed by the applicant, in accordance with Article 54. The competent authority shall inform the applicant on that recommendation.

3. If the CPVO gives a negative recommendation on the suitability of the variety denomination, **or if the competent authority takes a decision rejecting the proposed variety denomination**, the competent authority shall give the applicant a possibility to propose a new denomination within a reasonable time.
4. Where, after the registration of a variety, it is established by the competent authority that at the time of the registration the denomination of the variety was not suitable within the meaning of paragraphs 2 and 3 **Article 54**, the applicant shall submit an application for a new denomination. The competent authority shall decide on that application ~~upon~~ **following** consultation with the CPVO.
- {The competent authority may allow the ~~previous~~ **proposed** denomination to be used temporarily.}

#### *Article 67*

##### **Decision on the registration of a variety in the national variety register**

1. If, on the basis of the procedure set out in Articles 55 to ~~57, 59a, 59b, 65a and~~ 66, it is concluded that the variety complies with the requirements set out in Article 47(1), **and a person is available for the requirements concerning variety maintenance in accordance with Article 72 are fulfilled**, the competent authority of the respective Member State shall decide to register the variety in the national variety register.
2. The competent authority shall adopt a decision ~~refusing~~ **rejecting** registration in the national variety register, if:
- (a) it establishes that the respective requirements set out in Article 47(1) are not fulfilled;  
or
  - (b) the applicant has failed to comply with any of the applicable requirements set out ~~for~~ ~~it~~ in Articles 55 to 66; **or**
  - (c) **there is no person responsible for the requirements concerning variety maintenance in accordance with Article 72 are not fulfilled;**
  - (d) **the applicant has failed to pay any fee that have been set pursuant to Article 78a.**

3. Decisions **refusing rejecting** the registration of a variety in the national variety register shall state the reasons justifying such refusal.
4. The competent authority shall communicate to the applicant the decision referred to in paragraphs 1 and 2.
5. The decisions referred to in paragraph 1 and 2 may be appealed against, in accordance with the administrative rules of the Member State concerned. ~~Any appeal against a decision referred to in paragraph 1 shall have a suspensory effect on the registration of the respective variety.~~
6. [...]

*Article 68*

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

1. By way of derogation from Articles 54 **55** to 67, the competent authorities shall immediately register in their national variety registers, **as applicable with an official description or an officially recognised description**, all varieties officially accepted or registered before ... [*the date of application of this Regulation*], in the catalogues, lists or registers established by their Member States pursuant to Article 5 of Directive 68/193/EEC, Article 3 of Directive 2002/53/EC, Article 3(2) of Directive 2002/55/EC and Article 7(4) of Directive 2008/90/EC, without applying the registration procedure set out by those Articles.

**Varieties accepted in accordance with Article 3 of Directive 2008/62/EC and Article 3(1) of Directive 2009/145/EC before... [OJ, please, insert the date of application of this Regulation] shall be immediately registered in the national variety registers as conservation varieties provided with an officially recognised description without applying the registration procedure set out by ~~that~~ Articles **55 to 67 of this Regulation.****

**Varieties accepted in accordance with Article 21 of Directive 2009/145/EC may be registered with the respective officially recognised description upon request by the applicant or the maintainer subject to the decision of the competent authority without applying the registration procedure set out by Articles 55 to 67 of this Regulation.**

- 1a.** ~~The starting point of t~~The **beginning of the** period of registration of those varieties, as referred to in ~~Article 69(1)~~, shall, **without prejudice to Article 69(1)**, be the date on which they ~~had been~~ **were** registered pursuant to the acts **Directives** referred to in the first subparagraph **1 of this Article**. **For varieties of vine, the beginning of the period of registration shall be ... [the date of application of this Regulation]**.
- ~~2.~~ By way of derogation from Article 53, varieties accepted in accordance with Article 3 of Directive 2008/62/EC and Article 3(1) of Directive 2009/145/EC before... *[OJ, please, insert the date of application of this Regulation]* shall be immediately registered in the national variety registers as conservation varieties provided with an officially recognised description without applying the registration procedure set out by that Article.
- 2a.** **Technical examinations within the meaning of Articles 59a and 59b, started prior to the date of application of this Regulation, shall be completed in accordance with the relevant Directives referred to in paragraph 1 of this Article. The decision on variety registration shall be taken in accordance with Article 67 of this Regulation.**

*NEW* **Article 68a**

**Varieties of species registered pursuant to national rules**

**By way of derogation from Articles 55 to 67, varieties of species listed in Annex I, which were not covered by the Directives referred to in Article 68(1) and are registered in a national variety register pursuant to national rules before [the date of application of this Regulation], shall be immediately registered in the relevant national variety registers without applying the rules set out in those Articles.**

**SECTION 4**

**REGISTRATION PERIOD AND VARIETY MAINTENANCE**

*Article 69*

**Period of registration**

1. The period of registration of a variety, **other than a conservation or local variety**, in a national variety register ('period of registration') shall be 10 years. That period shall expire at the end **on 31 December** of the last calendar year **of the period of registration**.

However, ~~that~~ **the** period of registration shall be 30 years for **conservation and local** varieties, **as well as for varieties** of **genera and** species of fruit plants and vine

propagating material, as listed in Annex I, **including the respective conservation varieties**. That period shall expire ~~at the end~~ **on 31 December** of the last calendar year **of the period of registration**.

In the case of varieties consisting of, or containing, a genetically modified organism, the period of registration shall be limited to the period for which that genetically modified organism is authorised for cultivation pursuant to Directive 2001/18/EC or Regulation (EC) No 1829/2003, **if that period is shorter than the respective periods referred to in subparagraphs 1 and 2**.

~~In the case of varieties consisting of, or containing, a category 2 NGT plant as defined in Article 3(8), of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), the period of registration shall be limited to the period for which that plant is authorised pursuant to that Regulation, **if that period is shorter than the respective periods referred to in subparagraphs 1 and 2**.~~

2. The period of registration of a variety in a national variety register may be renewed for a further period of 10 years, or respectively 30 years, in accordance with the procedure and the conditions laid down in Article 70.

In the case of varieties consisting of, or containing, a genetically modified organism, the renewal of the period of registration shall be limited to the period for which that genetically modified organism is authorised for cultivation pursuant to Directive 2001/18/EC or Regulation (EC) No 1829/2003.

~~In the case of varieties consisting of, or containing, a category 2 NGT plant as defined in Article 3(8), of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), the renewal of the period of registration shall be limited to the period for which that plant is authorised pursuant to that Regulation.~~

- ~~2a. By way of derogation from paragraphs 1 and 2, the period of registration of conservation varieties in the national variety register shall be unlimited.~~

3. [...]

## Article 70

### Procedure and conditions for renewal of registration renewal

1. Any person with a legitimate interest intending to renew the registration of a variety shall submit an application, ~~[no earlier than 36 months]~~, and no later than 24 months, before the expiration of the period of registration as referred to in Article 69(1) **and (2)**.
2. The application shall be submitted ~~electronically or in physical form~~. It shall be **to the competent authority** accompanied by evidence showing that the conditions set out in paragraph 3 are fulfilled.
3. The renewal of the registration of a variety in a national variety register may only be granted, if:
  - (a) the variety continues to comply with the ~~respective~~ requirements of Article 47(1), **other than the requirements concerning the value for sustainable cultivation and use**; and
  - (b) the ~~competent authority of the respective Member State~~ has established that **there is a person responsible for** the **requirements concerning** variety maintenance in accordance with Article 72 **are fulfilled**.

**Point (a) shall not apply to varieties referred to in Articles 68 and 68a, as long as the varieties remain true to their description.**

In the case of the varieties referred to in Article 47(1), point (a)(i), the competent authority may conduct a technical examination in accordance with Article 59a to determine whether the variety is **distinct**, uniform and stable, **if evidence exists suggesting that such an examination is needed**.

~~3a. By way of derogation from paragraph 3, the period of registration of commonly known fruit varieties within the meaning of Article 7(2), point (c), of Directive 2008/90/EC, that are still registered after ... [the date of application of this Regulation], may be renewed without fulfilling the requirements of Article 72 of this Regulation, provided that they still have an officially recognised description in accordance with that Directive.~~

4. ~~[The competent authority may, on its own initiative, renew the registration of a variety, if it is still in large demand by the professional operators and farmers concerned, or it should be~~

retained in the interest of conserving plant genetic resources. In that case, the competent authority shall ensure that the variety is maintained in accordance with Article 72.]

#### Article 71

##### **Removal from Termination of national variety registers registration**

1. The competent authority of the respective Member State shall ~~remove~~ **terminate the registration of** a variety ~~from the national variety register~~, if any of the following applies:
  - (a) it concludes, on the basis of any new evidence, that the requirements for registration, as set out in Article 47(1), **other than the requirements concerning value for sustainable cultivation and use**, are no longer fulfilled, ~~or they had not been fulfilled at the time of registration~~;
    - (aa) it concludes, on the basis of any new evidence, that the requirements for registration, as set out in Article 47(1) had not been fulfilled at the time of registration**;
  - (b) the applicant does not pay any of the fees that the competent authority has established in accordance with Article ~~{78a}~~;
  - (c) **the variety is no longer maintained pursuant to the requirements in Article 72**, ~~or~~ the **natural or legal** person responsible for the variety maintenance, as referred to in ~~that~~ Article 72, so requests, or that person has ceased to maintain the variety and no other person has become responsible for its maintenance;
  - ~~(d) the variety is no longer maintained pursuant to requirements of Article 72;~~
  - ~~(e) the variety is maintained in a third country, which has not provided assistance on the controls of that maintenance pursuant to Article 72(7);~~
  - (f) **it has been found that** at the time of the application, false or fraudulent data ~~were had been~~ **submitted** on the basis of which the registration was decided;
  - (g) no application for renewal has been submitted by the deadline referred to in Article 70(1) and the ~~validity~~ period of registration referred to in Article 69(1) has expired; ~~;~~
  - (ga) the applicant has requested the termination of the registration (surrender) and the competent authority has given the opportunity to any interested person to**

~~apply for the continuation of that registration unless another natural or legal person has requested the continuation of that registration and has taken over the respective responsibilities of the applicant.~~

2. The competent authority may allow that a variety, the registration of which has been terminated removed from the national variety register in accordance with paragraph 1, point (c), or (g) or (h ga), is marketed until 30 June of the third year following the removal termination from in the register. Such decision shall be indicated in the national variety register.
  3. ~~Following its removal from a national variety register, as referred to in paragraph 1, the variety concerned shall be immediately removed from the Union variety register, if it is not registered in any other national variety register.~~
- 3a. Following the termination of its registration, the variety shall remain in the national and the Union variety register as referred to in Articles 44 and 45 with an indication of its registration status, as referred to in point (cb) of Annex VII.**

#### *Article 72*

#### **Variety maintenance**

1. Varieties registered in a national variety register shall be maintained by the applicant or by any other natural or legal person in the Union, or in a third country that has been subject to the implementing act referred to in Article 39(4) (“maintainer”). The name and ~~registration number~~ address of that other natural or legal person shall be recorded ~~to~~ by the competent authority of the Member State. That other person may be accepted by the competent authority as a maintainer of that variety, if that other person ~~supplies a sample complying with the standard sample referred to in Article 74 and~~ is able to demonstrate the capability to carry out ~~that~~ the maintenance.  
~~[In the case of varieties of fruit plants and vine, the provision of such sample shall not be required.]~~
2. Variety maintenance shall take place in accordance with accepted practices concerning, as appropriate, genera, species or particular types of varieties.
3. ~~The persons referred to in paragraph 1~~ maintainer shall keep records concerning the variety maintenance. It shall at all times be possible for the competent authority to check

the variety maintenance from those records. Those records shall also cover all the relevant stages of production of PRM, including the relevant categories.

- 3a.** A standard sample of the variety concerned shall be provided by the maintainer to the competent authority on request. **In the case of vegetatively reproduced varieties, instead of a standard sample, the maintainer may demonstrate that it has living plants of that variety for the appropriate checks and maintenance.**
4. The competent authority shall carry out controls on the manner in which the variety maintenance is carried out and may, to this purpose, take samples of the varieties variety concerned. The frequency of those controls shall be based on the likelihood of non-compliance with paragraphs 1 to 3.
5. Where a the competent authority finds that the ~~person responsible for variety maintenance~~ **is not maintained in accordance** with paragraphs 1 to 3, it shall give ~~that~~ **the person maintainer** appropriate time to take corrective action or request another person to carry out ~~the~~ **that** variety maintenance. If no such action is taken within that time limit, the competent authority shall ~~remove~~ **terminate** the **registration of the** variety ~~from the national variety register~~ in accordance with Article 71(1), point ~~(d c)~~.
6. Where variety maintenance takes place in a Member State other than the Member State in whose national variety register the variety has been registered, the competent authorities of the two Member States concerned shall assist each other in the controls on variety maintenance. If no such assistance is provided within a reasonable period of time, or if it is concluded that the variety maintenance is not carried out in accordance with this Article, the respective competent authority shall **request the maintainer to take corrective actions. If the corrective actions are not taken within reasonable time, the competent authority shall** ~~remove~~ **terminate** the **registration of the** variety ~~from the national variety register~~ in accordance with Article 71(1), point ~~(d c)~~.
7. Where variety maintenance takes place in a third country, the competent authorities of the Member State, in whose national variety register the variety has been registered, shall request the third country's authorities' assistance in the controls on variety maintenance, if such a maintenance has been subject to the recognition of equivalence referred to in Article 39(4). If no such assistance is provided within a reasonable period of time, or if it is concluded that the variety maintenance is not carried out in accordance with this Article, the respective competent authority shall request the maintainer to take corrective actions. If

the corrective actions are not taken within reasonable time, the competent authority shall ~~remove~~ **terminate** the **registration of the** variety ~~from the national variety register~~ in accordance with Article 71(1), point (d c).

## SECTION 5

### ~~KEEPING OF DOCUMENTATION AND SAMPLES~~

#### *Article 73*

#### **~~Documentation on the national variety registers~~**

~~The competent authority of the respective Member State shall keep available all relevant information on each variety registered in the national variety register, including:~~

- ~~(a) — the official description or the officially recognised description of the variety;~~
- ~~(b) — the examination report on distinctness, uniformity and stability as well as on the value of sustainable cultivation and use; and~~
- ~~(c) — any complementary examination report or information concerning the variety.~~

~~In the case of an officially recognised description, the available relevant information shall include that description, the documents supporting it and any other decisions regarding the variety.~~

#### *Article 74*

#### **Standard samples of the registered varieties**

1. The competent authorities shall keep standard samples of the varieties registered in the national variety registers and make them **accessible available** to **any third party with a legitimate interest upon request** **and** to other competent authorities for official purposes.

~~[This paragraph shall not apply to varieties of fruit plants and vine.]~~

**In the case of vegetatively reproduced varieties, instead of a standard sample, the competent authority or the maintainer may keep living plants of that variety.**

2. The Commission may, by means of implementing acts, specify the size of those standard samples, the rules for their replacement, in the case where the quantity of the original standard sample is too limited or it is no longer adequate due to its use in other examinations, and their submission to other competent authorities. Those implementing

acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

## 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<sup>2</sup>. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

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

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<sup>2</sup> 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).

## Reporting

1. By ... [5 years after the date of application of this Regulation], and every ~~five~~ 5 years thereafter, Member States shall transmit to the Commission a report on the following:
  - (a) **annual** quantities ~~produced and marketed~~ of **seed and material belonging to pre-basic, basic, and certified and standard categories** 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, **and any available data on the production of standard seed and material per genera or species**;
  - (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 **production and marketing to final non-professional** users in accordance with Article 28, **and** the **genera or** species concerned ~~and total annual quantities produced and marketed~~ of PRM per **genera or** species;
  - (e) **the** number of ~~gene banks~~, organisations and networks **using the derogation for production and marketing of PRM for the conservation of** ~~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 34 **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) ~~number and types of violations for which~~ penalties ~~were~~ 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.**

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**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(\*)+’;

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(\*) 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 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).

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\* **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:~~

~~‘(c) — laboratories which are accredited by the International Seed Testing Association to carry out sampling of seed and analyses, tests and diagnoses on seed samples <sup>2</sup>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.**

#### *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 Parliament 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) .../...(\*)<sup>++</sup>, 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]~~

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

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

~~(3) The second paragraph 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\*<sup>+</sup>, 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:...)’**

**[<sup>+</sup> 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.]**

## CHAPTER VII

### FINAL PROVISIONS

#### *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.

#### **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 ... **60** 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.

\*\*\*

**ANNEX VII**

**CONTENTS OF THE NATIONAL AND UNION VARIETY REGISTERS AS REFERRED  
TO IN ARTICLE 46**

The national variety registers and the Union variety register shall contain all of the following elements, where applicable **as indicated in columns 3 to 5:**

(g)	<p><b>an indication whether it is a</b> <del>in the case of</del> <b>conservation</b>  <del>and or local</del> <b>variety</b> <del>ies</del> <del>with officially recognised</del>  description and, if applicable, <b>and in that case an</b>  <b>indication of the region(s) of origin</b>, where the variety has  historically been grown and to which it is naturally  adapted ('region(s) of origin');</p>	<b>x</b>	<b>x</b>	<b>x</b>
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