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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials)
Subject:	Regulation on plant reproductive material - Request for contributions on recitals - Contributions from AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, IE, IT, LT, NL, PL, SE and SK

Delegations will find in the annex the consolidated version of the comments/drafting suggestions submitted by Austria, Belgium, Cyprus, Czechia, Estonia, Greece, Spain, Finland, France, Ireland, Italy, Lithuania, the Netherlands, Poland, Sweden and Slovakia on the recitals of the proposal for a Regulation on the production and marketing of plant reproductive material in the Union.

PRM - Consultation on recitals
From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, IE, IT, LT, NL, PL, SE, SK

Presidency revised text	Drafting suggestions and Comments
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	IT (Comments): In general we would like to point out that the check of recitals is not so easy without a consolidated text
on the production and marketing of plant reproductive material in the Union, amending Regulations (EU) 2016/2031, and (EU) 2017/625 ~~and 2018/848~~ 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)	
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,	
Having regard to the proposal from the European Commission,	
After transmission of the draft legislative act to the national parliaments,	

PRM - Consultation on recitals
From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, IE, IT, LT, NL, PL, SE, SK

Presidency revised text	Drafting suggestions and Comments
Having regard to the opinion of the European Economic and Social Committee,	
Acting in accordance with the ordinary legislative procedure,	
Whereas:	
(1) Rules for the production and marketing of plant reproductive material ('PRM') of agricultural crops, vegetables, vine and fruit plants have been established at Union level since the 1960s. The production and marketing of PRM on the Union territory is regulated by Council Directives 66/401/EEC([1]); 66/402/EEC([2]); 68/193/EEC([3]); 2002/53/EC([4]); 2002/54/EC([5]); 2002/55/EC([6]); 2002/56/EC([7]); 2002/57/EC([8]); 2008/72/EC([9]) and 2008/90/EC([10]) (the 'PRM marketing Directives'). These legal acts have formed the legal framework for the production and marketing of PRM and therefore have been of major importance for the creation of the internal market of PRM in the Union.	DE (Drafting suggestions): (1) Rules for the production and marketing of plant reproductive material ('PRM') of agricultural crops, **potato,** vegetables, vine and fruit plants have been established at Union level since the 1960s. The production and marketing of PRM on the Union territory is regulated by Council Directives 66/401/EEC([1]); 66/402/EEC([2]); 68/193/EEC([3]); 2002/53/EC([4]); 2002/54/EC([5]); 2002/55/EC([6]); 2002/56/EC([7]); 2002/57/EC([8]); 2008/72/EC([9]) and 2008/90/EC([10]) (the 'PRM marketing Directives'). These legal acts have formed the legal framework for the production and marketing of PRM and therefore have been of major importance for the creation of the internal market of PRM in the Union.
1 Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ 125, 11.7.1966, p. 2298).	DE (Comments): Although Directive 2002/53/EC refers to potato as agricultural crop, Annex I of the PRM does not list potato as agricultural crop anymore. Therefore it might be necessary to list it explicitly in this recital.
2 Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ 125, 11.7.1966, p. 2309).	EE (Drafting suggestions): (1) Rules for the production and marketing of plant reproductive material ('PRM') of agricultural crops, **potato,** vegetables, vine and fruit plants have been established at Union level since the 1960s. The production and marketing
3 Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine (OJ L 93, 17.4.1968, p. 15).	
4 Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).	
5 Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002, p. 12).	

Presidency revised text	Drafting suggestions and Comments
6 Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33). 7 Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes (OJ L 193, 20.7.2002, p. 60). 8 Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74). 9 Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed (OJ L 205, 1.8.2008, p. 28). 10 Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8).	of PRM on the Union territory is regulated by Council Directives 66/401/EEC([1]); 66/402/EEC([2]); 68/193/EEC([3]); 2002/53/EC([4]); 2002/54/EC([5]); 2002/55/EC([6]); 2002/56/EC([7]); 2002/57/EC([8]); 2008/72/EC([9]) and 2008/90/EC([10]) (the 'PRM marketing Directives'). These legal acts have formed the legal framework for the production and marketing of PRM and therefore have been of major importance for the creation of the internal market of PRM in the Union. EE (Comments): Although Directive 2002/53/EC refers to potato as agricultural crop, Annex I of the PRM does not list potato as agricultural crop anymore. Therefore it might be necessary to list it explicitly in this recital. EL (Comments): Does the term 'agricultural crops' contain potatoes? If it doesn't then it should be added 'potatoes'.
(2) The impact assessments carried out by the Commission in 2013 and 2023 confirmed that those Directives have had a significant impact on the free movement, availability and high quality of PRM on the Union market and have thus facilitated the trade of PRM within the Union.	
(3) However, the rules on production and marketing of PRM need to be adapted to the scientific and technical developments in the areas of agricultural and horticultural production techniques and plant breeding. Moreover, the legislation needs to be updated on the basis of changes in international standards and experience gained by the application of the PRM Directives.	AT (Drafting suggestions): (3) However, the rules on production and marketing of PRM need to be adapted to the scientific and technical developments in the areas of agricultural and horticultural production ~~techniques~~ and plant breeding.

Presidency revised text	Drafting suggestions and Comments
Those rules need to be clarified in order to facilitate a more harmonised implementation. Therefore, the PRM marketing Directives should be replaced by a single Regulation on the production and marketing of PRM within the Union.	Moreover, the legislation needs to be updated on the basis of changes in international standards and experience gained by the application of the PRM Directives. Those rules need to be clarified in order to facilitate a more harmonised implementation. Therefore, the PRM marketing Directives should be replaced by a single Regulation on the production and marketing of PRM within the Union. ES (Drafting suggestions): (3) However, the rules on production and marketing of PRM need to be adapted to the scientific and technical developments in the areas of agricultural**,** ~~and~~ horticultural**, fruit-growing and vine-growing** production techniques and plant breeding. Moreover, the legislation needs to be updated on the basis of changes in international standards and experience gained by the application of the PRM Directives. Those rules need to be clarified in order to facilitate a more harmonised implementation. Therefore, the PRM marketing Directives should be replaced by a single Regulation on the production and marketing of PRM within the Union.
(4) PRM constitutes the starting material for plant production in the Union. Therefore, it is critical for the production of raw material for food and feed purposes and for the efficient use of plant resources. It contributes to environmental protection and the quality of the food chain and food supply in the Union as a whole. In this regard, the availability, quality and diversity of PRM appears to be of outmost importance to achieve the transition to sustainable food systems called for in the Farm to Fork Strategy[11], agriculture, horticulture, environmental protection, climate change mitigation and adaptation, food and feed security, and the economy in general. 11 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the	CY (Drafting suggestions): (4) PRM constitutes the starting material for plant production in the Union. Therefore, it is critical for the production of raw material for food and feed purposes and for the efficient use of plant resources. It contributes to environmental protection and the quality of the food chain and food supply in the Union as a whole. In this regard, the availability, **high** quality and diversity of PRM appears to be of outmost importance to achieve the transition to sustainable food systems called for in the Farm to Fork Strategy[11], agriculture, horticulture, environmental protection, climate change mitigation and adaptation, food and feed security, and the economy in general. CY

Presidency revised text	Drafting suggestions and Comments
Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system (COM(2020) 381 final).	(Comments): Editorial changes EL (Drafting suggestions): (4) PRM constitutes the starting material for plant production in the Union. Therefore, it is critical for the production of raw material for food and feed purposes and for the efficient use of plant **genetic** resources. It contributes to environmental protection and the quality of the food chain and food supply in the Union as a whole. In this regard, the availability, quality and diversity of PRM appears to be of outmost importance to achieve the transition to sustainable food systems called for in the Farm to Fork Strategy[11], agriculture, horticulture, environmental protection, climate change mitigation and adaptation, food and feed security, and the economy in general. EL (Comments): What do you mean 'plant resources'? FI (Comments): What is meant with term plant resources? Plant genetic resources? IT (Drafting suggestions): PRM constitutes the starting material for plant production in the Union. Therefore, it is critical for the production of raw material for food and feed purposes and for the efficient use of plant resources. It contributes to environmental protection and the quality of the food chain and food supply in the Union as a whole. In this regard, the availability, quality and diversity of PRM appears to be of ~~**outmost**~~ **utmost** importance to achieve the transition to sustainable food systems called for in the Farm to Fork Strategy[11], agriculture,

Presidency revised text	Drafting suggestions and Comments
	horticulture, environmental protection, climate change mitigation and adaptation, food and feed security, and the economy in general. IT (Comments): Editing suggestion
(5) In order to achieve this transition to sustainable food systems, the Union legislation should therefore take account of the need to ensure the adaptability of the PRM production to the changing agricultural, horticultural and environmental conditions, to face the challenges of climate change, to protect and restore biodiversity and to meet increasing farmers' and consumers' expectations related to quality and sustainability of PRM.	CY (Drafting suggestions): (5) In order to achieve this transition to sustainable food systems, the Union legislation should therefore take account of the need to ensure the adaptability of the PRM production to the changing agricultural, horticultural and environmental conditions, to face the challenges of climate change, to protect**,** ~~and~~ restore **and promote** biodiversity**, to ensure food security** and to meet increasing farmers' and consumers' expectations related to quality and sustainability of PRM. CY (Comments): In order to be in line with reital (4). ES (Drafting suggestions): (5) In order to achieve this transition to sustainable food systems, the Union legislation should therefore take account of the need to ensure the adaptability of the PRM production to the changing agricultural~~, horticultural~~ and environmental conditions, to face the challenges of climate change, to protect and restore biodiversity and to meet increasing farmers' and consumers' expectations related to quality and sustainability of PRM. ES

Presidency revised text	Drafting suggestions and Comments
	(Comments): Agricultural to be understood as the whole range of species raised by farmers.
(6) The scope of this Regulation should only cover the PRM of certain genera and species of increased economic and social importance. That importance should be assessed depending on whether **the PRM or the crop of** such genera and species represent a significant area of production and value in the Union, on their role for the security of food and feed production in the Union, and on whether they are marketed in at least two Member States. That area of production and value may concern several technical aspects. Depending on the circumstances, it may be calculated on the basis of factors such as the total size of productive land in several different areas of the Union, the marketing value of PRM in relation to specific sectors, or the demands for those species by farmers, final users and industry.	BE (Drafting suggestions): (6) The scope of this Regulation should only cover the PRM of certain genera and species of increased economic and social importance **and, if applicable, their grafts**. That importance should be assessed depending on whether **the PRM or the crop of** such genera and species represent a significant area of production and value in the Union, on their role for the security of food and feed production in the Union, and on whether they are marketed in at least two Member States. That area of production and value may concern several technical aspects. Depending on the circumstances, it may be calculated on the basis of factors such as the total size of productive land in several different areas of the Union, the marketing value of PRM in relation to specific sectors, or the demands for those species by farmers, final users and industry.
(7) Those genera and species should be listed and classified by their intended use, namely as agricultural **plants** ~~crops,~~ vegetable~~s~~ **plants**, fruit plants**, potato** ~~or~~ **and** vine. That classification is necessary to ensure a proportionate approach, as some species are only important for certain uses.	ES (Drafting suggestions): (7) Those genera and species should be listed and classified by their intended use, namely as agricultural **plants** ~~crops,~~ vegetable~~s~~ **plants**, fruit ~~plants~~**, potato** ~~or~~ **and** vine **use**. That classification is necessary to ensure a proportionate approach, as some species are only important for certain uses. SE (Drafting suggestions): (7) Those genera and species should be listed and classified by their intended use, namely as agricultural ~~plants~~ species~~crops,~~ vegetable~~s~~ ~~plants~~

Presidency revised text	Drafting suggestions and Comments
	species, fruit plants**, potato** ~~or~~ **and** vine. That classification is necessary to ensure a proportionate approach, as some species are only important for certain uses. SE (Comments): Sweden prefers the word 'species' instead of 'plants' which is too unspecific for the agricultural and vegetable species.
~~(8) Furthermore, some varieties may have certain characteristics that, when cultivated under certain conditions, could have undesirable agronomic effects that would undermine the objective of the Regulation to contribute to the sustainability of agricultural production. This objective can only be achieved if such varieties are subject to appropriate cultivation conditions under which those undesirable agronomic effects are avoided. Those conditions should apply to the cultivation of those varieties for the production of food, feed or industrial materials and not only when intended for the production and marketing of PRM. Therefore, this Regulation should cover the conditions under which those varieties are cultivated, also for the production of food, feed or other products.~~	
(9) PRM should be defined in a comprehensive manner, including all plants capable of, and intended for, producing entire plants. This Regulation should, therefore, cover seeds~~,~~, as well as all other forms of plants at any growth stage, capable of and intended for producing entire plants. **It should also cover rootstocks and other parts of plants of genera or species or their hybrids, which are not covered by this Regulation, if the material of genera or species covered by this Regulation or their hybrids is grafted or is to be grafted onto them.**	BE (Drafting suggestions): (9) PRM should be defined in a comprehensive manner, including all plants **or part of plants** capable of, and intended for, producing entire plants **or the production of fruits, vegetables or other crops**. This Regulation should, therefore, cover seeds~~,~~, as well as all other forms of plants at any growth stage, capable of and intended for producing entire plants. **It should also cover rootstocks and other parts of plants of genera or species or their hybrids, which are not covered by this Regulation, if the material**

Presidency revised text	Drafting suggestions and Comments
	of genera or species covered by this Regulation or their hybrids is grafted or is to be grafted onto them. BE (Comments): Best to add because parts of plants can also be PRM. In some cases the young plants that will produce fruits, vegetables or other crops are also considered to be PRM. For exemple the young fruit plants. These plants have been added to definition (1). NL (Comments): General remark: In article 4 of PRM the PHR regulation is mentioned. We wonder whether this can be added to this recital or to make it a recital on its own, because the PHR is of great impact on plant reproductive material.
(10) This Regulation should not cover forest reproductive material due to its particular characteristics, and very different concepts and applicable terminology. For this reason, forest reproductive material is subject to a separate legal act, and namely Regulation (EU) .../… of the European Parliament and of the Council[12] +. 12 Regulation (EU) .../… of the European Parliament and of the Council …. (OJ…., p….). + OJ: Please insert in the text the number of the Regulation contained in document (… (COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.	

PRM - Consultation on recitals
From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, IE, IT, LT, NL, PL, SE, SK

Presidency revised text	Drafting suggestions and Comments
(11) This Regulation should not cover **PRM of genera and species intended for** ~~propagating material of~~ ornamental ~~plants,~~ **purposes with the exception of PRM inteded for turf grass purposes** because after consultations with Member States and stakeholders it has been concluded that Council Directive 98/56/EC ([13]) still adequately covers the needs of that sector. 13 Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants (OJ L 226, 13.8.1998, p. 16).	AT (Drafting suggestions): This Regulation should not cover **PRM** of ornamental plants, **with the exception of PRM intended for turf grass purposes** because after consultations with Member States and stakeholders it has been concluded that Council Directive 98/56/EC ([13]) still adequately covers the needs of that sector BE (Drafting suggestions): (11) This Regulation should not cover **PRM of genera and species intended for** ~~propagating material of~~ ornamental ~~plants,~~ **purposes ~~with the exception of PRM inteded for turf grass purposes~~** because after consultations with Member States and stakeholders it has been concluded that Council Directive 98/56/EC ([13]) still adequately covers the needs of that sector. **However, PRM intended for turf grass purposes are within scope of this Regulation as turf grass can serve agricultural purposes such as live stock feeding .** EE (Comments): Estonia continues to hold the view that ornamental plants should also be covered by this Regulation draft proposal. If the COM does not wish to do so, it should be added here that the Ornamental Plants Directive is repealed and that plant health requirements apply to the production and marketing of ornamental plants in terms of operator registration, pest control, traceability, etc. Most of the requirements of the Council Directive 98/56/EC stem from plant health rules. There is no obligation to register varieties, and therefore no obligation to carry out DUS or VSCU tests.

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	ES (Drafting suggestions): (11) This Regulation should not cover **PRM of genera and species covered by this Regulation but intended for** ~~propagating material of~~ ornamental ~~plants,~~ **purposes, with the exception of PRM inteded for turf grass purposes,** because after consultations with Member States and stakeholders it has been concluded that Council Directive 98/56/EC ([13]) still adequately covers the needs of ~~that~~ **ornamental** sector FI (Drafting suggestions): (11) This Regulation should not cover **PRM of ~~genera and species~~ intended for** ~~propagating material of~~ ornamental ~~plants,~~ **purposes with the exception of PRM inteded for turf grass purposes** because after consultations with Member States and stakeholders it has been concluded that Council Directive 98/56/EC ([13]) still adequately covers the needs of that sector. FI (Comments): We consider that we can´t here mention genera and species. Some species have dual uses NL (Drafting suggestions): (11) This Regulation should not cover **PRM of genera and species intended for** ~~propagating material of~~ ornamental ~~plants,~~ **purposes with the exception of ~~PRM~~ seed intended for turf grass purposes** because after consultations with Member States and stakeholders it has been concluded that Council Directive 98/56/EC ([13]) still adequately covers the needs of that sector.

Presidency revised text	Drafting suggestions and Comments
	NL (Comments): We want to avoid confusion between **seed** of turf grass and the use of turf grass. The seed should be covered under PRM, but not the product of the seeds (the turf), because the turf is for ornamental use.
(12) This Regulation should cover neither PRM **intended for** export~~ed~~ to third countries, nor PRM used solely for ~~official testing,~~ **inspection, sampling or testing**, breeding, ~~inspections,~~ exhibitions or scientific purposes. This is because such categories of PRM do not require particular harmonised identity or quality standards and do not compromise the identity and quality of other PRM marketed in the Union.	NL (Drafting suggestions): (12) This Regulation should cover neither PRM **intended for** export~~ed~~ to third countries, nor PRM used solely for ~~official testing,~~ **inspection, sampling or testing**, **officially or under supervision,** breeding, ~~inspections,~~ exhibitions or scientific purposes. This is because such categories of PRM do not require particular harmonised identity or quality standards and do not compromise the identity and quality of other PRM marketed in the Union. NL (Comments): This recital reflects article 2.4 (e) and should reflect the specifics of this article.
(13) This Regulation should not cover PRM ~~sold or~~ transferred in any ~~other~~ way, whether free of charge or not, between **non-professional users** ~~any persons~~ for their own private use and outside their trade. It would be disproportionate to set out rules for such use of PRM, as this kind of transfer is usually limited to very small amounts, has no commercial purposes and is restricted to private activities.	DE (Drafting suggestions): (13) This Regulation should not cover PRM ~~sold or~~ transferred in any ~~other~~ way, whether free of charge or not, between **non-professional users** ~~any persons~~ for their own private use and outside their ~~trade~~ **professional activities**. It would be disproportionate to set out rules for such use of PRM,

Presidency revised text	Drafting suggestions and Comments
	as this kind of transfer is usually limited to very small amounts, has no commercial purposes and is restricted to private activities. DE (Comments): The term trade is unusual for the marketing of PRM. We suggest to stay in line with the terminology used in the article. ES (Drafting suggestions): (13) This Regulation should not cover PRM ~~sold or~~ transferred in any ~~other~~ way, whether free of charge or not, between **non-professional users** ~~any persons~~ for their own private use and outside their ~~trade~~ **professional activities**. It would be disproportionate to set out rules for such use of PRM, as this kind of transfer is usually limited to very small amounts, has no commercial purposes and is restricted to private activities. FR (Drafting suggestions): (13) This Regulation should not cover PRM ~~sold or~~ transferred in any ~~other~~ way, whether free of charge or not, between non-professional users ~~any persons~~ for their own private use and outside their ~~**trade**~~ **professional activity**. It would be disproportionate to set out rules for such use of PRM, as this kind of transfer is usually limited to very small amounts, has no commercial purposes and is restricted to private activities.Remplacer “their trade” par “usual professionnal activity” FR (Comments): Afin d’éviter des éventuelles confusions de traduction ou autre interpretation, il semble pertinent de remplacer le terme ‘’trade’’ par le terme ‘professional activity’’, l’instar de l’article 2.4.d

Presidency revised text	Drafting suggestions and Comments
	Courtesy translation In order to avoid any confusion in translation or other interpretation, it seems appropriate to replace the term “trade” with the term “professional activity.”, like it is in article 2.4.d
(13a) This Regulation should not cover PRM sold or transferred in any other way, not aimed at its commercial exploitation but subject to service contracts for the purposes of processing including cleaning, disinfection, treatment, packaging, as well as transport, or storage, provided that the provider of services does not acquire title to that PRM.	BE (Drafting suggestions): **(13a) This Regulation should not cover PRM sold or transferred in any other way, not aimed at its commercial exploitation but subject to service contracts for the purposes of processing including cleaning, disinfection, treatment, packaging, as well as transport, or storage, provided that the provider of services does not acquire title to that PRM. ~~This is because~~ sSuch ~~categories of~~ PRM remains under the responsability of the title holder of that PRM who guarantees the identity or quality standards that PRM.** DE (Drafting suggestions): **(13a) This Regulation should not cover PRM that is sold or transferred, ~~in any other way~~, not aimed at its commercial exploitation but subject to service contracts for the purposes of processing including cleaning, disinfection, treatment, packaging, as well as transport, or storage, provided that the provider of services does not acquire title to that PRM.** DE (Comments): To make it more understable.

Presidency revised text	Drafting suggestions and Comments
(13b) This Regulation should not cover PRM supplied to providers of services for the production of certain agricultural raw materials intended for industrial purposes, or PRM produced for that purpose.	BE (Drafting suggestions): **(13b) This Regulation should not cover PRM supplied to providers of services for the production of certain agricultural raw materials intended for industrial purposes, or PRM produced for that purpose. In this closed loop systems the risk of the quality of the PRM is carried by the industrial manufacturer.** BE (Comments): The closed loop exemption should definitly be explained as the interpretation of the legal text is not evident. NL (Drafting suggestions): **(13b) This Regulation should not cover PRM supplied to providers of services for the production of certain agricultural raw materials intended for industrial purposes, or PRM produced for that purpose, under certain conditions.** NL (Comments): There are conditions for this kind of material and this should be reflected in this recital to avoid ambiguity. Or a reference to the other recitals where this is mentioned.
(13c) This Regulation should not cover PRM used by gene banks for the conservation of plant genetic resources nor organic heterogenous material produced in accordance with Regulation (EU) 2018/848.	BE (Drafting suggestions): **(13c) This Regulation should not cover PRM used by gene banks for the conservation of plant genetic resources. ~~nor organic heterogenous material produced in accordance with Regulation (EU) 2018/848.~~ Gene**

Presidency revised text	Drafting suggestions and Comments
	banks are responsible for the in situ and ex situ conservation of plant genetic resources, as well as for providing this material for further research and breeding purposes. Once a professional operator starts using this plant genetic resources with the purpose of developing PRM, it is up to these operators to guarantee the quality and identity of that PRM. ~~a primary step in the production of PRM and production of food and feed within the Union as they deliver genetic material to professional operators. It are these professional operators who shall guarantee the quality and identity of the that PRM and not the gene banks~~. ~~The quality of organic heterogeneous material is regulated under Regulation (EU) 2018/848.~~ **(13d) This Regulation should not cover organic heterogenous material as it is already regulated in Regulation (EU) 2018/848.** DE (Drafting suggestions): **(13c) This Regulation should not cover PRM used by gene banks being officially recognised in accordance with national rules of ~~for the conservation of~~ conserving plant genetic resources** **(13d) This Regulation should not cover ~~nor~~ organic heterogenous material produced in accordance with Regulation (EU) 2018/848.** DE (Comments): We suggest to split this recital in two as one aspect refers to an organisation and the other to a type of PRM. The term gene bank is defined in the PRM and the recital should at least indicate this by picking up some of the wording. FI

Presidency revised text	Drafting suggestions and Comments
	(Drafting suggestions): **(13c) This Regulation should not cover PRM used by gene banks for the conservation of plant genetic resources** **13 (d) This Regulation should not cover ~~nor~~ organic heterogenous material produced in accordance with Regulation (EU) 2018/848.** FI (Comments): We suggest to add these as own points in order to be more clear. It could be also considered to delete reference to organic heterogenous material, since art conserning heterogenous material is deleted.
(14) In order to allow for informed choices by the users, PRM should be produced and marketed only if it belongs to varieties registered in **a** national ~~a~~ variety register.	ES (Drafting suggestions): (14) In order to **enable users to make informed decisions** ~~allow~~ for informed choices by the users, PRM should **only** be produced and marketed ~~only~~ if it belongs to varieties registered in **a** national ~~a~~ variety register.
(15) However, it is appropriate to exempt, where necessary, rootstocks **for fruit plants and vine** from the requirement to belong to a variety, as although of a significant value, they frequently do not fall under the definition of a variety.	ES (Drafting suggestions): (15) However, it is appropriate to exempt, where necessary, rootstocks **for fruit plants and vine not belonging to a variety (i.e. some rootstock from seeds)** from the requirement to belong to a variety, as although of a significant value, they frequently do not fall under the definition of a variety. FI (Drafting suggestions): (15) However, it is appropriate to exempt, where necessary, rootstocks **for fruit plants and vine** from the requirement to belong to a variety, as although of a significant value, they frequently do not fall under the

Presidency revised text	Drafting suggestions and Comments
	definition of a variety. In addition PRM can be produced and marketed without belonging to a variety in accordance with certain other derogations FI (Comments): To be more in line with the content of art 5 FR (Drafting suggestions): (15) However, it is appropriate to exempt, where necessary, rootstocks for fruit plants and vine from the requirement to belong to a variety, as although of a significant value, they ~~**frequently**~~ **may** do not fall under the definition of a variety. FR (Comments): Le mots ‘’frequently’’ peut porter à confusion. Il serait plus correct de le remplacer par le terme ‘’may’’, d’autant plus qu’actuellement, les porte-greffes de vigne doivent appartenir à une variété. Courtesy translation The word “frequently” can be confusing. It would be more correct to replace it with the term “may.”, especially since currently, vine rootstocks must belong to a variety.
(16) In order to ensure the identity, quality and transparency and to enable informed choices by the users, PRM should as a general rule be produced or marketed under predefined categories. Those categories should reflect different generation stages and quality levels, and, on the basis of the internationally established terminology, be named ‘pre-basic’, ‘basic’,	FI (Drafting suggestions): (16) In order to ensure the identity, quality and transparency and to enable informed choices by the users, PRM should as a general rule be produced or marketed under predefined categories. Those categories should reflect different generation stages and quality levels, and, on the basis of the

Presidency revised text	Drafting suggestions and Comments
'certified' and 'standard' seed, and 'pre-basic', 'basic', 'certified' and 'standard' material, in the case of PRM other than seeds~~, and~~.	internationally established terminology, be named 'pre-basic', 'basic', 'certified' and 'standard' seed, and 'pre-basic', 'basic', 'certified' and 'standard' material, in the case of PRM other than seeds~~, and~~. It is appropriate to excempt from this rule concerning PRM produced and marketed in accordance with some derogations FI (Comments): To be more in line with art 6
(~~28~~ 16a) The PRM marketing Directives and international practice and standards require that PRM belonging to certain species, vine rootstocks and selected clones are only produced and marketed as pre-basic, basic or certified seed, due to their importance for food security and industrial processing, and for the protection of the interests of the farmers using them. For this reason, certain PRM should only be produced and marketed in the pre-basic, basic or certified categories, if the costs for their production and marketing are proportionate to the purpose of ensuring quality PRM for the farmers, food and feed security, or are proportionate to the purpose of ensuring high value of industrial processing. Those costs should also be proportionate to the achievement of the highest standards concerning the identity and quality of the PRM, in line with the requirements for pre-basic, basic and certified PRM. A list of those species of PRM which may only be produced and marketed in the pre-basic, basic or certified categories should thus be established.	AT (Drafting suggestions): **(~~28~~ 16a) The PRM marketing Directives and international practice and standards require that PRM belonging to certain species, vine rootstocks and selected clones are only produced and marketed as pre-basic, basic or certified seed *or material*, due to their importance for food *and feed* security and industrial processing, and for the protection of the interests of the farmers using them. For this reason, certain PRM should only be produced and marketed in the pre-basic, basic or certified categories, if the costs for their production and marketing are proportionate to the purpose of ensuring quality PRM for the farmers, food and feed security, or are proportionate to the purpose of ensuring high value of industrial processing. Those costs should also be proportionate to the achievement of the highest standards concerning the identity and quality of the PRM, in line with the requirements for pre-basic, basic and certified PRM. A list of those species of PRM which may only be produced and marketed in the pre-basic, basic or certified categories should thus be established.** DE (Drafting suggestions):

Presidency revised text	Drafting suggestions and Comments
	16a) The PRM marketing Directives and international practice and standards require that PRM belonging to certain species, vine rootstocks and selected clones are only produced and marketed as pre-basic, basic or certified seed or material, due to their importance for food and feed security and industrial processing, and for the protection of the interests of the farmers using them. DE (Comments): Amendment suggested to take into account potatoes, rootstocks and selected clones. EL (Drafting suggestions): **(~~28~~ 16a) The PRM marketing Directives and international practice and standards require that PRM belonging to certain species, vine rootstocks and selected clones are only produced and marketed as pre-basic, basic or certified ~~seed~~PRM, due to their importance for food security and industrial processing, and for the protection of the interests of the farmers using them. For this reason, certain PRM should only be produced and marketed in the pre-basic, basic or certified categories, if the costs for their production and marketing are proportionate to the purpose of ensuring quality PRM for the farmers, food and feed security, or are proportionate to the purpose of ensuring high value of industrial processing. Those costs should also be proportionate to the achievement of the highest standards concerning the identity and quality of the PRM, in line with the requirements for pre-basic, basic and certified PRM. A list of those species of PRM which may only be produced and marketed in the pre-basic, basic or certified categories should thus be established.** EL

Presidency revised text	Drafting suggestions and Comments
	(Comments): The term 'PRM' covers seed and propagating and planting material. ES (Drafting suggestions): **(~~28~~ 16a) The PRM marketing Directives and international practice and standards require that PRM belonging to certain species, vine rootstocks and selected clones are only produced and marketed as pre-basic, basic or certified seed or material, due to their importance for food security and industrial processing, and for the protection of the interests of the farmers using them. For this reason, certain PRM should only be produced and marketed in the pre-basic, basic or certified categories, if the costs for their production and marketing are proportionate to the purpose of ensuring quality PRM for the farmers, food and feed security, or are proportionate to the purpose of ensuring high value of industrial processing. Those costs should also be proportionate to the achievement of the highest standards concerning the identity and quality of the PRM, in line with the requirements for pre-basic, basic and certified PRM. A list of those species of PRM which may only be produced and marketed in the pre-basic, basic or certified categories should thus be established.** FI (Drafting suggestions): **(~~28~~ 16a) The PRM marketing Directives and international practice and standards require that PRM belonging to certain species, vine rootstocks and selected clones are only produced and marketed as pre-basic, basic or certified seed, due to their importance for food security and industrial processing, and for the protection of the interests of the farmers using them. For this reason, ~~certain PRM~~ PRM of certain species should only be produced and marketed in the pre-basic, basic or certified categories, if the costs for their production and marketing are**

Presidency revised text	Drafting suggestions and Comments
	proportionate to the purpose of ensuring quality PRM for the farmers, food and feed security, or are proportionate to the purpose of ensuring high value of industrial processing. Those costs should also be proportionate to the achievement of the highest standards concerning the identity and quality of the PRM, in line with the requirements for pre-basic, basic and certified PRM. A list of those species of PRM which may only be produced and marketed in the pre-basic, basic or certified categories should thus be established and updated in case of a need.
(17) PRM of each of those categories should be produced and marketed in accordance with the applicable international standards, in order to ensure the highest possible level of its identification and quality, and to be in line with the latest technical and scientific developments. Those standards should include, as applicable, the Schemes for the Varietal Certification or the Control of Seed Moving in International Trade ([14]) ('OECD Seed Schemes'), the seed potato standards of the United Nations Economic Commission for Europe (UNECE) and the rules on seed sampling and testing of the International Seed Testing Association (ISTA). 14 Decision Revising the OECD Schemes for the Varietal Certification or the Control of Seed Moving in International Trade [**OECD/LEGAL/0308**] ('OECD Seed Schemes').	ES (Drafting suggestions): (17) PRM of each of those categories should be produced and marketed in accordance with the applicable international standards, in order to ensure the highest possible level of its identification and quality, and to be in line with the latest technical and scientific developments. Those standards should include, as applicable, the Schemes for the Varietal Certification or the Control of Seed Moving in International Trade ([14]) ('OECD Seed Schemes'), the seed potato standards of the United Nations Economic Commission for Europe (UNECE) and the rules on seed sampling and testing of the International Seed Testing Association (ISTA). **Also the rules on selected clones and polyclonal material of the International Organisation of Vine and Wine.**
(18) In accordance with those standards, compliance of PRM with the requirements for the categories pre-basic, basic or certified should be confirmed by inspections, sampling, testing and official control plot testing carried out by the competent authorities ('official certification') **or certification by the professional operator under official supervision** and should be attested by an official label.	ES (Drafting suggestions): (18) In accordance with those standards, compliance of PRM with the requirements for the categories pre-basic, basic or certified should be confirmed by inspections, sampling, testing and official control plot testing carried out by the competent authorities ('official certification') **or**

Presidency revised text	Drafting suggestions and Comments
	~~certification~~ by the professional operator under official supervision for some of those activities, and should be attested by an official label. FI (Drafting suggestions): (18) Specific rules for the production and marketing of pre-basic, basic and certified seed and material should be established and they should reflect those internatiol standards. In accordance with those rules ~~standards~~, compliance of PRM with the requirements for the categories pre-basic, basic or certified should be confirmed by inspections, sampling, testing and official control plot testing carried out by the competent authorities ('official certification') **or certification by the professional operator under official supervision** and should be attested by an official label. FI (Comments): FI considers that art 7 and 8 are important articles and here it should be more clear that there will be **EU rules** about the production and marketing (those articles, annexes, IAs). If needed, some more specific text could be added about what those rules are. FR (Drafting suggestions): (18) In accordance with those standards, compliance of PRM with the requirements for the categories pre-basic, basic or certified should be confirmed by inspections, sampling, testing and ~~official~~ control plot testing carried out by the competent authorities ('official certification') or certification by the professional operator under official supervision ('certification under official supervision') and should be attested by an official label. FR (Comments):

Presidency revised text	Drafting suggestions and Comments
	Il est proposé de supprimer ‘’official’’ avant le terme ‘’control plot testing’’ pour s’aligner sur la rédaction présente dans le corps du texte. Courtesy translation It is proposed to remove "official" before the term "control plot testing" to align with the wording present in the body of the text.
(18a) It should be possible to specify, by means of implementing acts, more stringent production and marketing requirements that are to be applicable in certain parts of the Union territory, if so required by the agro-climatic conditions, risk of spreading of noxious weeds, for example wild oat, or other special conditions and needs of certain areas.	FI (Drafting suggestions): (18a) It should be possible to specify, by means of implementing acts, more stringent production and marketing requirements that are to be applicable in certain parts of the Union territory, if so required by the agro-climatic conditions, risk of spreading of noxious weeds, for example wild oat, or other special conditions and needs of certain areas. Some Member States have applied stricter requirements to prevent wild oats. In accordance with decisions adopted by the Commission, those requirements have also been applied to seed marketed within the Union and to imported seed. In order to avoid disruption to the long-established production methods in those Member States, it should be possible to maintain those stricter requirements, where appropriate. FI (Comments): FI welcomes this addition. The point could be formulated more precisely as SE suggested: IE

Presidency revised text	Drafting suggestions and Comments
	(Drafting suggestions): **It should be possible to specify, by means of implementing acts, more stringent production and marketing requirements that are to be applicable in certain parts of the Union territory, if so required by the agro-climatic conditions, risk of spreading of noxious weeds, for example wild oat, or other special conditions and needs of certain areas.** Some Member States have existing stricter requirements to prevent wild oats. In accordance with decisions adopted by the Commission, those requirements have also been applied to seed marketed within the Union and to imported seed. In order to avoid disruption to the long-established production methods in those Member States, it should be possible to maintain those stricter requirements, where appropriate. IE (Comments): IE support the Presidency text which reflects the "future proofed" wording in Articles 7 and 8. The text in the articles will allow MS to respond, by means of implementing acts, with more stringent production and marketing requirements to both current and future challenges with noxious weeds. This future proofing is required given the closely related challenge of increasing cases of herbicide resistance. Expereince has shown that avoiding the spread of problematic weed seeds in PRM is an important part of Integrated Pest Management practice. IE also supports what it sees as complemetary text co-ordinated by SE in discussions with other interested MS to reflect existing stricter requirements on Avena fatua.

Presidency revised text	Drafting suggestions and Comments
	NL (Comments): We prefer the recital that was proposed by Sweden on this recital. *Certain Member States have been applying more stringent requirements for preventing Avena fatua (wild oats) in their production and marketing of seed and also applied these requirements for traded and imported seed, in accordance with decisions by the Commission. In order not to interrupt long standing production practices, the Commission shall be able to renew these decisions by implementing decision addressed to those Member States, taking account to the requirements in Articles 7 and 8."* SE (Drafting suggestions): **(18a) It should be possible to specify, by means of implementing acts, more stringent production and marketing requirements that are to be applicable in certain parts of the Union territory, if so required by the agro-climatic conditions, risk of spreading of noxious weeds, for example wild oat, or other special conditions and needs of certain areas.** **Some Member States have applied stricter requirements to prevent wild oats. In accordance with decisions adopted by the Commission, those requirements have also been applied to seed marketed within the Union and to imported seed. In order to avoid disruption to the long-established production methods in those Member States, it should be possible to maintain those stricter requirements, where appropriate.** SE (Comments):

Presidency revised text	Drafting suggestions and Comments
	Sweden has, previous to the proposal from the DK PCY, discussed this recital with FI, EE, LV, LT, NL and IE and were prepared to suggest the following. Certain Member States have been applying more stringent requirements for preventing noxious weed such as Avena fatua (wild oats) in their production and marketing of seed and also applied these requirements for traded and imported seed, in accordance with decisions by the Commission. In order not to interrupt long standing production practices, the Commission shall be able to renew these decisions by implementing decision addressed to those Member States, taking account to the requirements in Articles 7 and 8. Noxious weed such as Avena fatua reduces the purity and the quality of cereal seed and reduces crop yields. In comparison, the proposal from the DK PCY was not as strong, and thus Sweden suggest to add a clarification on the current procedure.
	EE (Drafting suggestions): **(18aa) Certain Member States have, in the production and marketing of cereal seed, applied more stringent requirements for the prevention of *Avena fatua* (wild oats). Pursuant to decisions adopted by the Commission, those requirements have also been applied to seed traded within the Union and to imported seed. *Avena fatua* reduces the purity and quality of cereal seed and adversely affects crop yields.** **In order to avoid disruption of long-standing production practices in those Member States, the Commission should therefore be empowered to renew such decisions, where appropriate, by means of implementing decisions addressed to the Member States concerned, taking into account the requirements laid down in Articles 7 and 8.**

Presidency revised text	Drafting suggestions and Comments
(18b) Compliance of PRM with the requirements for the standard category should be confirmed by the professional operator and its compliance with those requirements should be attested by an operator's label.	ES (Drafting suggestions): **(18b) Compliance of PRM with the requirements for the standard category should be confirmed by the professional operator and its compliance with those requirements should be attested by an operator's label. The competent authority may verify the operator's compliance with the requirements.** FI (Drafting suggestions): Specific rules for the production and marketing of standard seed and material should be established and they should reflect those internatiol standards. **Compliance of PRM with the requirements for the standard category should be confirmed by the professional operator and its compliance with those requirements should be attested by an operator's label.** FI (Comments): See comment in point 18. SK (Drafting suggestions): (18b) Compliance of PRM with the requirements for the standard category should be confirmed by the professional operator and its compliance with those requirements should be **authorized** by an operator's label
(19) ~~Specific rules should be established for the production and marketing of clones, selected clones, multiclonal mixtures and polyclonal PRM, d~~ **D**ue to their increased importance and use in the PRM sector **and** ~~. In order~~ to ensure transparency, informed choices for their users and effective official controls, ~~the~~ **selected** clones **and polyclonal material** should be registered in a ~~special~~	FR (Drafting suggestions): (19) ~~Specific rules should be established for the production and marketing of clones, selected clones, multiclonal mixtures and polyclonal PRM, d~~ **~~Due to their increased importance and use in the PRM sector and~~** ~~. In order~~ **In**

Presidency revised text	Drafting suggestions and Comments
~~public register~~ **national register** established by the competent authorities **and specific rules for the production and marketing should be established.** ~~Rules for the maintenance of the clones should also be established to ensure their preservation and identification.~~	**order** to ensure transparency, informed choices for their users and effective official controls, ~~the~~ selected clones and polyclonal material should be registered in a ~~special public register~~ national register established by the competent authorities and specific rules for the production and marketing should be established. ~~Rules for the maintenance of the clones should also be established to ensure their preservation and identification.~~ FR (Comments): Les clones ne sont pas utilisés actuellement pour les espèces fruitières. La mention « Due to their increased importance and use in the PRM sector" est donc erronnée. Il est demandé de la supprimer. Courtesy translation Clones are not currently used for fruit varieties. Therefore, the statement "Due to their increased importance and use in the PRM sector" is incorrect and should be removed. LT (Comments): Article 46a talks about a national **list**, not a national **register**. The same term should be used both here and in article 46a. SE (Comments): It seems as this recital is not in the correct place in the document. It should more likely be placed as 45a.
	ES (Drafting suggestions):

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	19aa) specific rules for the production and marketing of rootstock coming from seeds should be established, as well as any other particular case of PRM, genus or species with specific production conditions.
(~~31~~ 19a) Control plot tests should be carried out by the competent authority to verify the varietal identity and varietal purity of individual seed lots, except for lots of seed of vine and fruit species. Specific rules should be set out concerning those tests on pre-basic, basic, certified and standard seed, on the basis of the applicable international standards and the experience gained by the application of the PRM marketing Directives.	AT (Drafting suggestions): **19a) Control plot tests should be carried out by the competent authority to verify the varietal identity and varietal purity of individual seed lots, except for lots of seed of *fruit species and vine* ~~and fruit species~~. Specific rules should be set out concerning those tests on pre-basic, basic, certified and standard seed, on the basis of the applicable international standards and the experience gained by the application of the PRM marketing Directives.**
(20) Professional operators should be authorised by the competent authority to perform certification under official supervision of PRM belonging to certain species and categories and print the official label. Rules should be set out for the respective official supervision by the competent authority and the withdrawal of that authorisation or its modification. Those rules are necessary to ensure that the entire certification system functions effectively.	DE (Drafting suggestions): (20) Professional operators ~~should~~ **may** be authorised by the competent authority to perform **certain** certification **activities** under official supervision of PRM belonging to certain species and categories **including printing and affixing** ~~and print~~ the official label. Rules should be set out for the respective official supervision by the competent authority and the withdrawal of that authorisation or its modification. Those rules are necessary to ensure that the entire certification system functions effectively. DE (Comments): The content of Article 10 changed, this should be reflected in the recital 20. Following our suggestion recital 25 could be deleted. ES (Drafting suggestions):

Presidency revised text	Drafting suggestions and Comments
	(20) Professional operators should be authorised by the competent authority to perform **some** certification **activities** under official supervision of PRM belonging to certain species and categories and print the official label. Rules should be set out for the respective official supervision by the competent authority and the withdrawal of that authorisation or its modification. Those rules are necessary to ensure that the entire certification system functions effectively. FI (Drafting suggestions): (20) Professional operators should be authorised by the competent authority to perform all or certain activities required for the certification under official supervision of PRM belonging to certain species and categories and print the official label. Rules should be set out for the respective official supervision by the competent authority and the withdrawal of that authorisation or its modification. Those rules are necessary to ensure that the entire certification system functions effectively. FI (Comments): To be more in line with the article
(21) In order to ensure the maximum possible purity and homogeneity of PRM, PRM should be kept in separate lots, and separate from other material different to PRM, such as grain for food or feed.	NL (Drafting suggestions): (21) In order to ensure ~~the maximum possible~~ purity and homogeneity of PRM, PRM should be kept in separate lots, and separate from other material different to PRM, such as grain for food or feed. NL (Comments):

Presidency revised text	Drafting suggestions and Comments
	This recital states the obvious. To keep it as clear as possible, we propose to delete 'the maximum possible'.
(22) In view of the large diversity of PRM, professional operators should be able to market the PRM lots in the form of individual plants, packages, bundles or containers, or in bulk.	FI (Drafting suggestions): (22) In view of the large diversity of PRM, professional operators should be able to market the PRM lots in the form of individual plants, or in sealed packages, bundles or containers, or in bulk. FI (Comments): To be inline with the article SE (Drafting suggestions): (22) In view of the large diversity of PRM, professional operators should only be able to market the PRM lots in the form of individual plants, packages, bundles or containers, or in bulk. SE (Comments): The professional operator is always able to market in the form of individual plants, packages, bundles or containers, or in bulk. But in article 14 we state that the professional operator **shall** market the PRM in the form of individual plants, packages, bundles or containers, or in bulk. Another possible wording is to delete 'be able to'.
(23) Rules should be adopted for the labelling of PRM to ensure the appropriate identification of that material per category through the attestation	BE (Drafting suggestions):

Presidency revised text	Drafting suggestions and Comments
of compliance with the respective requirements concerning pre-basic, basic, certified and standard seed and material.	(23) Rules should be adopted for the **packaging, sealing and** labelling of PRM to ensure the appropriate identification of that material per category through the attestation of compliance with the respective requirements concerning pre-basic, basic, certified and standard seed and material. BE (Comments): We have recital 26a on re-packaging, re-sealing an re-labelling but there's no recital saying we need requirements on packaging and sealing, shouldn't it be added here? ES (Drafting suggestions): (23) Rules should be adopted for the labelling of PRM to ensure the appropriate identification of that material per category through the attestation of compliance with the respective requirements concerning pre-basic, basic, certified and standard seed and material, **as well as rules for the as well as rules for the labelling of PRM that falls under any of the categories' derogations.** PL (Drafting suggestions): Rules should be adopted for the labelling of PRM to ensure the appropriate identification of that ~~material~~ **PRM** per category through the attestation of compliance with the respective requirements concerning pre-basic, basic, certified and standard seed and material. PL (Comments): PRM or "seed and material"

Presidency revised text	Drafting suggestions and Comments
(24) In the case of pre-basic, basic and certified seed and material, an official label should be issued by the competent authority, while for standard seed or material an operator's label should be issued. This is necessary to make a distinction between PRM subject to certification (official certification or certification under official supervision) and PRM produced under the responsibility of the professional operator. Issuing of a specific label aims at facilitating informed choices by the professional operators and consumers who may wish to select PRM of different standards. It would also facilitate the work of the competent authorities in designing their official controls in accordance with the respective requirements of each category.	DE (Drafting suggestions): (24) In the case of pre-basic, basic and certified seed and material, an official label should be issued by the competent authority, while for standard seed or material an operator's label should be issued. This is necessary to make a distinction between PRM subject to certification (official certification or certification under official supervision) and PRM produced under the responsibility of the professional operator. Issuing of a specific label aims at facilitating informed choices by the professional operators and consumers who may wish to select PRM of different standards. ~~It would also facilitate the work of the competent authorities in designing their official controls in accordance with the respective requirements of each category.~~ **This would also facilitate the work of the competent authorities in carrying out official controls to verify compliance with the requirements for the different categories.** DE (Comments):

Presidency revised text	Drafting suggestions and Comments
	We do not see the connection between an issued label and the design of official controls. Official controls are generally not based on labels but on the verification of the requirements of the different seed categories.
(25) The official label should be printed and affixed by authorised professional operators and under the official supervision of the competent authorities. However, and since certain professional operators may not have the resources to carry out all the certification activities and print official labels, it should be provided that any certification steps may also be carried out by the competent authorities upon request of professional operators.	DE (Drafting suggestions): ~~(25) The official label should be printed and affixed by authorised professional operators and under the official supervision of the competent authorities. However, and since certain professional operators may not have the resources to carry out all the certification activities and print official labels, it should be provided that any certification steps may also be carried out by the competent authorities upon request of professional operators.~~ DE (Comments): We suggest to delete recital 25. We see it covered by recital 20 – especially when following our amendments for recital 20. SE (Drafting suggestions): (25) The official label should be printed and affixed **or printed on the package or container** by authorised professional operators and under the official supervision of the competent authorities. However, and since certain professional operators may not have the resources to carry out all the certification activities and print official labels, it should be provided that any certification steps may also be carried out by the competent authorities upon request of professional operators. SE (Comments):

Presidency revised text	Drafting suggestions and Comments
	It is important that the possibility to print the label information directly on the package or container is mentioned in the recital.
(26) Rules should be set out concerning the content~~s~~ and ~~form~~ **caracteristics** of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category and the identification of those labels.	AT (Drafting suggestions): (26) Rules should be set out concerning the content~~s~~ and ~~form~~ ***ch*aracteristics** of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category and the identification of those labels AT (Comments): c**h**aracteristics BE (Drafting suggestions): 26) Rules should be set out concerning the content~~s~~ and ~~form~~ **characteristics** of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category and the identification of those labels. BE (Comments): typo CY (Drafting suggestions): (26) Rules should be set out concerning the content~~s~~ and ~~form~~ **characteristics** of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category and the identification of those labels.

Presidency revised text	Drafting suggestions and Comments
	CY (Comments): Editirial change DE (Drafting suggestions): (26) Rules should be set out concerning the content~~s~~ and ~~form caracteristics~~ **characteristics** of the official label and operator's label DE (Comments): editorial EE (Drafting suggestions): (26) Rules should be set out concerning the content~~s~~ and ~~form~~ **characteristics** of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category and the identification of those labels. EE (Comments): Editorial comment EL (Drafting suggestions): (26) Rules should be set out concerning the content~~s~~ and ~~form~~ **characteristics** of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category and the identification of those labels. EL

Presidency revised text	Drafting suggestions and Comments
	(Comments): Editorial. ES (Drafting suggestions): (26) Rules should be set out concerning the contents and ~~form~~ **characteristics** of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category **or derogation,** and the identification of those labels. FI (Drafting suggestions): (26) Rules should be set out concerning the contents and ~~form~~ **characteristics** of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category and the identification of those labels. FI (Comments): editorial IT (Drafting suggestions): Rules should be set out concerning the contents and ~~form~~ **characteristics** of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category and the identification of those labels. IT (Comments): Editorial changes PL

Presidency revised text	Drafting suggestions and Comments
	(Drafting suggestions): Rules should be set out concerning the content~~s~~ and ~~form~~ **characteristics** of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category and the identification of those labels. SE (Drafting suggestions): (26) Rules should be set out concerning the content~~s~~ and ~~form~~ characteristics of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category and the identification of those labels. SE (Comments): Spelling SK (Drafting suggestions): Rules should be set out concerning the content and characteristics of the official label and operator's label, to ensure a uniform application of the respective production and marketing requirements for each category and the identification of those labels.
(~~30~~ 26a) Requirements should be established concerning the re-packaging, re-sealing and re-labelling of pre-basic, basic and certified PRM, in order to guarantee that the identity and the quality of the respective PRM will not be subject to change during those operations.	BE (Comments): We moved the recital on re-packaging and re-sealing to this place but there's no recital saying we need requirements on packaging and sealing, shouldn't it be added to recital 23? DE

Presidency revised text	Drafting suggestions and Comments
	(Drafting suggestions): **(~~30~~ 2~~6~~7a) Requirements should be established concerning the re-packaging, re-sealing and re-labelling of pre-basic, basic and certified PRM, in order to guarantee that the identity and the quality of the respective PRM will not be subject to change during those operations.** DE (Comments): In order to keep all recitals that are referring to labels together this recital would be better placed after No. 27 as it provides specific explanations for re-packaging, re-sealing and re-labelling rather than on the label itself. SE (Drafting suggestions): **(~~30~~ 26a) Requirements should be established concerning the re-packaging, re-sealing and re-labelling of ~~pre-basic, basic and certified~~ PRM, in order to guarantee that the identity and the quality of the respective PRM will not be subject to change during those operations.** SE (Comments): All categories of PRM are included in the article but for PB, B and C there is a need for it to be carried out by the CA or an authorised operator.
(27) Each official label ~~and operator's label~~ should contain a serial number, so as to guarantee the appropriate identification and traceability of the PRM concerned and the effectiveness of the official controls.	FI (Comments): This point should be moved to point 25 since this requirement is in the beginning of art 15

Presidency revised text	Drafting suggestions and Comments
~~(28) The PRM marketing Directives and international practice and standards require that seed belonging to certain species are only produced and marketed as pre-basic, basic or certified seeds, due to their importance for food security and industrial processing, and for the protection of the interests of the farmers using them. For this reason, certain seed should only be produced and marketed as pre-basic, basic or certified seed, if the costs for their production and marketing are proportionate to the purpose of ensuring quality seed for the farmers, food and feed security, or are proportionate to the purpose of ensuring high value of industrial processing. Those costs should also be proportionate to the achievement of the highest standards concerning the identity and quality of the seed, in line with the requirements for pre-basic, basic and certified seed. A list of those species of seed which may only be produced and marketed as pre-basic, basic or certified seed should thus be established.~~	
(29) Seed~~s~~ are frequently marketed in varietal mixtures of same species or species mixtures. ~~However s~~ **S**eed~~s~~ of genera or species, covered by this Regulation, should be allowed to be produced and marketed in mixtures only with seed~~s~~ of the genera or species covered by this Regulation. This is necessary to ensure that the respective production and marketing standards are respected. However, Member States should have the possibility to allow the production and marketing of a mixture of seed~~s~~ covered by this Regulation, with seed~~s~~ not belonging to genera or species covered by this Regulation, **without prejudice to Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species. If such mixtures are** for the purposes of conservation of genetic resources and preservation of the natural environment**, they should be marketed only in their region of origin**. This is is because those species are the ones most appropriate for the purpose of that preservation. Rules should be set out concerning ~~those~~ mixtures to ensure their identity and quality.	AT (Drafting suggestions): Seed~~s~~ ~~are~~ is... BE (Drafting suggestions): (29) Seed~~s~~ are frequently marketed in varietal mixtures of same species or species mixtures. ~~However s~~ **S**eed~~s~~ of genera or species, covered by this Regulation, should be allowed to be produced and marketed in mixtures only with seeds of the genera or species covered by this Regulation. This is necessary to ensure that the respective production and marketing standards are respected. However, Member States should have the possibility to allow the production and marketing of a mixture of seed~~s~~ covered by this Regulation, with seed~~s~~ not belonging to genera or species covered by this Regulation, **without prejudice to Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive**

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	alien species. If such mixtures are for the purposes of conservation of genetic resources and preservation of the natural environment**, the species and genera covered by this Regulation shall not be registered in a national register. This is because the wild types of these species and genera are used for those purposes. These mixtures~~they~~ should be marketed only in thei~~r~~ region of origin of the component species**. This is is because those species are the ones most appropriate for the purpose of that preservation. Rules should be set out concerning ~~those~~ mixtures to ensure their identity and quality. DE (Drafting suggestions): (29) .... However, Member States should have the possibility to allow the production and marketing of a mixture of seed~~s~~ covered by this Regulation, with seed~~s~~ not belonging to genera or species covered by this Regulation, **without prejudice to Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species. Rules should be set out to ensure the identity and quality of these mixtures.** **(29a) If ~~such~~ mixtures are** for the purposes of conservation of genetic resources and preservation of the natural environment **specific rules should be set out to ensure the quality of those mixtures. Marketing of those mixtures ~~, they~~ should be restricted to ~~marketed only in~~ their region of origin**. This is ~~is~~ because those species are the ones most appropriate for the purpose of that preservation. ~~Rules should be set out concerning those mixtures to ensure their identity and quality.~~

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	. DE (Comments): We have two articles dealing with mixtures. Article 21 on the "normal" mixtures, Article 22 on the preservation mixtures. We suggest to reflect this in the recitals and split recital 29 into two recitals. We suggest to end recital (29) with the proposed sentence. Since the term 'identity' is frequently used in connection with 'varietal identity' throughout the PRM, we suggest omitting it in the recital on preservation mixtures so as not to mislead the reader. EE (Drafting suggestions): (29) Seed~~s~~ are frequently marketed in varietal mixtures of same species or species mixtures. ~~However s~~ **S**eed~~s~~ of genera or species, covered by this

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	Regulation, should be allowed to be produced and marketed in mixtures only with seeds of the genera or species covered by this Regulation. This is necessary to ensure that the respective production and marketing standards are respected. However, Member States should have the possibility to allow the production and marketing of a mixture of seeds covered by this Regulation, with seeds not belonging to genera or species covered by this Regulation, **without prejudice to Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species. If such mixtures are** for the purposes of conservation of genetic resources and preservation of the natural environment**, they should be marketed only in their region of origin**. This is ~~is~~ because those species are the ones most appropriate for the purpose of that preservation. Rules should be set out concerning ~~those~~ mixtures to ensure their identity and quality. EE (Comments): editorial ES (Drafting suggestions): (29) Seeds~~s~~ are frequently marketed in varietal mixtures of same species or species mixtures. ~~However s~~ **S**eeds~~s~~ of genera or species, covered by this Regulation, should be allowed to be produced and marketed in mixtures ~~only~~ with seeds~~s~~ of the genera or species covered by this Regulation**.**~~. This is necessary to ensure that the respective production and marketing standards are respected. However, Member States should have the possibility to allow the production and marketing of a mixture of seeds covered by this Regulation,~~ **or** with seeds~~s~~ not belonging to genera or species covered by this Regulation, **without prejudice to Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species. If such mixtures are** for the purposes of conservation of

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	genetic resources and preservation of the natural environment**, they should be marketed only in their region of origin**. This is is because those species are the ones most appropriate for the purpose of that preservation. Rules should be set out concerning ~~those~~ mixtures to ensure their identity and quality. PL (Comments): Currently, this paragraph refers to two different types of mixtures – those described in Articles 21 and 22. Furthermore, Article 21 clearly states that these are not mixtures referred to in Article 22. For this reason, for clarity, this paragraph should be split. In its current wording, the paragraphs suggest that mixtures from art. 21 may contain species not included in Annex I, provided Member States allow this. However, in accordance with Article 21, paragraph 3a, this is simply a general rule. The decision of Member States applies only to preservation mixtures in accordance with Article 22. SE (Drafting suggestions): (29) Seed~~s~~ are frequently marketed in varietal mixtures of same species or species mixtures. ~~However s~~ **S**eed~~s~~ of genera or species, covered by this Regulation, should be allowed to be produced and marketed in mixtures ~~only~~ with seed~~s~~ of the genera or species covered by this Regulation. ~~This is necessary to ensure that the respective production and marketing standards are respected.~~ However, Member States should have the possibility to allow the production and marketing of a mixture of seed~~s~~ covered by this Regulation, with seed~~s~~ not belonging to genera or species covered by this Regulation, **without prejudice to Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive**

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	alien species. If such mixtures are for the purposes of conservation of genetic resources and preservation of the natural environment**, they should be marketed only in their region of origin**. This is is because those species are the ones most appropriate for the purpose of that preservation. Rules should be set out concerning ~~those~~ mixtures to ensure their identity and quality. SE (Comments): In the Council working group we have added paragraph 3a. in Article 21 that states that a mixture with species not included in Annex I is allowed. SK (Drafting suggestions):

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	This ~~is~~ is because those species are the ones most appropriate for the purpose of that preservation. Rules should be set out concerning those mixtures to ensure their identity and quality
~~(30) Requirements should be established concerning the re-packaging and re-labelling of pre-basic, basic and certified seed, in order to guarantee that the identity and the quality of the respective PRM will not be subject to change during those operations.~~	
~~(31) Control plot tests should be conducted to verify the varietal identity and purity of individual seed lots. Specific rules should be set out concerning those tests on pre-basic, basic, certified and standard seed, on the basis of the applicable international standards and the experience gained by the application of the PRM marketing Directives.~~	
(32) Certain types of varieties do not fulfil the established requirements concerning distinctness, uniformity and stability. However, they are important for the conservation and sustainable use of plant genetic resources. They ~~are~~ **can be** traditionally grown **varieties of all crop types** or ~~new~~ local~~ly produced~~ varieties **of fruit plants or vegetable plants** ~~under specific local conditions and~~adapted to ~~those~~ **local agro-climatic** conditions **and farming systems**. They are characterised, in particular, by reduced uniformity due to a ~~high~~ **certain** level of genetic and phenotypical diversity between individual reproductive units. Those varieties are referred to as 'conservation varieties' **or 'local varieties'**. The production and marketing of those varieties contribute to the objectives of the International Treaty on Plant Genetic Resources for Food and Agriculture to promote the conservation and sustainable use of plant	BE (Comments): It is not ideal that we speak about the DUS requirements while never having mentioned them before, but this is the order in which the articles are written CY (Drafting suggestions): (32) Certain types of varieties do not fulfil the established requirements concerning distinctness, uniformity and stability. However, they are important for the conservation and sustainable use of plant genetic resources **which are crucial for crop genetic diversity and essential for adaptation to environmental changes**. They ~~are~~ **can be** traditionally grown **varieties of all crop types** or ~~new~~ local~~ly produced~~ varieties **of fruit plants or vegetable**

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genetic resources for food and agriculture ([15]). As a party to the Treaty the Union has committed to support those objectives. 15 Council Decision 2004/869/EC of 24 February 2004 concerning the conclusion, on behalf of the European Community, of the International Treaty on Plant Genetic Resources for Food and Agriculture (OJ L 378, 23.12.2004, p. 1).	**plants** ~~under specific local conditions and~~adapted to ~~those~~ **local agro-climatic** conditions **and farming systems**. They are characterised, in particular, by reduced uniformity due to a ~~high~~ **certain** level of genetic and phenotypical diversity between individual reproductive units. Those varieties are referred to as 'conservation varieties' **or 'local varieties'**. The production and marketing of those varieties contribute to the objectives of the International Treaty on Plant Genetic Resources for Food and Agriculture to promote the conservation and sustainable use of plant genetic resources for food and agriculture ([15]). As a party to the Treaty the Union has committed to support those objectives. CY (Comments): In order to emphasize the role of conservation varieties to the genetic diversity and their adaptation tho envirnmental changes EE (Drafting suggestions): (32) Certain types of varieties do not fulfil the established requirements concerning distinctness, uniformity and stability. However, they are important for the conservation and sustainable use of plant genetic resources. They ~~are~~ **can be** traditionally grown **varieties of all crop types, including commonly known fruit varieties,** or ~~new~~ local~~ly produced~~ varieties **of fruit plants or vegetable plants** ~~under specific local conditions and~~adapted to ~~those~~ **local agro-climatic** conditions **and farming systems**. They are characterised, in particular, by reduced uniformity due to a ~~high~~ **certain** level of genetic and phenotypical diversity between individual reproductive units. Those varieties are referred to as 'conservation varieties' **or 'local varieties'**. The production and marketing of those varieties contribute to the objectives of the International Treaty on Plant Genetic Resources for Food and Agriculture to promote the conservation and sustainable use of plant genetic resources for food and agriculture ([15]). As a party to the Treaty the Union has committed to support those objectives.

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	EE (Comments): If conservation varieties includes **also commonly known fruit varieties**, this should be mentioned here in recital, otherwise the question remains as to what will become of these varieties. FI (Drafting suggestions): (32) Certain types of varieties do not fulfil the established requirements concerning distinctness, uniformity and stability. However, they are important for the conservation and sustainable use of plant genetic resources. They ~~are~~ **can be** traditionally grown **varieties of all crop types** or ~~new~~ local~~ly produced~~ varieties **of fruit plants or vegetable plants** ~~under specific local conditions and~~adapted to ~~those~~ **local agro-climatic** conditions **and farming systems**. They ~~are~~ **can be** characterised, in particular, by reduced uniformity due to a ~~high~~ **certain** level of genetic and phenotypical diversity between individual reproductive units. Those varieties are referred to as 'conservation varieties' **or 'local varieties'**. The production and marketing of those varieties contribute to the objectives of the International Treaty on Plant Genetic Resources for Food and Agriculture to promote the conservation and sustainable use of plant genetic resources for food and agriculture ([15]). As a party to the Treaty the Union has committed to support those objectives. 15 Council Decision 2004/869/EC of 24 February 2004 concerning the conclusion, on behalf of the European Community, of the International Treaty on Plant Genetic Resources for Food and Agriculture (OJ L 378, 23.12.2004, p. 1). NL (Drafting suggestions):

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	(32) […] They ~~are~~ **may be** characterised, in particular, by reduced uniformity due to a ~~high~~ **certain** level of genetic and phenotypical diversity between individual reproductive units.[…] NL (Comments): We made it more in line with definition of this material in article 3 (29) of PRM, by using the same words. SE (Drafting suggestions): (32) Certain types of varieties do not fulfil the established requirements concerning distinctness, uniformity and stability. However, they are important for the conservation and sustainable use of plant genetic resources. They ~~are~~ **can be** traditionally grown **varieties of all crop types** or ~~new~~ local~~ly produced~~ varieties **of fruit plants or vegetable plants** ~~under specific local conditions and~~adapted to ~~those~~ **local agro-climatic** conditions **and farming systems**. **The conservation varieties are traditionally grown under specific local conditions in a certain region and may be characterised by reduced uniformity. The local varieties** ~~They~~ are characterised, in particular, by reduced uniformity due to a ~~high~~ **certain** level of genetic and phenotypical diversity between individual reproductive units. ~~Those varieties are referred to as 'conservation varieties' **or 'local varieties'**.~~ The production and marketing of those varieties contribute to the objectives of the International Treaty on Plant Genetic Resources for Food and Agriculture to promote the conservation and sustainable use of plant genetic resources for food and agriculture ([15]). As a party to the Treaty the Union has committed to support those objectives. SE (Comments):

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	The suggested wording is not in accordance with Article 3.29 on conservation varieties. It might be a good idea to separate the recital into two, on eon conservation varieties and one on local variety. However, we suggest changing the wording. SK (Drafting suggestions): **Those can be** traditionally grown varieties of all crop types or local varieties of fruit plants or vegetable plants adapted to local agro-climatic conditions and farming systems.
(33) In view of those special characteristics of the conservation varieties **and local varieties**, and by way of derogation from the established requirements for production and marketing, the production and marketing of PRM belonging to them should be allowed under less stringent requirements. That objective is in line with the principles of the European Green Deal, and in particular, with the principle of protection of the biodiversity. It is thus appropriate to allow for that material to comply with the requirements for standard material for the species concerned. That PRM belonging to conservation varieties **or local varieties** should therefore be labelled with the indication '~~C~~**c**onservation varieties' **or 'local varieties'**. Those varieties should also be registered, to enable their control by the competent authorities and guarantee the informed choices for their users and the effectiveness of official controls.	BE (Drafting suggestions): (33) In view of those special characteristics of the conservation varieties **and local varieties**, and by way of derogation from the established requirements for production and marketing, the production and marketing of PRM belonging to them should be allowed under less stringent requirements. That objective is in line with the principles of the European Green Deal, and in particular, with the principle of protection of the biodiversity. It is thus appropriate to allow for that material to comply with the requirements for standard material for the species concerned. That PRM belonging to conservation varieties **or local varieties** should therefore be labelled with the indication '~~C~~**c**onservation varieties' **or 'local varieties'**. Those varieties should also be registered, **~~but~~ following an adapted procedure taking into account their special characteristics,** to enable their control by the

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	competent authorities and guarantee the informed choices for their users and the effectiveness of official controls. PL (Drafting suggestions): In view of those special characteristics of the conservation varieties **and local varieties**, and by way of derogation from the established requirements for production and marketing, the production and marketing of PRM belonging to them should be allowed under less stringent requirements. That objective is in line with the principles of the European Green Deal, and in particular, with the principle of protection of the biodiversity. It is thus appropriate to allow for that ~~material~~ **PRM** to comply with the requirements for standard ~~material~~ **category** for the species concerned. That PRM belonging to conservation varieties **or local varieties** should therefore be labelled with the indication '~~C~~**c**onservation varieties' **or 'local varieties'**. Those varieties should also be registered, to enable their control by the competent authorities and guarantee the informed choices for their users and the effectiveness of official controls. PL (Comments): PRM or "seed and material"
(34) Experience from the application of the marketing Directives has shown that ~~final~~ **non-professional** users of PRM (amateur gardeners and others) are often interested in using more diverse PRM that responds to different needs, without necessarily having the same quality demands as the professional operators. It is therefore appropriate to allow, by way of derogation from certain rules, that PRM **of fruit and vegetable plant species** ~~may~~ be marketed to ~~final~~ **non-professional** users without having to comply with the requirements for variety registration and without having to comply with the certification requirements or with the requirements for standard material. That	BE (Drafting suggestions): (34) Experience from the application of the marketing Directives has shown that ~~final~~ **non-professional** users of PRM (amateur gardeners and others) are often interested in using more diverse PRM that responds to different needs, without necessarily having the same quality demands as the professional operators. It is therefore appropriate to allow, by way of derogation from certain rules, that PRM **of fruit and vegetable plant species**

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derogation is necessary to ensure a wider **scope of** ~~variety~~ **varieties** for consumer offer, while respecting the general quality requirements. Moreover, for reasons of transparency and better control, rules should be set out for the packaging and labelling of PRM intended for ~~final~~ **non-professional** users only. For the same reason, professional operators using this derogation for marketing to ~~final~~ **non-professional** users **should, in case of PRM belonging to an unregistered variety, have a description of the variety made on the basis of private documentation and they** should notify that activity to the competent authorities **and inform them, upon request, of the quantities produced and marketed**.	~~may~~ **isbe** marketed to ~~final~~ **non-professional** users without having to comply with the requirements for variety registration and without having to comply with the certification requirements or with the requirements for standard material. That derogation is necessary to ensure a wider **scope of** ~~variety~~ **varieties** for consumer offer, while respecting the general quality requirements. Moreover, for reasons of transparency and better control, rules should be set out for the packaging and labelling of PRM intended for ~~final~~ **non-professional** users only. For the same reason, professional operators using this derogation for marketing to ~~final~~ **non-professional** users **should, in case of PRM belonging to an unregistered variety, have a description of the variety made on the basis of private documentation and they** should notify that activity to the competent authorities **and inform them, upon request, of the quantities produced and marketed**. **Rules should be set out concerning the labeling of such PRM.** DE (Drafting suggestions): … It is therefore appropriate to allow, by way of derogation from certain rules, that PRM **of fruit and vegetable plant species** ~~may~~ be marketed **by non-professional or professional operators** to ~~final~~ **non-professional** users without having to comply with the requirements for variety registration and without having to comply with the certification requirements or with the requirements for standard material. DE

Presidency revised text	Drafting suggestions and Comments
	(Comments): Amendment necessary for clarification ES (Drafting suggestions): (34) Experience from the application of the marketing Directives has shown that ~~final~~ **non-professional** users of PRM (amateur gardeners and ~~others~~ **similar**) are often interested in using more diverse PRM that responds to different needs, without necessarily having the same quality demands as the professional operators. It is therefore appropriate to allow, by way of derogation from certain rules, that PRM **of fruit and vegetable plant species** ~~may~~ be marketed to ~~final~~ **non-professional** users without having to comply with the requirements for variety registration and without having to comply with the certification requirements or with the requirements for standard material. That derogation is necessary to ensure a wider **scope of** ~~variety~~ **varieties** for consumer offer, while respecting the general quality requirements. Moreover, for reasons of transparency and better control, rules should be set out for the packaging and labelling of PRM intended for ~~final~~ **non-professional** users only. For the same reason, professional operators using this derogation for **producing and** marketing to ~~final~~ **non-professional** users **should, in case of PRM belonging to an unregistered variety, have a description of the variety made on the basis of private documentation. Also ~~and~~ they** should notify that activity to the competent authorities **and inform them, upon request, of the quantities produced and marketed**.

Presidency revised text	Drafting suggestions and Comments
	FR (Drafting suggestions): (34) Experience from the application of the marketing Directives has shown that ~~final~~ non-professional users of PRM (amateur gardeners and others) are often interested in using more diverse PRM that responds to different needs, without necessarily having the same quality demands as the professional operators. It is therefore appropriate to allow, by way of derogation from certain rules, that PRM of fruit and vegetable plant species ~~may~~ be marketed to ~~final~~ non-professional users without having to comply with the requirements for variety registration and without having to comply with the certification requirements or with the requirements for standard material. That derogation is necessary to ensure a wider scope of ~~variety~~ varieties for consumer offer. **PRM must nevertheless meet minimum quality standards in order to provide satisfaction when cultivated by non-professional user.** ~~**, while respecting the general quality requirements.**~~ Moreover, for reasons of transparency and better control, rules should be set out for the packaging and labelling of PRM intended for ~~final~~ non-professional users only. For the same reason, professional operators using this derogation for marketing to ~~final~~ non-professional users should, in case of PRM belonging to an unregistered variety, have a description of the variety made on the basis of private documentation and they should notify that activity to the competent authorities and inform them, upon request, of the quantities produced and marketed. FR (Comments): Les jardiniers amateurs sont en droit d'attendre un minimum dans la qualité des semences ou des plants qu'ils achètent, d'autant plus que le prix d'achat est généralement très élevé quand il s'agit de vente aux amateurs. Plus que la diversité du matériel, c'est tout de même la première attente d'un jardinier.

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	Courtesy translation Amateur gardeners have the right to expect a minimum level of quality in the seeds or plants they buy, especially since the purchase price is generally very high when it comes to sales to amateurs. More than the diversity of PRM, this is still the first expectation of a gardener. NL (Drafting suggestions): (34) […] It is therefore appropriate to allow, by way of derogation from certain rules, that PRM **of fruit and vegetable plant species** ~~may~~ be marketed to ~~final~~ **non-professional** users without having to comply with **all** ~~the~~ requirements for variety registration and without having to comply with **all** ~~the~~ certification requirements or with all ~~the~~ requirements for standard material. NL (Comments): This recital implicates that for this material there are no rules, but there are indeed some rules for this material. This should be reflected in the recital. PL (Drafting suggestions): Experience from the application of the marketing Directives has shown that ~~final~~ **non-professional** users of PRM (amateur gardeners and others) are often interested in using more diverse PRM that responds to different needs, without necessarily having the same quality demands as the professional operators. It is therefore appropriate to allow, by way of derogation from certain rules, that PRM **of fruit and vegetable plant species** ~~may~~ be marketed to ~~final~~ **non-professional** users without having to comply with the

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	requirements for variety registration and without having to comply with the certification requirements or with the requirements for standard ~~material~~ **seed and material/category/PRM**. That derogation is necessary to ensure a wider **scope of** ~~variety~~ **varieties** for consumer offer, while respecting the general quality requirements. Moreover, for reasons of transparency and better control, rules should be set out for the packaging and labelling of PRM intended for ~~final~~ **non-professional** users only. For the same reason, professional operators using this derogation for marketing to ~~final~~ **non-professional** users **should, in case of PRM belonging to an unregistered variety, have a description of the variety made on the basis of private documentation and they** should notify that activity to the competent authorities **and inform them, upon request, of the quantities produced and marketed**. PL (Comments): "Standard material" can be confusing due to how it is used in the regulation. PRM = seed and material. SE (Drafting suggestions): (34) Experience from the application of the marketing Directives has shown that ~~final~~ **non-professional** users of PRM (amateur gardeners and others) are often interested in using more diverse PRM that responds to different needs, without necessarily having the same quality demands as the professional operators. It is therefore appropriate to allow, by way of derogation from certain rules, that PRM **of fruit and vegetable plant species** ~~may~~ be marketed to ~~final~~ **non-professional** users without having to comply with the requirements for variety registration and without having to comply with the certification requirements or with the requirements for standard material. That derogation is necessary to ensure a wider **scope of** ~~variety~~

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	varieties for consumer offer, while respecting the general quality requirements. Moreover, for reasons of transparency and better control, rules should be set out for the packaging and labelling of PRM intended for ~~final~~ **non-professional** users only. For the same reason, professional operators using this derogation for marketing to ~~final~~ **non-professional** users **should, in case of PRM belonging to an unregistered variety, have a description of the variety made on the basis of private documentation and they** should **annually** notify that activity to the competent authorities **and inform them, upon request, of the quantities produced and marketed**. SE (Comments): Suggestion to add that the notification is done annually. If that is not added 'upon request' should be deleted so that the wording does not mislead the reader.
(35) Many ~~gene banks,~~ **non-profit** organisations and networks operate in the Union with an objective to conserve plant genetic resources. In order to facilitate their activity, it is appropriate to allow that PRM **intended for the conservation of plant genetic ressources** which is **produced and** marketed **by those organisations and networks** ~~to them, or among them,~~ **to natural or legal persons who carry out conservation of PRM and to farmers or non-professional users** derogates from the established production and marketing requirements, and that instead it complies with less stringent rules. **Rules should be set out concerning the labeling of such PRM.**	BE (Drafting suggestions): (35) Many ~~gene banks,~~ **non-profit** organisations and networks operate in the Union with an objective to conserve plant genetic resources. In order to facilitate their activity, it is appropriate to allow that PRM **intended for the conservation of plant genetic ressources** which is **produced and** marketed **by those organisations and networks** ~~to them, or among them,~~ **to natural or legal persons who carry out conservation of PRM and to farmers or non-professional users** derogates from the established production and marketing requirements, and that instead it complies with less stringent rules. **Rules should be set out concerning the labeling of such PRM. Professional operators using this derogation should notify that activity to the competent authorities and inform them, upon request, of the quantities produced and marketed.** ~~Rules should be set out concerning the labeling of such PRM.~~

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	DE (Drafting suggestions): (35) Many ~~gene banks,~~ **non-profit** organisations and networks operate in the Union with an objective to conserve plant genetic resources. In order to facilitate their activity, it is appropriate to allow that PRM **intended for the conservation of plant genetic ressources** which is **produced and** marketed **by those organisations and networks** ~~to them, or among them,~~ **to natural or legal persons who carry out conservation of PRM and to farmers or non-professional users** derogates from the established production and marketing requirements, and that instead it complies with less stringent rules. **Rules should be set out concerning the labeling of such PRM.** DE (Comments): editorial ES (Drafting suggestions): (35) Many ~~gene banks,~~ **non-profit** organisations and networks, **different from gene banks,** operate in the Union with an objective to conserve plant genetic resources. In order to facilitate their activity, it is appropriate to allow that PRM **intended for the conservation of plant genetic ressources** which is **produced and** marketed **by those organisations and networks** ~~to them, or among them,~~ **to natural or legal persons who carry out conservation of PRM and to farmers or non-professional users** derogates from the established production and marketing requirements, and that instead it complies with less stringent rules. **Rules should be set out concerning the labeling of such PRM. Also they should notify that activity and the species concerned to the competent authorities.** IT (Drafting suggestions):

Presidency revised text	Drafting suggestions and Comments
	Many ~~gene banks,~~ **non-profit** organisations and networks operate in the Union with an objective to conserve plant genetic resources. In order to facilitate their activity, it is appropriate to allow that PRM **intended for the conservation of plant genetic ressources** which is **produced and** marketed **by those organisations and networks** ~~to them, or among them,~~ **to natural or legal persons who carry out conservation of PRM and to farmers or non-professional users** derogates from the established production and marketing requirements, and that instead it complies with less stringent rules. **Rules should be set out concerning the labeling of such PRM.** IT (Comments): Editorial changes
(36) Farmers habitually exchange in kind small quantities of seeds in order to carry out dynamic management of their own seed. It is thus appropriate that a derogation from the established requirements is provided for the exchanges of small quantities of seeds between farmers **at local level**. Such derogation ~~could~~ **should** apply if ~~those~~ **that** seeds do not belong to a variety for which plant variety rights have been granted in accordance with Council Regulation (EU) 2100/94([16]). Member States should be allowed to define those small quantities for specific species per year **and per farmer**, in order to ensure that there is no misuse of such derogation impacting the marketing of seeds. 16 Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1).	BE (Drafting suggestions): (36) Farmers habitually exchange in kind small quantities of seeds in order to carry out dynamic management of their own seed. It is thus appropriate that a derogation from the established requirements is provided for the exchanges of small quantities of seeds between farmers **at local level**. Such derogation ~~could~~ **should** apply if ~~those~~ **that** seeds do**es** not belong to a variety for which plant variety rights have been granted in accordance with Council Regulation (EU) 2100/94([16]). Member States should be allowed to define those small quantities for specific species per year **and per farmer**, in order to ensure that there is no misuse of such derogation impacting the marketing of seeds. CZ (Drafting suggestions): (36) Farmers habitually exchange in kind small quantities of seeds in order to carry out dynamic management of their own seed. It is thus appropriate that

Presidency revised text	Drafting suggestions and Comments
	a derogation from the established requirements is provided for the exchanges of small quantities of seed~~s~~ between farmers **at local level**. Such derogation ~~could~~ **should** apply if ~~those~~ **that** seed~~s~~ do not belong to a variety for which plant variety rights have been granted in accordance with Council Regulation (EU) 2100/94([16]) **or with the national rules on plant variety rights of the Member State of production**. Member States should be allowed to define those small quantities for specific species per year **and per farmer**, in order to ensure that there is no misuse of such derogation impacting the marketing of seed~~s~~. 16 Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1). DE (Drafting suggestions): … Such derogation ~~could~~ **should** apply if ~~those~~ **that** seed~~s~~ do**es** not belong to a variety for which plant variety rights have been granted in accordance with Council Regulation (EU) 2100/94([16]) **or with national rules on plant variety rights of the Member State of production**. Member States should be ~~allowed~~ **required** to define those small quantities for specific species per year **and per farmer**, in order to ensure that there is no misuse of such derogation impacting the marketing of seed~~s~~. DE (Comments):

Presidency revised text	Drafting suggestions and Comments
	Amendment necessary to be in line with article 30 EL (Comments): Clarification of 'exchange in kind' is needed. Does this exchange mean provision of seeds or other goods or services between farmers at local level or also with money? ES (Drafting suggestions): (36) Farmers habitually exchange in kind small quantities of seed~~s~~ in order to carry out dynamic management of their own seed. It is thus appropriate that a derogation from the established requirements is provided for the exchanges of small quantities of seed~~s~~ between farmers **at local level**. Such derogation ~~could~~ **should** apply if ~~those~~ **that** seed~~s~~ do not belong to a variety for which plant variety rights have been granted in accordance with Council Regulation (EU) 2100/94([16])**, or to a variety for which plant variety rights have been granted at national level, in the case of exchanges carried out within that Member State.** Member States should be allowed to define those small quantities for specific species per year **and per farmer**, in order to ensure that there is no misuse of such derogation impacting the marketing of seed~~s~~.

Presidency revised text	Drafting suggestions and Comments
	FI (Drafting suggestions): 36) Farmers habitually exchange in kind small quantities of seeds in order to carry out dynamic management of their own seed. It is thus appropriate that a derogation from the established requirements is provided for the exchanges of small quantities of seeds between farmers **at local level**. Such derogation ~~could~~ **should** apply if ~~those~~ **that** seeds do not belong to a variety for which plant variety rights have been granted in accordance with Council Regulation (EU) 2100/94([16]) **or with the national rules on plant variety rights of the Member State of production.** Member States should be allowed to define those small quantities for specific species per year **and per farmer**, in order to ensure that there is no misuse of such derogation impacting the marketing of seeds. 16 Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1). FI (Comments): To be inline with the article FR (Drafting suggestions): (36) Farmers habitually exchange in kind small quantities of seeds in order to carry out dynamic management of their own seed. It is thus appropriate that a derogation from the established requirements is provided for the exchanges of small quantities of seeds between farmers at local level. Such derogation ~~could~~ should apply if ~~those~~ that seeds do not belong to a variety for which either plant variety rights have been granted in accordance with Council Regulation (EU) 2100/94([16]) **or with the national rules on plant variety rights**

Presidency revised text	Drafting suggestions and Comments
	of the Member State of production. Member States should be allowed to define those small quantities for specific species per year and per farmer, in order to ensure that there is no misuse of such derogation impacting the marketing of seed~~s~~. FR (Comments): Une mention rélative aux règles nationales sur la protection intellectuelles est ajoutée afin d'être cohérent avec l'article 30. Courtesy translation A reference to national rules on intellectual property protection is added to ensure consistency with Article 30. LT (Drafting suggestions): (36) Farmers habitually exchange in kind small quantities of seed~~s~~ in order to carry out dynamic management of their own seed. It is thus appropriate that a derogation from the established requirements is provided for the exchanges of small quantities of seed~~s~~ between farmers **at local level**. Such derogation ~~could~~ **should** apply if ~~those~~ **that** seed~~s~~ do**es** not belong to a variety for which plant variety rights have been granted in accordance with Council Regulation (EU) 2100/94([16]) **or with the national rules on plant variety rights of the Member State of production**. Member States should be allowed to define those small quantities for specific species per year **and per farmer**, in order to ensure that there is no misuse of such derogation impacting the marketing of seed~~s~~. 16 Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1). LT

Presidency revised text	Drafting suggestions and Comments
	(Comments): National plant variety rights are also relevant. SE (Drafting suggestions): (36) ~~Farmers habitually exchange in kind small quantities of seeds in order to carry out dynamic management of their own seed.~~ It is ~~thus~~ appropriate **to let farmers exchange seed in kind** ~~that~~ **as** a derogation from the established requirement~~s.~~ ~~is provided for the exchanges of small quantities of seeds between farmers **at local level**.~~ Such derogation ~~could~~ **should** apply **to small quantities and at local level and only** if ~~those~~ **that** seed~~s~~ do not belong to a variety for which plant variety rights have been granted in accordance with Council Regulation (EU) 2100/94([16]). Member States should be allowed to define those small quantities for specific species per year **and per farmer**, in order to ensure that there is no misuse of such derogation impacting the marketing of seed~~s~~. SE (Comments): As exchange in kind is prohibited today we cannot state that farmers habitually exchange seed. It must be worded differently, especially as it is an article that we have considered to be deleted. SK (Drafting suggestions): (36) Farmers habitually exchange in kind small quantities of seed~~s~~ in order to carry out dynamic management of their own seed. It is thus appropriate that a derogation from the established requirements is provided for the exchanges of small quantities of seed~~s~~ between farmers **at local level**. Such derogation ~~could~~ **should** apply if ~~those~~ **that** seed~~s~~ does not belong to a variety for which plant variety rights have been granted in accordance with Council Regulation

Presidency revised text	Drafting suggestions and Comments
	(EU) 2100/94([16]) **or with the national rules on Plant variety rights of the particular Member State.** Member States should be allowed to define those small quantities for specific species per year **and per farmer**, in order to ensure that there is no misuse of such derogation impacting the marketing of seeds~~.~~ 16 Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1).
(36a) Fruit plant species and vine are characterised by a slow breeding process due to the growth cycle of those species. For that reason, professional operators experience a significant time delay to enter the market compared to other species. To counteract this delay, it should be possible for PRM of fruit and vine varieties that are not yet registered to be marketed during the process of registration. The varieties should be marketed as standard seed and material as there is no variety description available yet.	BE (Comments): Maybe this recital should be moved after 36c? CZ (Drafting suggestions): (36a) Fruit plant species and vine are characterised by a slow breeding process due to the growth cycle of those species. For that reason, professional operators experience a significant time delay to enter the market compared to other species. To counteract this delay, it should be possible for PRM of fruit and vine varieties **except vine rootstocks** that are not yet registered to be marketed during the process of registration. The varieties should be marketed as standard seed and material as there is no variety description available yet. DE (Drafting suggestions): ~~(36a) Fruit plant species and vine are characterised by a slow breeding process due to the growth cycle of those species. For that reason, professional operators experience a significant time delay to enter the market compared to other species. To counteract this delay, it should be possible for PRM of fruit and vine varieties that are not yet registered to be marketed during the~~

Presidency revised text	Drafting suggestions and Comments
	~~process of registration. The varieties should be marketed as standard seed and material as there is no variety description available yet.~~ DE (Comments): Recital (36c) also covers Article 32. We suggest to have one recital that covers all aspects of that Article. This recital should be deleted. If necessary some aspects can be moved to recital (36c). EL (Drafting suggestions): (36a) Fruit plant species and vine are characterised by a slow breeding process due to the growth cycle of those species. For that reason, professional operators experience a significant time delay to enter the market compared to other species. To counteract this delay and **to speed up the uptake by farmers of new fruit plant species and vine varieties,** it should be possible for PRM of fruit and vine varieties that are not yet registered to be marketed during the process of registration**, in some cases and with restrictions**. These varieties should be marketed as ~~standard~~ seed and material **complying with the requirements of standard PRM** as there is no variety description available yet. EL (Comments): May be it is better to delete this recital or to be merged with 36c. ES (Drafting suggestions): (36a) Fruit plant species and vine are characterised by a slow breeding process due to the growth cycle of those species. For that reason, professional operators experience a significant time delay to enter the market compared to other species. To counteract this delay, it should be possible for PRM of fruit and vine varieties that are not yet registered to be **produced and** marketed

Presidency revised text	Drafting suggestions and Comments
	during the process of registration. The varieties should be marketed as standard seed and material as there is no variety **official** description available yet. FI (Comments): This point should be moved further down or deleted since this is covered in art 32 IT (Drafting suggestions): Fruit plant species and vine are characterised by a ~~slow~~ **long** breeding process due to the growth cycle of those species. For that reason, professional operators experience a significant time delay to enter the market compared to other species. To counteract this delay, it should be possible for PRM of fruit and vine varieties that are not yet registered to be marketed during the process of registration. The varieties should be marketed as standard seed and material as there is no variety description available yet. IT (Comments): Editorial suggestion SE (Drafting suggestions): (36a) Fruit plant species and vine are characterised by a slow breeding process due to the growth cycle of those species. For that reason, professional operators experience a significant time delay to enter the market compared to other species. To counteract this delay, it should be possible for PRM of fruit and vine varieties that are not yet registered to be marketed during the process of registration. The varieties should be marketed as standard seed and material as ~~there is no variety description available yet~~**the technical**

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	examination of distinctness, uniformity and stability is not finalised and thus the varietal identity and varietal purity cannot be confirmed. SE (Comments): The variety has not been confirmed to be distinct, uniform and stable at this point. From that examination springs the variety description and thus it would be more correct to state that the DUS examination is not yet finalised. Apart from the suggested changes the recital should be moved further down in the list. SK (Drafting suggestions): (36a) Fruit plant species and vine are characterised by a slow breeding process due to the growth cycle of those species. For that reason, professional operators experience a significant time delay to enter the market compared to other species. To counteract this delay, it should be possible for PRM of fruit and vine varieties, **except vine rootstocks,** that are not yet registered to be marketed during the process of registration. The varieties should be marketed as standard seed and material as there is no variety description available yet.
(36b) The marketing of PRM prior to generations of pre-basic seed or material from the professional operator reponsible for the maintenance to the professional operator carying out the production of pre-basic, basic, or certified seed or material for the purpose of multiplication of that PRM should be allowed, by derogation from the general requirements. In the event of such marketing, the accompanying label must clearly denote the PRM as being designated for this purpose.	BE (Drafting suggestions): **(36b) The marketing of PRM prior to generations of pre-basic seed or material from the professional operator reponsible for the maintenance to the professional operator carying out the production of pre-basic, basic, or certified seed or material for the purpose of multiplication of that PRM should be allowed, by derogation from the general requirements that only PRM belonging to a category (pre-basic, basic, certified or standard) may be marketed. In the event of such marketing,**

Presidency revised text	Drafting suggestions and Comments
	the accompanying label must clearly denote the PRM as being designated for this purpose. CZ (Drafting suggestions): **(36b) The marketing of PRM of a generation prior to ~~generations of~~ pre-basic seed or material from the professional operator reponsible for the maintenance to the professional operator carying out the production of pre-basic, basic, or certified seed or material for the purpose of multiplication of that PRM should be allowed, by derogation from the general requirements. In the event of such marketing, the accompanying label must clearly denote the PRM as being designated for this purpose.** DE (Drafting suggestions): **(36b) The marketing of PRM of a generation prior to ~~generations of~~ pre-basic seed or material from the professional operator responsible for the maintenance to the professional operator carrying out the production of pre-basic~~, basic, or certified~~ seed or material for the purpose of multiplication of that PRM should be allowed, by derogation from the general requirements. In the event of such marketing, the accompanying label must clearly denote the PRM as being designated for this purpose.** DE (Comments): This recital reflects Art. 30a. Art. 30a refers only to pre-basic seed or material. EE (Drafting suggestions): **(36b) The marketing of PRM prior to generations of pre-basic seed or material from the professional operator responsible for the maintenance**

Presidency revised text	Drafting suggestions and Comments
	to the professional operator carying out the production of pre-basic, basic, or certified seed or material for the purpose of multiplication of that PRM should be allowed, by derogation from the general requirements. In the event of such marketing, the accompanying label must clearly denote the PRM as being designated for this purpose. EE (Comments): editorial ES (Drafting suggestions): **(36b) The marketing of PRM prior to generations of pre-basic seed or material from the professional operator reponsible for the maintenance to the professional operator carying out the production of pre-basic~~,~~ ~~basic, or certified~~ seed or material for the purpose of multiplication of that PRM should be allowed, by derogation from the general requirements. In the event of such marketing, the accompanying label must clearly denote the PRM as being designated for this purpose.** ES (Comments): We need to include here the possibility that the PRM prior to generations of pre-basic seed or material comes from the breeder (at least). This is a big issue that we did not realise, and it was not properly discussed when this article was debated, but it should not be overlooked. It will cause major problems if left as it is. FI (Comments): This seems to be about art 30a IT

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	(Drafting suggestions): **36b) The marketing of PRM prior to generations of pre-basic seed or material from the professional operator responsible ~~reponsible~~ for the maintenance to the professional operator carrying out the production of pre-basic, basic, or certified seed or material for the purpose of multiplication of that PRM should be allowed, by derogation from the general requirements.** IT (Comments): Editorial changes SE (Comments): The recital should be moved further down in the list.
(36c) According to the PRM marketing Directives, derogations from the established requirements are allowed for the marketing of PRM of varieties under registration. Those derogations have been useful and necessary for the professional operators and the competent authorities. Furthermore, farmers are facing increasingly difficult weather conditions and new plant health risks. The introduction of new, improved climate smart plant varieties is important to mitigate these risks. To speed up the uptake by farmers of those new varieties, in some cases and with restrictions, limited marketing of such PRM is allowed. For agricultural varieties, fruit and vine varieties and for vegetable varieties, there should be specific requirements based on their characteristics and market dynamics.	DE (Drafting suggestions): **(36c) According to the PRM marketing Directives, derogations from the established requirements are allowed for the marketing of PRM of varieties under registration. Those derogations have been useful and necessary for the professional operators and the competent authorities. Furthermore, farmers are facing increasingly difficult weather conditions and new plant health risks. The rapid introduction of new~~,~~ ~~improved climate smart~~ plant varieties that are adapted to these challenges is important to mitigate these risks for farmers. ~~To speed up the uptake by farmers of those new varieties, in some cases and with restrictions, limited marketing of such PRM is allowed.~~ For agricultural varieties, potato varieties, fruit and vine varieties and for vegetable varieties, there should be specific requirements based on their characteristics and market dynamics.**

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	DE (Comments): „Climate smart plants“ is not a defined term. We would suggest to omit it in this context but clearly state that new varieties are adapted to the new conditions. We do not see the real content of Art. 32 reflected in this recital as the focus lies very much on the farmers. We suggest a more general approach to ensure that all aspects of Art. 32 (multiplication of seed, test and trials, marketing) are covered. EL (Comments): See comment on recital 36a. FI (Comments): Add 36a here NL (Drafting suggestions): **(36c) According to the PRM marketing Directives, derogations from the established requirements are allowed for the marketing of PRM of varieties under registration. Those derogations have been useful and**

Presidency revised text	Drafting suggestions and Comments
	necessary for the professional operators and the competent authorities. Furthermore, farmers are facing increasingly ~~difficult~~ changing weather conditions and new plant health risks. The introduction of new, improved ~~climate smart~~ plant varieties is important to mitigate these risks. To speed up the uptake by farmers of those new varieties, in some cases and with restrictions, limited marketing of such PRM is allowed. For agricultural varieties, fruit and vine varieties and for vegetable varieties, there should be specific requirements based on their characteristics and market dynamics. NL (Comments): We introduced this text ourselves, but on second reading we prefer this proposed formulation. SE (Drafting suggestions): **(36c) According to the PRM marketing Directives, derogations from the established requirements are allowed for the marketing of PRM of varieties under registration. Those derogations have been useful and necessary for the professional operators and the competent authorities. Furthermore, farmers are facing increasingly difficult weather conditions and new plant health risks. The introduction of new, improved climate smart plant varieties is important to mitigate these risks. To speed up the uptake by farmers of those new varieties, in ~~some~~ certain cases and with restrictions, limited marketing of such PRM is allowed. For agricultural varieties, fruit and vine varieties and for vegetable varieties, there should be specific requirements based on their characteristics and market dynamics.** SE (Comments):

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	As we specify the requirements for when a variety under registration can be allowed it should say 'certain' instead of 'some'. Apart from the suggested changes the recital should be moved further down in the list.
	SE (Comments): We are missing recitals for Articles 32(2) and 32(2b).
(36d) According to the PRM marketing Directives, derogations are established so seed that does not belong to a registered variety can be marketed as commercial seed since certain species of agricultural plants, specifically fodder species, serve multifaceted roles that extend beyond traditional food and feed production. Those species are instrumental in ecological functions such as attracting pollinators, facilitating nitrogen fixation, and providing ground cover. For those purposes, distinctness, uniformity and stability and the compliance with requirements for value for sustainable cultivation and use are not necessary while high quality of this PRM should be guaranteed. Therefore, derogation from registration requirements should be allowed. The designation 'commercial seed' should be retained from the PRM marketing Directives. Species that are added to the scope of this Regulation at a later stage and for which few varieties are developed should also benefit from this derogation in order to allow time for varieties to be developed. Furthermore, commercial seed may be necessary to ensure that seed of new species added to this Regulation can be marketed before registered varieties are available.	DE (Drafting suggestions): **(36d) According to the PRM marketing Directives, derogations are established so seed that does not belong to a registered variety can be marketed as commercial seed since certain species of agricultural plants, specifically fodder species, serve multifaceted roles that extend beyond traditional food and feed production. Those species are instrumental in ecological functions such as attracting pollinators, facilitating nitrogen fixation, and providing ground cover. For those purposes, distinctness, uniformity and stability and the compliance with requirements for value for sustainable cultivation and use are not necessary while high quality of this PRM should be guaranteed. Therefore, derogation from registration requirements should be allowed. The designation 'commercial seed' should be retained from the PRM marketing Directives. Species that are added to the scope of this Regulation at a later stage and for which few varieties are developed should also benefit from this derogation in order to allow time for varieties to be developed. Furthermore, commercial seed may be necessary to ensure that seed of new species added to this Regulation can be marketed before registered varieties are available. The possibility to market 'commercial seed' might also be of relevance in case of emergency situations when seed of registered varieties is not available.**

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	DE (Comments): We suggest mentioning at least this option in the recitals. FI

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	(Drafting suggestions): **36d) According to the PRM marketing Directives, derogations are established for seed of certain genera or species ~~so seed that does not belong to a registered variety~~ can be marketed as commercial seed that does not meet the requirements of varietal aspects ~~since certain species of agricultural plants, specifically fodder species, serve multifaceted roles that extend beyond traditional food and feed production. Those species are instrumental in ecological functions such as attracting pollinators, facilitating nitrogen fixation, and providing ground cover. For those purposes, distinctness, uniformity and stability and the compliance with requirements for value for sustainable cultivation and use are not necessary while high quality of this PRM should be guaranteed. Therefore, derogation from registration requirements should be allowed. The designation 'commercial seed' should be retained from the PRM marketing Directives~~. For some species and for some that are added to the scope of this Regulation at a later stage and for which few varieties are developed should also benefit from this derogation in order to allow time for varieties to be developed. Furthermore, commercial seed may be necessary to ensure that seed of new species added to this Regulation can be marketed before registered varieties are available.** FI (Comments): To simplify the point FR (Drafting suggestions): (36d) According to the PRM marketing Directives, derogations are established so seed that does not belong to a registered variety can be marketed as commercial seed since certain species of agricultural plants, specifically fodder species, serve multifaceted roles that extend beyond

Presidency revised text	Drafting suggestions and Comments
	traditional food and feed production. Those species are instrumental in ecological functions such as attracting pollinators, facilitating nitrogen fixation, and providing ground cover. For those purposes, distinctness, uniformity and stability and the compliance with requirements for value for sustainable cultivation and use **may not be** ~~**are not**~~ necessary while high quality of this PRM should be guaranteed. Therefore, derogation from registration requirements should be allowed. The designation 'commercial seed' should be retained from the PRM marketing Directives. Species that are added to the scope of this Regulation at a later stage and for which few varieties are developed should also benefit from this derogation in order to allow time for varieties to be developed. Furthermore, commercial seed may be necessary to ensure that seed of new species added to this Regulation can be marketed before registered varieties are available. FR (Comments): Il peut être intéressant de faire de la sélection variétale et de tester les variétés avec une valeur culturale pour des plantes de service. L'inscription et la VSCU ne doivent donc pas être systématiquement écartées. Courtesy translation It can be beneficial to select varieties and test varieties with agronomic value for service plants. Therefore, registration and VSCU for service plants should not be systematically ruled out.
(37) According to the PRM marketing Directives, derogations from the established requirements are allowed ~~for the marketing of PRM belonging to not yet registered varieties; of varieties that have not yet been fully tested; of~~ **for** seed not complying with the applicable requirements to be made rapidly available on the market; ~~of~~ seed not yet finally certified; ~~of~~ PRM to be temporarily authorised to address temporary difficulties in the supply; and ~~of~~	FI (Comments): Also the art 36 could be mentioned here and also new art 36a? It seems that there are no recitals about those articles

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PRM for the conduct of temporary experiments to seek improved alternatives to certain provisions of the applicable legislation concerning the requirements for the PRM to belong to a registered variety and to fulfil certain identity and quality requirements. Those derogations have been useful and necessary for the professional operators and the competent authorities, without creating problems for the internal market of PRM. Therefore, they should be maintained. Conditions should be set out concerning those derogations, to ensure that they are not misused and that they do not affect adversely the internal market of PRM.	
~~(38) The use of PRM that does not belong to a variety pursuant to this Regulation, but rather belongs to a plant grouping within a single botanical taxon, with a high level of genetic and phenotypic diversity between individual reproductive units ('heterogeneous material'), could have benefits especially in organic production and low input agriculture, through improving resilience and increasing the within species genetic diversity of cultivated plants. Therefore, PRM of heterogeneous material should be allowed to be produced and marketed without having to comply with the requirements for variety registration and the other production and marketing requirements of this Regulation. Specific requirements for the production and marketing of that material should be set out.~~	
~~(38a) To facilitate the advancement of agricultural diversity and innovation within the Union, varieties that are developed need to be assessed concerning their commercial viability, cultivation potential, and use for and within the Union. For this reason, derogations from the established requirements are allowed. Marketing of these unregistered varieties is conditionally authorized, strictly in quantities deemed minimal yet sufficient for conducting comprehensive tests and the tests are also authorised in time duration. Each lot must be accompanied by appropriate labelling, clearly indicating its intended~~	BE (Drafting suggestions): **(38a) In some cases more stringent production and marketing requirements are necessary on the territory of a particularl~~l~~ Member State. In order to ensure that the more stringent requirements correspond to market demand, specific production conditions or agro-climatic needs of that Member State, the Commission should authorise these requirements.**

Presidency revised text	Drafting suggestions and Comments
~~use for testing purposes only. This approach ensures that there is no misuse of such derogation impacting the marketing of seeds.~~	SE (Drafting suggestions): **~~(38a~~36ca) To facilitate the advancement of agricultural diversity and innovation within the Union, varieties that are developed need to be assessed concerning their commercial viability, cultivation potential, and use for and within the Union. For this reason, derogations from the established requirements are allowed. Marketing of these unregistered varieties is conditionally authorized, strictly in quantities deemed minimal yet sufficient for conducting comprehensive tests and the tests are also authorised in time duration. Each lot must be accompanied by appropriate labelling, clearly indicating its intended use for testing purposes only. This approach ensures that there is no misuse of such derogation impacting the marketing of seeds.** SE (Comments): This should be kept and moved up to follow 36c as this is the reason for Article 32(2).
~~(38b) The marketing of PRM from the maintainer or seed house to the multiplier is essential for initiating the production of pre-basic, basic, certified or standard seed or material. In order to allow this marketing, derogations from the established requirements should be allowed. The marketing should only be made possible to the multiplier and the accompanying label must clearly denote the PRM as being designated for this purpose.~~	BE (Drafting suggestions): **(38b) ….** BE (Comments): Rationale should be given behind Article 36a. We do not support this particular Article.
~~(38c) Certain species of agricultural crops, specifically fodder species, serve multifaceted roles that extend beyond traditional food and feed production.~~	

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~~Those species are instrumental in ecological functions such as attracting pollinators, facilitating nitrogen fixation, providing ground cover, among others. For those purposes DUS and VSCU compliance are not necessary while high quality of this PRM should be guaranteed. Therefore, derogation from registration requirements should be allowed. The designation 'commercial seed' should be retained from the PRM marketing directives. Species that are added to the scope of this Regulation at a later stage and for which few varieties are developed can also benefit from this derogation in order to allow time for varieties to be developed.~~	
(39) Union production and marketing of PRM needs to comply with the highest possible standards. Therefore, the import of PRM from third countries should only be allowed if an assessment of their applicable identity and quality standards and certification system establishes that such PRM fulfils requirements equivalent to those applicable to PRM produced and marketed in the Union. Such assessment should be based on a thorough examination of the information provided by the third country and its relevant legislation. It should also be based on the satisfactory outcome of an audit carried out by the Commission in the respective third country **asking for equivalence for the first time, or in other cases** where that audit is considered necessary by the Commission.	DE (Drafting suggestions): It should also be based on the satisfactory outcome of an audit carried out by the Commission in the respective third country **asking for equivalence for the first time, or in other cases** where that audit is considered necessary by the Commission **and the Member States**. DE (Comments):

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	We see the need to include the Member States here.
(39a) Currently vegetable seed that is produced in third countries and that was not assessed as equivalent to Union produced vegetable seed enters the Union for processing ~~in order to comply with the requirements of standard seed~~. After that processing, the seed ~~is~~ **can be** remarketed outside of the Union or marketed within the Union **as standard seed.** That practice should continue ~~as the processing can be checked as equivalent by the competent authority~~**.**	BE (Drafting suggestions): (39a) Currently vegetable seed that is produced in third countries and that was not assessed as equivalent to Union produced vegetable seed enters the Union for processing ~~in order to comply with the requirements of standard seed~~. After that processing, the seed ~~is~~ **can be** remarketed outside of the Union or marketed within the Union **as standard seed.** That practice should **remain possible** ~~**continue**~~ ~~as the processing can be checked as equivalent by the competent authority~~**.** ES (Drafting suggestions): (39a) Currently vegetable seed that is produced in third countries and that was not assessed as equivalent to Union produced vegetable seed enters the Union for processing ~~in order to comply with the requirements of standard seed~~. After that processing, the seed ~~is~~ **can be** remarketed outside of the Union or marketed within the Union. **If the seed is going to be marketed**

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	within the Union, it shall comply with the requirements for ~~as~~ standard seed. That practice should continue ~~as the processing can be checked as equivalent by the competent authority~~**.**
(40) Rules should be set out concerning labelling and information to be provided for the imported PRM for the purposes of its proper identification, traceability, and informed choices by its users and for enabling official controls.	
(41) In order to ensure transparency and more effective controls on the production and marketing of PRM, professional operators **active in the area of production and marketing of PRM** should be **subject to specific obligations to ensure their accountability, more effective official controls and proper application of this Regulation. This includes** ~~registered~~ **registration, record keeping and notification of production**. It is appropriate that ~~they register~~ **registration should be** in the registers established by Member States pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council ([17]), in order to reduce the administrative burden for those professional operators. This is also proportionate because the vast majority of professional operators producing and marketing PRM are already registered in the professional operators' registers of that Regulation. 17 Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).	DE (Drafting suggestions): (41) In order to ensure transparency and more effective controls on the production and marketing of PRM, professional operators **active in the area of production and marketing of PRM** should be **subject to specific obligations to ensure their accountability, more effective official controls and proper application of this Regulation. This includes** ~~registered~~ ~~registration,~~ **record keeping and notification of production**. It is appropriate that **they register themselves** ~~registration should be~~ in the registers ~~s~~ **already** established by Member States pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council ([17]), in order to reduce the administrative burden for those professional operators. DE (Comments): It was difficult to understand if the registration refers to the production or the operator. Therefore we suggest the following amendments.

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	SE (Drafting suggestions): (41) In order to ensure transparency and more effective controls on the production and marketing of PRM, professional operators **active in the area of production and marketing of PRM** should be **subject to specific obligations to ensure their accountability, more effective official controls and proper application of this Regulation. This includes** ~~registered~~ **registration, record keeping and notification of production**. It is appropriate that ~~they register~~ **registration should be** in the registers established by Member States pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council ([17]), in order to reduce the administrative burden for those professional operators. This is also proportionate because the vast majority of professional operators producing and marketing PRM are already registered in the professional operators' registers of that Regulation. SE (Comments): The plural-s need to stay as there are two registers – the Member State's national register and the Union register.
	SE (Comments): We believe recitals are missing for Articles 41a and 41d.
~~(42) Specific obligations should be introduced for professional operators active in the area of the production and marketing of PRM, to ensure their accountability, more effective official controls and proper application of this Regulation.~~	

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(42a) To minimise as much as possible the administrative burden of professional operators exclusively marketing to non-professional users, organisations and networks marketing PRM for the conservation of plant genetic resources or farmers who exchange seed in kind, certain exceptions to the obligations of professional operators should be introduced, taking into account the proportionality of the obligation concerned in relation to the burden of the operator and the importance of that obligation in relation to the scope of the Regulation.	DE (Drafting suggestions): **(42a) To minimise as much as possible the administrative burden of professional operators exclusively marketing to non-professional users, organisations and networks marketing PRM for the conservation of plant genetic resources or farmers who exchange seed in kind, certain exceptions to the obligations of professional operators should be introduced**~~, taking into account the proportionality of the obligation concerned in relation to the burden of the operator and the importance of that obligation in relation to the scope of the Regulation~~**.** DE (Comments): All is said, when stopping the sentence with the word "introduced". The following words do not contain any relevant information.
(43) Experience has shown that the reliability and quality of the marketed PRM can be jeopardised where it is impossible to trace material not complying with the applicable standards. It is therefore necessary to establish a comprehensive traceability system allowing withdrawals from the market or the submission of information to users of PRM or competent authorities. For that reason, the keeping of information and records on transfers from and to	DE (Drafting suggestions): (43) Experience has shown that **it is essential to control** the ~~reliability and~~ quality of the marketed PRM **to verify that the PRM on the market complies with** ~~can be jeopardised where it is impossible to trace material not complying with~~ the applicable standards. DE

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professional users should be mandatory for the professional operators. However, such record keeping is not appropriate for marketing in retail.	(Comments): The traceability system is not established to specifically trace material that does not comply with the standards. We suggest to word it more positively. PL (Drafting suggestions): Experience has shown that the reliability and quality of the marketed PRM can be jeopardised where it is impossible to trace ~~material~~ **PRM** not complying with the applicable standards. It is therefore necessary to establish a comprehensive traceability system allowing withdrawals from the market or the submission of information to users of PRM or competent authorities. For that reason, the keeping of information and records on transfers from and to professional users should be mandatory for the professional operators. However, such record keeping is not appropriate for marketing in retail.
(44) It is important to ensure that, as a general rule, all PRM of the genera and species within the scope of this Regulation are subject to the registration of the variety to which that PRM belongs, the description of the variety and the corresponding rules.	
(45) **All Member States shall establish** ~~Varieties should be registered in~~ a national variety register, **containing all registered varieties and varieties for which an application for registration have been submitted,** to ensure informed choices by their users and more effective official controls.	BE (Drafting suggestions): (45) **All Member States shall establish** ~~Varieties should be registered in~~ a national variety register, **containing all registered varieties and varieties for which an application for registration hasve been submitted,** to ensure informed choices by their users and more effective official controls. DE (Drafting suggestions): **...**

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	for which an application for registration has ~~have~~ been submitted DE (Comments): editorial SE (Drafting suggestions): (45) **All Member States shall establish** ~~Varieties should be registered in~~ a national variety register, **containing all registered and terminated varieties and varieties for which an application for registration have been submitted,** to ensure informed choices by their users and more effective official controls. SE (Comments): The registers shall include not only the varieties under registration and the ones registered for a certain period but also the varieties whose registration period has been terminated.
(46) The national variety register should include two types of varieties: varieties registered on the basis of an official description, if they fulfil the requirements of distinctness, uniformity and stability ~~('DUS')~~, and varieties registered on the basis of an officially recognised description in the case of conservation **or local** varieties. The existence of those two different descriptions is necessary to separate the two categories of varieties, whereby the first one is based on DUS testing results, while the other one is based on	DE (Drafting suggestions): (46) The national variety register should include two types of varieties: varieties registered on the basis of an official description, if they fulfil the requirements of distinctness, uniformity and stability **('DUS'),** and varieties registered on the basis of an officially recognised description in the case of

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historical data concerning the use of the variety and practical experience. In addition, such approach can offer the necessary information about the characteristics of the varieties and their identity.	conservation **or local** varieties. The existence of those two different descriptions is necessary to separate the**se** two ~~categories~~ **types** of varieties~~,~~ ~~whereby the first one is based on DUS testing results, while the other one is based on historical data concerning the use of the variety and practical experience~~. DE (Comments): First time this abbreviation is used. Maybe the second part of the sentence can be deleted as it does not reflect the local varieties. FR (Drafting suggestions): (46) The national variety register should include two types of varieties: varieties registered on the basis of an official description, if they fulfil the requirements of distinctness, uniformity and stability ~~('DUS')~~, and varieties registered on the basis of an officially recognised description in the case of conservation or local varieties. The existence of those two different descriptions is necessary to separate the two categories of varieties~~,~~ whereby the first one is based on DUS testing results, while the other one is based on ~~**historical**~~ data concerning the use of the variety, **the breeding** and practical experience. In addition, such approach can offer the necessary information about the characteristics of the varieties and their identity. FR

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	(Comments): S'agissant des variétés locale qui sont des obtention nouvelles, le terme « historical » semble peu approprié. Il est proposé de le supprimer. Courtesy translation With regard to local varieties that are new varieties, the term 'historical' seems inappropriate. It is proposed that it be deleted.
(47) The registered varieties should be further notified by the competent authorities via ~~the EU Plant Variety~~ **an electronic** ~~P~~**p**ortal to the Union variety register, to ensure an overview of all varieties allowed for marketing in the Union.	BE (Comments): Add a recital explaining the principle of 'variety whose existence is a matter of common knowledge' – worldwide and the one key one door principle? ES (Drafting suggestions): (47) The registered varieties should be further notified by the competent authorities via ~~the EU Plant Variety~~ **an electronic** ~~P~~**p**ortal to the Union ~~variety register~~, to ensure an overview of all varieties allowed for marketing in the Union.
(48) Herbicide tolerant varieties are varieties that have been bred to be intentionally tolerant to herbicides, in order to be cultivated in combination ~~of~~ **with** the use of those herbicides. If such cultivation is not done under appropriate conditions, it may lead to development of weeds resistant to those herbicides, spread of such resistance genes in the environment or to the need to increase of quantities of herbicides applied. As this Regulation aims to contribute to the sustainability of agricultural production, the competent authorities of Member States responsible for the registration of varieties should be able to subject the cultivation of those varieties in their territory to cultivation conditions appropriate for avoiding those undesirable effects.	CY (Drafting suggestions): (48) Herbicide tolerant varieties are varieties that have been bred to be intentionally tolerant to herbicides, in order to be cultivated in combination ~~of~~ **with** the use of those herbicides. If such cultivation is not done under appropriate conditions, it may lead to development of weeds resistant to those herbicides, spread of such resistance genes in the environment or to the need to increase of quantities of herbicides applied. As this Regulation aims to contribute to the sustainability of agricultural production, the competent authorities of Member States responsible for the registration of varieties **and**

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~~Moreover, where varieties have particular characteristics, other than tolerance to herbicides, that could have undesirable agronomic effects, they should also be subject to cultivation conditions, in order to address those agronomic effects. Those conditions should apply to the cultivation of those varieties for any purpose, including food, feed and other products, and not only for purposes of production and marketing of PRM. This is necessary to achieve the objectives of this Regulation to contribute to sustainable agricultural production beyond the stage of production and marketing of PRM.~~	**the Member States where the varieties are to be cultivated** should be able to subject the cultivation of those varieties in their territory to cultivation conditions appropriate for avoiding those undesirable effects. ~~Moreover, where varieties have particular characteristics, other than tolerance to herbicides, that could have undesirable agronomic effects, they should also be subject to cultivation conditions, in order to address those agronomic effects. Those conditions should apply to the cultivation of those varieties for any purpose, including food, feed and other products, and not only for purposes of production and marketing of PRM. This is necessary to achieve the objectives of this Regulation to contribute to sustainable agricultural production beyond the stage of production and marketing of PRM.~~ CY (Comments): In order such cultivation conditions to be adopted also by the MS where those varieties are to be cultivated. SE (Drafting suggestions): (48) Herbicide tolerant varieties are varieties that have been bred to be intentionally tolerant to herbicides, in order to be cultivated in combination ~~of~~ **with** the use of those herbicides. If such cultivation is not done under appropriate conditions, it may lead to development of weeds resistant to those herbicides, spread of such resistance genes in the environment or to the need to increase ~~of~~ **the** quantities of herbicides applied. As this Regulation aims to contribute to the sustainability of agricultural production, the competent authorities of Member States responsible for the registration of varieties ~~should~~ **may** be able to subject the cultivation of those varieties in their territory to cultivation conditions appropriate for avoiding those undesirable effects. ~~Moreover, where varieties have particular characteristics, other than tolerance to herbicides, that could have undesirable agronomic effects, they should also be subject to cultivation conditions, in order to~~

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	~~address those agronomic effects. Those conditions should apply to the cultivation of those varieties for any purpose, including food, feed and other products, and not only for purposes of production and marketing of PRM. This is necessary to achieve the objectives of this Regulation to contribute to sustainable agricultural production beyond the stage of production and marketing of PRM.~~ SE (Comments): It's the quantities of herbicides that may increase. The Council working group has decided that the MS that register the variety may subjuect the cultivation of these varieties to cultivation conditions. Thus 'should' need to be changed to 'may'.
(49) In order to contribute to the sustainability of agricultural production and serve economic, environmental and broader societal needs, new varieties of ~~all~~ genera or **species of vine, potato and of agricultural plants, except for varieties used exclusively for turf grass purposes,** should show an improvement compared to the other varieties of the same genera or species registered in the same national variety register, concerning certain aspects. Among those aspects are their yield, including yield stability and yield under low input conditions; tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests; tolerance/resistance to abiotic stresses, including adaptation to climate change conditions; more efficient use of natural resources, such as water and nutrients; reduced need for external inputs, such as plant protection products and fertilisers; characteristics that enhance the sustainability of storage, processing and distribution; ~~and~~ quality or nutritional characteristics**; and the ability to be cultivated in association with other species or varieties** ('value for sustainable cultivation and use'). For the purpose of deciding on the variety registration and in order to provide sufficient flexibility to register varieties	CY (Drafting suggestions): (49) In order to contribute to the sustainability of agricultural production and serve economic, environmental and broader societal needs, new varieties of ~~all~~ genera or **species of vine, potato and of agricultural plants, except for varieties used exclusively for turf grass purposes,** should show an improvement compared to the other varieties of the same genera or species registered in the same national variety register, concerning certain **agronomic, use and environmental** aspects. Among those aspects are their yield, including yield stability and yield under low input conditions; tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests; tolerance/resistance to abiotic stresses, including adaptation to climate change conditions; more efficient use of natural resources, such as water and nutrients; reduced need for external inputs, such as plant protection products and fertilisers; characteristics that enhance the sustainability of **cultivation,**

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with the most desirable characteristics, those aspects should be considered for a given variety as a whole.	**harvesting** storage, processing**,** ~~and~~ distribution **and use**; ~~and~~ quality or nutritional characteristics**; and the ability to be cultivated in association with other species or varieties** ('value for sustainable cultivation and use') . For the purpose of deciding on the variety registration and in order to provide sufficient flexibility to register varieties with the most desirable characteristics, those aspects should be considered for a given variety as a whole. CY (Comments): As we speak for "Value for Sustainable Cultivation and Use" the word "use" should also be incluted in the recital. EL (Drafting suggestions): (49) In order to contribute to the sustainability of agricultural production and serve economic, environmental and broader societal needs, new varieties of ~~all~~ genera or **species of vine, potato and of agricultural plants, except for varieties used exclusively for turf grass purposes,** should show an improvement compared to the other varieties of the same genera or species registered in the same national variety register, concerning certain aspects. Among those aspects are their yield, including yield stability and yield under low input conditions; tolerance/resistance to biotic stresses, ~~including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests~~; tolerance/resistance to abiotic stresses, including adaptation to climate change conditions; more efficient use of natural resources, such as water and nutrients; reduced need for external inputs, such as plant protection products and fertilisers; characteristics that enhance the sustainability of storage, processing and distribution; ~~and~~ quality or nutritional characteristics**; and the ability to be cultivated in association with other species or varieties** ('value for sustainable cultivation and use'). For the purpose of deciding on the variety registration and in order to provide sufficient flexibility to register

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	varieties with the most desirable characteristics, those aspects should be considered for a given variety as a whole. EL (Comments): Biotic stress includes the harmful pests. FI (Drafting suggestions): (49) In order to contribute to the sustainability of agricultural production and serve economic, environmental and broader societal needs, the value of a variety for sustainable cultivation and use (VSCU) of new varieties of ~~all~~ genera or **species of vine, potato and of agricultural plants, except for varieties used exclusively for turf grass purposes** should be evaluated in VSCU trials**. ,** New varieties should show an improvement compared to the other varieties of the same genera or species registered in the same national variety register, concerning certain aspects. Among those tested aspects are their yield, including yield stability and yield under low input conditions; tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests; tolerance/resistance to abiotic stresses, including adaptation to climate change conditions; more efficient use of natural resources, such as water and nutrients; reduced need for external inputs, such as plant protection products and fertilisers; characteristics that enhance the sustainability of storage, processing and distribution; ~~and~~ quality or nutritional characteristics**; and the ability to be cultivated in association with other species or varieties** ('value for sustainable cultivation and use'). For the purpose of deciding on the variety registration and in order to provide sufficient flexibility to register varieties with the most desirable characteristics, those aspects should be considered for a given variety as a whole. FI

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	(Comments): To be more clear about conducting VSCU trials. NL (Drafting suggestions): ~~Among t~~ **Those** aspects **may be** ~~are their~~ yield, including yield stability and yield under low input conditions; tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests; tolerance/resistance to abiotic stresses, including adaptation to climate change conditions; more efficient use of natural resources, such as water and nutrients; reduced need for external inputs, such as plant protection products and fertilisers; characteristics that enhance the sustainability of storage, processing and distribution; ~~and~~ quality or nutritional characteristics**; and the ability to be cultivated in association with other species or varieties** ('value for sustainable cultivation and use'). For the purpose of deciding on the variety registration NL (Comments): This is more in line with article 52.
(50) As organic varieties suitable for organic production as defined in Article 3 of Regulation (EU) 2018/848 are characterised by a high level of genetic and phenotypical diversity between individual reproductive units, it is appropriate that their registration is subject to adjusted **requirements of** DUS, and in particular as regards the requirements concerning uniformity. Furthermore, in order for ~~that~~ such varieties to be better adapted to the specific needs of organic production, their examination of the value for sustainable cultivation and use should be conducted under organic conditions.	FR (Drafting suggestions): (50) As organic varieties suitable for organic production as defined in Article 3 of Regulation (EU) 2018/848 are characterised by a high level of genetic and phenotypical diversity between individual reproductive units, it ~~is~~ **might be** appropriate that their registration ~~is~~ **be** subject to adjusted requirements of DUS, and in particular as regards the requirements concerning uniformity. Furthermore, in order for ~~that~~ such varieties to be better adapted to the specific needs of organic production, their examination of the value for

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	sustainable cultivation and use ~~**should**~~ **can** be conducted under organic conditions. FR (Comments): Les protocoles DHS permettent déjà un certain degré d'hétérogénéité, de sorte que les variétés biologiques ne doivent pas nécessairement avoir des caractéristiques DHS adaptées. En général, les variétés biologiques adaptées à la production biologique doivent être testées pour la VSCU dans des conditions biologiques, mais pour certaines espèces, des tests dans des conditions conventionnelles peuvent être suffisants. Courtesy translation DUS protocols already allow for a certain degree of heterogeneity, so organic varieties do not necessarily need to have adapted DUS. In general, organic varieties suitable for organic profuction need to be tested for VSCU under organic conditions, but for some species, testing in conventional conditions may be sufficient. LT (Drafting suggestions): (50) As organic varieties suitable for organic production as defined in Article 3 of Regulation (EU) 2018/848 are characterised by a high level of genetic and phenotypical diversity between individual reproductive units, it is appropriate that their registration ~~is~~ **may be** subject to adjusted **requirements of** DUS, and in particular as regards the requirements concerning uniformity. Furthermore, in order for ~~that~~ such varieties to be better adapted to the specific needs of organic production, their examination of the value for sustainable cultivation and use should be conducted under organic conditions. LT

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	(Comments): The requirements of DUS may not always have to be adjusted for organic varieties. The Article 47 point 2 square-bracketed text also specifies that "the requirements concerning uniformity **may be** adjusted for specific genera or species." SK (Drafting suggestions): **Furthermore, in order for these varieties to be more effectively adapted to the specific requirements of organic production** "
(51) For reasons of efficiency and reduction of the administrative burden, varieties that have been granted a plant variety right pursuant to Article 62 of Regulation (EC) No 2100/94, or pursuant to the legislation of a Member State, should be deemed to be distinct, uniform and stable and to have a suitable denomination for the purposes of this Regulation**, where the DUS testing was carried out by a suitable examination office**.	DE (Drafting suggestions): **where the DUS testing was carried out by ~~a suitable~~ an examination office that has been found suitable by the CPVO**.

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	DE (Comments): To be in line with the wording in Art. 60
(51a) The registered variety shall have a suitable denomination to ensure the unique identification of the variety. That denomination should not cause confusion as to the identification of the variety or be misleading or cause offence in any way.	BE (Drafting suggestions): **(51a) The registered variety shall have a suitable denomination to ensure the unique identification of the variety. That denomination should not cause confusion as to the identification of the variety or be misleading or cause offence in any way. In case of conservation varieties synonyms mays be used as this is common practice for these kind of varieties. The synonyms should be indicated in the national variety register.** FI (Drafting suggestions): **(51a) The registered variety shall have a suitable denomination to ensure the unique identification of the variety. That denomination should not cause confusion as to the identification of the variety or be misleading or cause offence in any way. Rules should be established on the suitability of the denominations.**

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(52) The procedure of variety registration should be precisely defined, in order to ensure legal certainty for the applicants and the competent authorities, and a level playing field for all applicants. For this reason, rules should be set out concerning the submission, content, formal examination and date of submission of the applications, technical examinations, ~~audit of the competent authority's premises and organisation~~ **examination offices carrying out technical examinations**, ~~additional rules on technical examination,~~ confidentiality, ~~provisional examination report and provisional official description~~, examination report and ~~final~~ official description, **examination of conservation and local varieties,** examination of the denomination of a variety and decision on the registration of a variety in the national variety register.	
(53) For reasons of efficiency and in order to reduce administrative burden for competent authorities and applicants, the competent authorities should register in their national variety registers all varieties officially accepted or registered, before the entry into force of this Regulation, in the catalogues, lists or registers established by their respective Member States pursuant to Directives **68/193/EEC,** 2002/53/EC, 2002/55/EC, **2008/62/EC,** 2008/90/EC **and 2009/145/EC** ~~and 68/193/EEC~~. As those varieties are already marketed in the Union and used by farmers and other professional operators, they should not be subject to a new registration procedure.	DE (Comments): We suggest to move Articles 53 and 53a to the end of the recitals referring to the requirements for registration and to insert them between 56a and 57. SE (Comments): The recital is fine but we realised that the title of Article 68 needs to be changed as two more directives have been added in the article. SK (Drafting suggestions): for **the** competent authorities and applicants, the competent authorities should register in their national variety registers….
(53a) For the same reason, varieties listed in a national variety register that were not registered pursuant to Directives 68/193/EEC, 2002/53/EC,	DE

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2002/55/EC, 2008/62/EC, 2008/90/EC and 2009/145/EC, but will be registered pursuant to this Regulation should be registered without applying the new registration procedure.	(Comments): We suggest to move Articles 53 and 53a to the end of the recitals referring to the requirements for registration and to insert them between 56a and 57. ES (Drafting suggestions): **(53a) For the same reason, varieties of genus or species previously not covered by this Regulation, that were listed in a national variety register ~~that were not registered pursuant to Directives 68/193/EEC, 2002/53/EC, 2002/55/EC, 2008/62/EC, 2008/90/EC and 2009/145/EC~~, but that the genus or species has been included within the regulated species in this Regulation, ~~will be registered pursuant to this Regulation~~ should be registered without applying the new registration procedure.** FR (Drafting suggestions): (53a) For the same reason, varieties listed in a**n official** national variety register that were not registered pursuant to Directives 68/193/EEC, 2002/53/EC, 2002/55/EC, 2008/62/EC, 2008/90/EC and 2009/145/EC, but will be registered pursuant to this Regulation should be registered without applying the new registration procedure. FR (Comments): Il est important de préciser qu'il s'agit bien d'un registre officiel et non d'un registre quelconque qui permettra l'enregistrement automatique des variétés dans le futur registre. Courtesy translation It is important to specify that it is indeed an official register and not just any register that will allow varieties to be automatically registered into the future register.

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(54) Rules should be set out concerning the technical examination of varieties, in order to conclude whether they are distinct, uniform and stable. Due to the importance of that examination for the variety breeding sector and the fact that it leads to the production of an official description, that technical examination should be carried out only by **suitable examination offices** ~~the competent authority~~. **In addition, rules concerning technical examniation of the value for sustainable cultivation and use for certain genera or species should be set out. That examination should be carried out by the competent authority.**	BE (Drafting suggestions): (54) Rules should be set out concerning the technical examination of varieties, in order to conclude whether they are distinct, uniform and stable. Due to the importance of that examination for the variety breeding sector and the fact that it leads to the production of an official description, that technical examination should be carried out only by **suitable examination offices** ~~the competent authority~~. **In addition, rules concerning technical examiniation of the value for sustainable cultivation and use for certain genera or species should be set out. That examination should be carried out by the competent authority. It is also established that existing examination reports on distinctness, uniformity and stability, and on sustainable cultivation and use may be taken into account by other competent authorities.** DE (Drafting suggestions): (54) Rules should be set out concerning the technical examination of varieties, in order to conclude whether they are distinct, uniform and stable. Due to the importance of that examination for the variety breeding sector and the fact that it leads to the production of an official description, that technical examination should be carried out only by ~~suitable~~ **examination offices that have been found suitable by the CPVO** ~~the competent authority~~. **In addition, rules concerning technical examiniation of the value for sustainable cultivation and use for certain genera or species should be set out. That examination should be carried out by the competent authority.** DE (Comments):

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	To be in line with the wording of Art. 60 editorial FR (Drafting suggestions): (54) Rules should be set out concerning the technical examination of varieties, in order to conclude whether they are distinct, uniform and stable. Due to the importance of that examination for the variety breeding sector and the fact that it leads to the production of an official description, that technical examination should be carried out only by suitable examination offices ~~the competent authority~~. In addition, rules concerning technical ~~**examniation**~~ **examination** of the value for sustainable cultivation and use for certain genera or species should be set out. That examination should be carried out by the competent authority. FR (Comments): Correction of a typo IT (Drafting suggestions):

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	In addition, rules concerning technical ~~examniation~~ examination of the value for sustainable cultivation and use for certain genera or species should be set out. That examination should be carried out by the competent authority. IT (Comments): Editorial changes SE (Comments): This recital should probably be moved up in the list. SK (Drafting suggestions): Due to the importance of that examination for the variety breeding sector and the fact that it leads to the production of an official description, that technical examination should be carried out only by **suitable examination office**
(55) However, ~~there should be the possibility to carry out the technical examination for the satisfactory value for sustainable cultivation and use of a variety on the premises of the applicant and under the official supervision of the competent authority. This is necessary~~ in order to ease the administrative burden, ensure the availability of testing facilities and reduce costs for the	BE (Drafting suggestions): (55) However, ~~there should be the possibility to carry out the technical examination for the satisfactory value for sustainable cultivation and use of a~~

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competent authorities~~. However,~~ **it should be possible for** the competent authority ~~should be in charge of the testing arrangements. Moreover,~~ **to collaborate with** ~~professional operators~~ **natural or legal persons for the purpose of the technical examniation.** ~~involved in the breeding of new varieties, and on the basis of their co-operation with the competent authorities,~~ **Those persons should** ~~have~~ **be** proven qualified to carry out such examinations as ~~they~~ possess**ing** ~~the respective~~ **relevant** expertise, knowledge and appropriate resources.	~~variety on the premises of the applicant and under the official supervision of the competent authority. This is necessary~~ in order to ease the administrative burden, ensure the availability of testing facilities and reduce costs for the competent authorities~~. However,~~ **it should be possible for** the competent authority ~~should be in charge of the testing arrangements. Moreover,~~ **to collaborate with** ~~professional operators~~ **natural or legal persons for the purpose of the technical examniation.** ~~involved in the breeding of new varieties, and on the basis of their co-operation with the competent authorities,~~ **Those persons should** ~~have~~ **be** ~~proven qualified to carry out such examinations as they possess~~**ing** ~~the respective~~ **relevant** ~~expertise, knowledge and appropriate resources.~~ DE (Drafting suggestions): ~~(55) However, there should be the possibility to carry out the technical examination for the satisfactory value for sustainable cultivation and use of a variety on the premises of the applicant and under the official supervision of the competent authority. This is necessary in order to ease the administrative burden, ensure the availability of testing facilities and reduce costs for the competent authorities. However, **it should be possible for** the competent authority should be in charge of the testing arrangements. Moreover, **to collaborate with** professional operators **natural or legal persons for the purpose of the technical examniation.** involved in the breeding of new varieties, and on the basis of their co-operation with the competent authorities, **Those persons should** have **be** proven qualified to carry out such examinations as they possess**ing** the respective **relevant** expertise, knowledge and appropriate resources.~~ DE (Comments): Originally this recital referred to Art. 61 which is now deleted. Now Articles 59a and 59b refer to empowerments for implementing acts that the

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	Commission may draft. Those empowerments do not contain any specifics as mentioned in this recital. Therefore, we suggest to delete it. Recital 88b picks up on the implementing acts. EE (Drafting suggestions): (55) However, ~~there should be the possibility to carry out the technical examination for the satisfactory value for sustainable cultivation and use of a variety on the premises of the applicant and under the official supervision of the competent authority. This is necessary~~ in order to ease the administrative burden, ensure the availability of testing facilities and reduce costs for the competent authorities~~. However,~~ **it should be possible for** the competent authority ~~should be in charge of the testing arrangements. Moreover,~~ **to collaborate with** ~~professional operators~~ **natural or legal persons for the purpose of the technical examiniation.** ~~involved in the breeding of new varieties, and on the basis of their co-operation with the competent authorities,~~ **Those persons should** ~~have~~ **be** proven qualified to carry out such examinations as ~~they~~ possess**ing** ~~the respective~~ **relevant** expertise, knowledge and appropriate resources. EE (Comments): editorial EL (Drafting suggestions): (55) However, ~~there should be the possibility to carry out the technical examination for the satisfactory value for sustainable cultivation and use of a variety on the premises of the applicant and under the official supervision of the competent authority. This is necessary~~ in order to ease the administrative burden, ensure the availability of testing facilities and reduce costs for the competent authorities~~. However,~~ **it should be possible for** the competent

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	authority ~~should be in charge of the testing arrangements. Moreover,~~ **to collaborate with** ~~professional operators~~ **natural or legal persons for the purpose of the technical ~~examniation~~** examination**.** ~~involved in the breeding of new varieties, and on the basis of their co-operation with the competent authorities,~~ **Those persons should** ~~have~~ **be** proven qualified to carry out such examinations as ~~they~~ possess**ing** ~~the respective~~ **relevant** expertise, knowledge and appropriate resources. EL (Comments): Editorial. FR (Drafting suggestions): (55) However, ~~there should be the possibility to carry out the technical examination for the satisfactory value for sustainable cultivation and use of a variety on the premises of the applicant and under the official supervision of the competent authority. This is necessary~~ in order to ease the administrative burden, ensure the availability of testing facilities and reduce costs for the competent authorities~~. However,~~ it should be possible for the competent authority ~~should be in charge of the testing arrangements. Moreover,~~ to collaborate with ~~professional operators~~ natural or legal persons for the purpose of the technical ~~**examniation**~~ **examination**. ~~involved in the breeding of new varieties, and on the basis of their co-operation with the competent authorities,~~ Those persons should ~~have~~ be proven qualified to carry out such examinations as ~~they~~ possessing ~~the respective~~ relevant expertise, knowledge and appropriate resources. FR (Comments): Correction of a typo SE

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	(Comments): This recital should probably be moved up in the list.
(56) In order to ensure the credibility and high quality of the examinations on distinctness, uniformity and stability, the **examination offices carrying out the examination should be found suitable** ~~premises of the competent authorities where they take place should be audited~~ by the Community Plant Variety Office (~~'~~CPVO~~'~~) **in accordance with the CPVO entrustment requirements. If no examination office in the Union has been found suitable, it should be possible to use suitable examination offices in a third country.** ~~The premises of the applicants where the examination for the satisfactory value for sustainable cultivation and use takes place under official supervision, should be audited by the respective competent authorities, to ensure compliance with the applicable requirements.~~	SK (Drafting suggestions): If no examination office in the Union has been found suitable, it should be possible to use **suitable examination office** in a third country.
(56a) For reasons of legal certainty, a final decision on the registration of the variety should be adopted by the competent authority. Before that, the examination of the variety should be concluded and an examination report and an official discription, or in the case of conservation or local varieties an officially recognised description, should be issued. In addition, a decision on the denomination of the variety should be adopted after consulting the CPVO.	DE (Drafting suggestions): **…** **Before that, the examination of the variety should be concluded and an examination report and an official ~~discription~~ description~~, or in the case of conservation or local varieties an officially recognised description,~~ should be issued.** DE (Comments):

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	There is no examination of conservation varieties or local varieties, no examination report and no issuance of an officially recognised description. EL (Drafting suggestions): **(56a) For reasons of legal certainty, a final decision on the registration of the variety should be adopted by the competent authority. Before that, the examination of the variety should be concluded and an examination report and an official ~~diseription~~ description, or in the case of conservation or local varieties an officially recognised description, should be issued. In addition, a decision on the denomination of the variety should be adopted after consulting the CPVO.** EL (Comments): Editorial.
(57) The period of ~~the~~ registration of a variety should be 10 years, so as to encourage innovation in the breeding sector, and the removal from the market of old varieties and their replacement by new ones. However, that period should be 30 years for **conservation and local varieties, due to the longterm purpose of conservation but in order to still ensure relevance, as well as for** varieties of genera or species of fruit plants and vine, due to the longer time required for the completion of the productive cycle of those genera or species.	
(58) ~~Upon a request of a~~ **A**ny ~~interested~~ **natural or legal** person~~,~~ **with a legitimate interest should have the possibility to apply for renewal of** the period of registration of a variety~~should be subject to renewal~~, in order to allow for the continuation of marketing of certain varieties if a need is established	SK (Drafting suggestions):

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and they still fulfil applicable requirements. **Rules should also be set out on the termination of the registration, for example if no application for renewal has been submitted or if the conditions for registration are no longer fulfilled.**	**Rules should also be established regarding the termination of the registration, including cases where no application for renewal has been submitted or where the conditions for registration are no longer fulfilled**.
(59) Rules should be set out concerning variety maintenance in accordance with accepted practices. This is necessary to ensure the varietal identity during the period of its registration, which can only be ensured if the maintenance of the respective variety is carried out by the applicant, or other **natural or legal** persons **in the Union or in a third country** ~~notified by the applicant to the competent authority~~, pursuant to certain requirements and subject to official controls by the competent authorities.	FR (Drafting suggestions): (59) Rules should be set out concerning variety maintenance in accordance with accepted practices. This is necessary to ensure the varietal identity during the period of its registration, which can only be ensured if the maintenance of the respective variety is carried out by the applicant, or other natural or legal persons in the Union or in a third country **having an equivalence** ~~notified by the applicant to the competent authority~~, pursuant to certain requirements and subject to official controls by the competent authorities. FR (Comments): La maintenance dans un pays tiers doit être limitée aux pays tiers reconnus comme capables de produire des PRM répondant à des exigences équivalentes à celles applicables dans le présent règlement PRM. Courtesy translation Maintenance in a third country must be limited to third countries that have been recognized as capable of producing PRMs that meet requirements equivalent to those applicable in this PRM regulation. LT

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	(Comments): In our view, variety maintenance in the Union should not be covered by OCR.
(60) Rules should be set out concerning the content of the national variety registers and the Union variety register, and the keeping of samples **or living plants** of the registered varieties (~~'official sample' or~~ 'standard sample') which is a living description of the variety. This is important to ensure accessibility to the necessary information on the variety, its identification during the period of its registration and the availability of standard samples for control plot testing in the context of PRM certification.	ES (Drafting suggestions): (60) Rules should be set out concerning the content of the national variety registers and the Union variety **portal** ~~register~~, and the keeping of samples **or living plants** of the registered varieties (~~'official sample' or~~ 'standard sample') which is a living description of the variety. This is important to ensure accessibility to the necessary information on the variety, its identification during the period of its registration and the availability of standard samples for control plot testing in the context of PRM certification. PL (Drafting suggestions): Rules should be set out concerning the content of the national variety registers and the Union variety register, and the keeping of **seed** samples **or living plants** of the registered varieties (~~'official sample' or~~ 'standard sample') which is a living description of the variety. This is important to ensure accessibility to the necessary information on the variety, its identification during the period of its registration and the availability of standard samples for control plot testing in the context of PRM certification.
(60a) Member States should be required to submit to the Commission on a regular basis specified information on, inter alia, quantities of produced PRM and number of professional operators. That information is important for being able to evaluate the effects of this Regulation and to identify needs for amendments in the future to better achieve the purpose of this Regulation.	CY (Drafting suggestions): (. IT (Drafting suggestions):

Presidency revised text	Drafting suggestions and Comments
	Member States should be required to submit to the Commission, on a regular basis, specified information including, in particular, the quantities of PRM produced and the number of professional operators. That information is important to evaluate the effects of this Regulation and to identify future amendments needed to better achieve its purpose. IT (Comments): Editorial suggestion
(60b) Member States should be able to impose, as appropriate, corrective actions or penalties on professional operators in cases of non-compliance with, or infringements of, the rules of this Regulation. The aim of those corrective actions or penalties is to make sure that the PRM concerned will comply with the requirements of this Regulation and that professional operators do not acquire economic advantage due to fraud or circumvention of the rules.	IT (Drafting suggestions): **Member States should be empowered, where appropriate, to impose corrective actions or penalties on professional operators in cases of non-compliance with the rules laid down in this Regulation. The objective of these measures is to ensure compliance of the PRM concerned with the applicable requirements of this Regulation and to avoid that professional operators acquire any economic advantage from fraudulent practices or from the circumvention of those rules.** IT (Comments): Editorial suggestion
(60c) It should be possible for Member States to collect fees for their acts performed in relation to this Regulation. Those fees should be set in order to cover the costs of the competent authority for performing the acitivity. The amount of those fees should be calculated in accordance with the rules on fees in Regulation (EU) 2017/625.	DE (Drafting suggestions): **(60c) It should be possible for Member States to collect fees for their acts performed in relation to this Regulation. Those fees should be set in order to cover the costs of the competent authority for performing the**

Presidency revised text	Drafting suggestions and Comments
	acitivity. ~~The amount of those fees should be calculated in accordance with the rules on fees in Regulation (EU) 2017/625.~~ DE (Comments): According to COM Regulation (EU) 2017/625 does not apply to fees for acts performed under the PRM regulation. EE (Drafting suggestions): **(60c) It should be possible for Member States to collect fees for their acts performed in relation to this Regulation. Those fees should be set in order to cover the costs of the competent authority for performing the acitivity.** ~~**The amount of those fees should be calculated in accordance with the rules on fees in Regulation (EU) 2017/625.**~~ EE (Comments): This sentence should be removed, so that the MS can define these costs themselves, without being under OCR, as defined in article 78a of the PRM regulation. ES (Drafting suggestions): **(60c) It should be possible for Member States to collect fees for their acts performed in relation to this Regulation. Those fees should be set in order to cover the costs of the competent authority for performing the acitivity.** ~~**The amount of those fees should be calculated in accordance with the rules on fees in Regulation (EU) 2017/625.**~~ FI (Drafting suggestions):

Presidency revised text	Drafting suggestions and Comments
	(60c) It should be possible for Member States to collect fees for their acts performed in relation to this Regulation. Those fees should be set in order to cover the costs of the competent authority for performing the acitivity. ~~The amount of those fees should be calculated in accordance with the rules on fees in Regulation (EU) 2017/625.~~ FI (Comments): To be inline with the article. FR (Drafting suggestions): (60c) It should be possible for Member States to collect fees for their acts performed in relation to this Regulation. Those fees should be set in order to cover the costs of the competent authority for performing the ~~**acitivity**~~ **activity**. The amount of those fees should be calculated in accordance with the rules on fees in Regulation (EU) 2017/625. FR (Comments): Correction of a typo NL (Drafting suggestions): **(60c) It should be possible for Member States to collect fees for their acts performed in relation to this Regulation. Those fees should be set in order to cover the costs of the competent authority for performing the acitivity. ~~The amount of those fees should be calculated in accordance with the rules on fees in Regulation (EU) 2017/625.~~** NL (Comments):

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	This sentence should be removed, so that the MS can define these costs themselves, without being under OCR, as defined in article 78a of the PRM regulation.
(61) The PRM marketing Directives should be repealed, as this Regulation replaces them. As a consequence, Regulation (EU) 2016/2031 should be amended to remove references to those Directives and to ensure that Regulated Non-Quarantine Pests ('RNQPs') are exclusively regulated by that Regulation **and that all types of PRM are covered**.	
(62) Regulation (EU) 2017/625 of the European Parliament and of the Council[18] should be amended to include in its scope the production and marketing of PRM in line with this Regulation. This is important in order to guarantee a uniform approach as regards official controls for the entire plant production and food chain, since Regulation (EU) 2017/625 also applies to the scope of Regulation (EU) 2016/2031, and Regulation (EU) 2018/848 of the European Parliament and of the Council[19]. 18 Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).	PL (Drafting suggestions): Regulation (EU) 2017/625 of the European Parliament and of the Council[18] should be amended to include in its scope ~~the production and~~ marketing of PRM in line with this Regulation. This is important in order to guarantee a uniform approach as regards official controls for the entire plant production and food chain, since Regulation (EU) 2017/625 also applies to the scope of Regulation (EU) 2016/2031, and Regulation (EU) 2018/848 of the European Parliament and of the Council[19] PL (Comments): According to the PL position, only marketing of PRM should be in the scope of OCR.

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19 Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).	
	IT (Comments): a Recital on amending the NGT Regulation will be needed
(63) In this respect, the Commission should be empowered to adopt specific rules on official controls and on actions taken by the competent authorities in relation to PRM, in particular for laying down rules for the performance of official controls on PRM for verifying compliance with Union rules, for the import into, and marketing within, the Union of PRM, and on the activities of operators during the production of PRM.	
(63a) However, Regulation (EU) 2017/625 should not apply in its entirety to activities relating to variety registration in this Regulation. Furthermore, derogations should be made in this Regulation from specific Articles of Regulation (EU) 2017/625. This includes in particular those provisions of Regulation (EU) 2017/625 that impose new administrative burdens on the competent authorities that would be disproportionate to achieving the objectives of this Regulation.	
~~(64) Regulation (EU) 2018/848 should be amended to align the definitions of 'plant reproductive material' and 'heterogeneous material' with the definitions provided for by this Regulation. Moreover, the empowerment for the Commission to adopt specific provisions for the marketing of PRM of organic heterogeneous material should be excluded from Regulation (EU) 2018/848, as all rules concerning the production and marketing of PRM should be set out in this Regulation for reasons of legal clarity.~~	

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(65) In order to adapt the list of genera and species of PRM~~, subject to~~ **within** the scope of this Regulation~~,~~ to the developments related to the significance of **the** area and **the** value of production, food **and** ~~/~~feed security and **the** number of Member States ~~where it is cultivated~~ **of cultivation**, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending that list.	FR (Drafting suggestions): (65) In order to adapt the list of genera and species of PRM~~, subject to~~ within the scope of this Regulation~~,~~ to the developments related to the significance **of at least two** ~~**of the**~~ criteria ~~when of~~ **among** the area and the value of production, **the** food and ~~/~~feed security, ~~**and**~~ the number of Member States ~~where it is cultivated~~ of cultivation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending that list. FR (Comments): Les autorités françaises proposent une reformulation conforme à l'article 2, paragraphe 3, deuxième alinéa. Courtesy translation The French authorities propose a rewording consistent with Article 2(3) second paragraph.
(65a) In order to adapt the list of genera and species of PRM that can only be produced and marketed as pre-basic, basic or certified seed or material within the scope of this Regulation where there is a need for higher qulity guarantees and the costs of the relevant certification activities are proportionate, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending that list.	BE (Drafting suggestions): **(65a) In order to adapt the list of genera and species of PRM that can only be produced and marketed as pre-basic, basic or certified seed or material within the scope of this Regulation ~~where there is a need for~~ to guarantee a higher quality ~~guarantees and~~ but within the limits of proportionate ~~the~~ costs of the relevant certification activities ~~are proportionate~~, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending that list.** DE

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	(Drafting suggestions): … **where there is a need for higher quality guarantees** DE (Comments): editorial EE (Drafting suggestions): **(65a) In order to adapt the list of genera and species of PRM that can only be produced and marketed as pre-basic, basic or certified seed or material within the scope of this Regulation where there is a need for higher quality guarantees and the costs of the relevant certification activities are proportionate, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending that list.** EE (Comments): Editorial comment EL (Drafting suggestions):

Presidency revised text	Drafting suggestions and Comments
	(65a) In order to adapt the list of genera and species of PRM that can only be produced and marketed as pre-basic, basic or certified seed or material within the scope of this Regulation where there is a need for higher ~~qulity~~ quality guarantees and the costs of the relevant certification activities are proportionate, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending that list. EL (Comments): Editorial. IT (Drafting suggestions): **In order to adapt the list of genera and species of PRM that can only be produced and marketed as pre-basic, basic or certified seed or material within the scope of this Regulation where there is a need for higher quality guarantees and the costs of the relevant certification activities are proportionate, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending that list.** IT (Comments): Editorial changes SE (Drafting suggestions): **(65a) In order to adapt the list of genera and species of PRM that can only be produced and marketed as pre-basic, basic or certified seed or material within the scope of this Regulation where there is a need for higher ~~qulity~~quality guarantees and the costs of the relevant certification activities are proportionate, the power to adopt acts in accordance with**

Presidency revised text	Drafting suggestions and Comments
	Article 290 TFEU should be delegated to the Commission in respect of amending that list. SE (Comments): spelling
(66) In order to adapt the rules on the production and marketing of PRM to the technical and scientific developments and the applicable international standards, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the requirements of this Regulation concerning the production and marketing of pre-basic, basic, certified and standard **seed and** material ~~and seeds~~.	EL (Drafting suggestions): (66) In order to adapt the rules on the production and marketing of PRM to the technical and scientific developments and the applicable international standards, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the requirements of this Regulation concerning the production and marketing of pre-basic, basic, certified and standard **PRM** ~~**seed and** material and seeds~~.
(66a) In order to confirm the compliance of professional operators with the conditions to carry out certain activities regarding certification under official supervision, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of specific actions to taken by the competent authorities.	DE (Drafting suggestions): **(66a) In order to confirm the compliance of professional operators with the conditions to carry out certain activities regarding certification under official supervision, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of specific actions to be taken by the competent authorities.** DE (Comments): editorial
(66b) In order to have a harmonised approach, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the	ES

Presidency revised text	Drafting suggestions and Comments
Commission in respect of the data and technical arrangements necessary for the issuance of the official label for pre-basic, basic and certified PRM and of the operator's label for standard PRM.	(Drafting suggestions): **(66b) In order to have a harmonised approach, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the data and technical arrangements necessary for the issuance of the official label for pre-basic, basic and certified PRM and of the operator's label for standard PRM and any other type of PRM.**
(66c) In order to ensure harmonised rules on the production and marketing of preservation mixtures, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of further requirements for such mixtures concerning the designation of the region of origin, the use of certain species, the aurhotisation of professional operators, the production by direct collection or by multiplication, the activities carried out by the competent authority and the conditions for production and marketing of seeds intended for mixtures.	BE (Drafting suggestions): **(66c) In order to ensure harmonised rules on the production and marketing of preservation mixtures, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of further requirements for such mixtures concerning the designation of the region of origin, the use of certain species, the aurthotrisation of professional operators, the production by direct collection or by multiplication, the activities carried out by the competent authority and the conditions for production and marketing of seeds intended for mixtures.** DE (Drafting suggestions): … **Commission in respect of further requirements for such mixtures concerning the designation of the region of origin, the use of certain species, the ~~aurhotisation~~ authorization of professional** DE

Presidency revised text	Drafting suggestions and Comments
	(Comments): editorial SE (Drafting suggestions): **(66c) In order to ensure harmonised rules on the production and marketing of preservation mixtures, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of further requirements for such mixtures concerning the designation of the region of origin, the use of certain species, the ~~aurhotisation~~authorisation of professional operators, the production by direct collection or by multiplication, the activities carried out by the competent authority and the conditions for production and marketing of seeds intended for mixtures.** SE (Comments): spelling
~~(67) In order to adapt the rules on the production and marketing of PRM of heterogeneous material to the technical and scientific developments, and take into account the experience gained from the application of the rules of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the requirements concerning the production and marketing of heterogeneous material.~~	
(67a) In order to adapt the list of genera and species of PRM that can be produced and marketed as commercial seed to the relevant breeding and economic developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending that list.	

Presidency revised text	Drafting suggestions and Comments
(67b) In order to address situations where a registration of certain categories of professional operators would constitute a disproportionate administrative burden on them, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of extending the list of professional operators who are not required to be registered.	
(68) In order to adapt the content of variety registers to the technical developments and follow up to the experience gained from variety registration, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the requirements concerning that content.	
(68a) In order to adapt the technical requirements for the registration of selected clones and polyclonal material to the scientific and technical developments and to the applicable international standards, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending those requirements.	
~~(69) In order to adapt the cultivation of varieties to the development of technical and scientific knowledge, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of adopting conditions of cultivation of varieties that are herbicide-tolerant or have other characteristics that could lead to undesirable agronomic effects. Those conditions should include measures in the field, such as crop rotation; monitoring measures; the notification of those measures by Member States to the Commission and the other Member States; reporting by professional operators to the competent authorities concerning the application of those measures; and the indications of those conditions in the national variety registers.~~	

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~~(70) In order to adapt testing and requirements for the sustainable value of cultivation and use requirements to the potential technical and scientific developments, and the possible development of international standards, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing this Regulation with certain elements. Those consist of the necessary methodologies for the growing trials to be carried out with a view to assessing, and adopting further requirements for, sustainable value of cultivation and use for certain genera or species.~~	
(~~73~~ 70a) In order to adapt the provisions of this Regulation concerning the examination for sustainable cultivation and use to the technical or scientific developments, and to any new Union policies or rules on sustainable agriculture, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing this Regulation by establishing the minimum requirements for assessing the characteristics examined and the evaluation and the reporting of the results of this examination.	
(71) In order to ~~adapt the~~ **set out specific criteria concerning the suitability of** ~~rules on~~ **a** variety denomination ~~to the technical and scientific developments, and follow up on the experience gained from the application of those rules~~, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of ~~supplementing this Regulation by setting out specific criteria concerning the suitability of variety denominations~~ **the relation to trademarks, the relation to geographical indications or designation of origin for agricultural products, the written consent of holdes of prior rights to remove impediments to the suitability of a denomination, the use of codes, the definition of closely related species and the determination of misleading, offensive or confusing denominations**.	DE (Drafting suggestions): …

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	the written consent of holders of prior rights to DE (Comments): editorial EL (Drafting suggestions): (71) In order to ~~adapt the~~ **set out specific criteria concerning the suitability of** ~~rules on~~ **a** variety denomination ~~to the technical and scientific developments, and follow up on the experience gained from the application of those rules~~, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of ~~supplementing this Regulation by setting out specific criteria concerning the suitability of variety denominations~~ **the relation to trademarks, the relation to geographical indications or designation of origin for agricultural products, the written consent of ~~holdes~~ holders of prior rights to remove impediments to the suitability of a denomination, the use of codes, the definition of closely related species and the determination of misleading, offensive or confusing denominations**. EL (Comments): Editorial. FR (Drafting suggestions): (71) In order to ~~adapt the~~ set out specific criteria concerning the suitability of ~~rules on~~ a variety denomination ~~to the technical and scientific developments, and follow up on the experience gained from the application of those rules~~, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of ~~supplementing this Regulation by setting out~~

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	~~specific criteria concerning the suitability of variety denominations~~ the relation to trademarks, the relation to geographical indications or designation of origin for agricultural products, the written consent of ~~**holdes**~~ **holder** of prior rights to remove impediments to the suitability of a denomination, the use of codes, the definition of closely related species and the determination of misleading, offensive or confusing denominations, **including the reuse in a new denomination of all or part of a denomination that has acquired a reputation.** FR (Comments): La délégation française propose de préciser que la délégation à la Commission permettra notamment de résoudre les questions relatives à la réutilisation des dénominations reconnues. Cela permettrait, par exemple, de protéger la dénomination des variétés emblématiques dans le cas de la vigne. Courtesy translation The French delegation proposes specifying that the delegation to the Commission will, in particular, enable issues relating to the reuse of recognized denomination to be resolved. This would, for example, enable the denomination of emblematic grape varieties to be protected in the case of vines. IT (Drafting suggestions): In order to ~~adapt the~~ **set out specific criteria concerning the suitability of** ~~rules on~~ **a** variety denomination ~~to the technical and scientific developments, and follow up on the experience gained from the application of those rules~~, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of ~~supplementing this Regulation by setting out specific criteria concerning the suitability of variety denominations~~ **the relation to trademarks, the relation to geographical**

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	indications or designation of origin for agricultural products, the written consent of holders of prior rights to remove impediments to the suitability of a denomination, the use of codes, the definition of closely related species and the determination of misleading, offensive or confusing denominations. IT (Comments): Editorial changes SE (Drafting suggestions): (71) In order to ~~adapt the~~ **set out specific criteria concerning the suitability of** ~~rules on~~ **a** variety denomination ~~to the technical and scientific developments, and follow up on the experience gained from the application of those rules~~, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of ~~supplementing this Regulation by setting out specific criteria concerning the suitability of variety denominations~~ **the relation to trademarks, the relation to geographical indications or designation of origin for agricultural products, the written consent of ~~holdes~~holders of prior rights to remove impediments to the suitability of a denomination, the use of codes, the definition of closely related species and the determination of misleading, offensive or confusing denominations**. SE (Comments): spelling
~~(72) In order to adapt the provisions of this Regulation concerning technical examinations of varieties to the technical and scientific developments and the practical needs of competent authorities and professional operators, and follow~~	

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~~up on the experience gained from the application of the respective rules, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing this Regulation by setting out the rules concerning the audit of the premises of professional operators to carry out technical examinations for the satisfactory value for sustainable cultivation and use.~~	
~~(73) In order to adapt the provisions of this Regulation concerning the examination for sustainable cultivation and use to the technical or scientific developments, and to any new Union policies or rules on sustainable agriculture, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing this Regulation by establishing the minimum requirements for carrying out this examination, establishing the methodologies for assessing the characteristics examined, establishing the standards for the evaluation and the reporting of the results of this examination and amending the characteristics examined.~~	
(74) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[20]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. 20 OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj	

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(75) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[21]. 21 Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, ELI: OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj.	
(75a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission with respect to specifying the production and marketing requirements laid down in this Regulation for certain genera, species or categories of pre-basic, basic, certified and standard PRM, and, where appropriate, for certain grades, classes, generations or other sub-divisions of the category concerned.	
(75b) In order to ensure uniform conditions for the implementation of this Regulation, and to take account of the development of scientific and technical knowledge and international standards, implementing powers should be conferred to the Commission with respect to setting out rules concerning the control plot tests of pre-basic, basic, certified and standard seed lots per genus, species or category.	
(76) In order to ensure uniform conditions for the implementation of this Regulation, and to improve the performance of professional operators and the identity and quality of PRM produced and marketed by them, implementing powers should be conferred to the Commission with respect to specifying the requirements for the ~~audits~~ **evaluations**, training**s**, examinations, inspections,	

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sampling and testing, with regard to particular genera or species, for the official supervision of the professional operators by the competent authorities.	
(77) In order to ensure uniform conditions for the implementation of this Regulation concerning handling and ~~marketing~~ **labelling** of PRM **lots**~~, and adapt the respective rules to the experience gained from the application of the provisions of this Regulation~~, implementing powers should be conferred to the Commission for adopting specific requirements for all or certain species of PRM, concerning **the maximum size of lots, their identification, testing of lots,** the merging or splitting of lots in relation to the origin of PRM lots, ~~their identification,~~ record**sing** on ~~that~~ **those** operation**s** and labelling following the merging or splitting of PRM lots **in accordance with applicable international standards**.	
(78) In order to ensure uniform conditions for the implementation of this Regulation **concerning PRM in packages, bundles or containers**~~, follow up on the practical experience gained by the application of its provisions, and improve the integrity of the marketed PRM,~~ implementing powers should be conferred to the Commission for adopting specific requirements concerning the sealing, ~~fastening,~~ size and form of packages, bundles and containers of specific species of PRM **, as well as conditions for the marketing of seed and seed potatoes in bulk without sealing or packaging**.	EL (Drafting suggestions): (78) In order to ensure uniform conditions for the implementation of this Regulation **concerning PRM in packages, bundles or containers**~~, follow up on the practical experience gained by the application of its provisions, and improve the integrity of the marketed PRM,~~ implementing powers should be conferred to the Commission for adopting specific requirements concerning the sealing, ~~fastening,~~ size and form of packages, bundles and containers of ~~specific~~ **certain** species of PRM **, as well as conditions for the marketing of seed and seed potatoes in bulk without sealing or packaging**. EL (Comments): Editorial.
(79) In order to ensure uniform conditions for the implementation of this Regulation, and in particular concerning the legibility, recognisability and	

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security of labels, implementing powers should be conferred to the Commission for adopting specific provisions concerning the official labels, labels used for certain derogations and, labels used for some specific types of PRM, and set**ting** out the content, size, colour**,** ~~and~~ form **and, in the case of imported PRM, language** of those labels for the respective categories or types of PRM.	
(80) In order to ensure uniform conditions for the implementation of this Regulation **concerning mixtures of seed,** and **to** follow up on any **technical and scientific developments and** practical experience gained by the application of the respective rules, implementing powers should be conferred to the Commission for adopting specific provisions concerning ~~mixtures of seeds~~ **mixing equipment and procedure, sealing, packaging and labelling, content, size, colour and form of the label, applicable use and denomination of mixtures**.	
(80a) In order to ensure uniform conditions for the implementation of this Regulation concerning specific requirements on packaging and sealing of preservation mixtures, implementing powers should be conferred to the Commission for adopting those requirements.	
(81) In order to ensure uniform conditions for the implementation of this Regulation with respect to retail marketing of PRM **of fruit and vegetable plant species**, and make the marketing of PRM as practical and suitable for each species as possible, implementing powers should be conferred to the Commission for adopting rules concerning the size, form, sealing and handling requirements of **individual plants and** ~~the~~ small packages for ~~seeds and the packages and bundles for other~~ PRM marketed to ~~final~~ **non-professional** users.	
(82) In order to ensure uniform conditions for the implementation of this Regulation **in relation** ~~and~~ to address**ing** ~~urgent~~ **temporary** supply difficulties	PL

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of PRM, implementing powers should be conferred to the Commission for authorising, ~~in the case of temporary difficulties in the supply of PRM,~~ for a maximum period of ~~1 year~~ **18 months**, the marketing of PRM of the categories of pre-basic, basic ~~or~~**,** certified **or standard seed or** material ~~or seed~~ subject to less stringent requirements, or to derogate from the requirement to belong to a variety, and with respect to repealing and amending that authorisation.	(Drafting suggestions): In order to ensure uniform conditions for the implementation of this Regulation **in relation** ~~and~~ to address**ing** ~~urgent~~ **temporary** supply difficulties of PRM, implementing powers should be conferred to the Commission for authorising, ~~in the case of temporary difficulties in the supply of PRM,~~ for a maximum period of ~~1 year~~ **18 months**, the marketing of **seed or material** ~~PRM~~ of the categories ~~of~~ pre-basic, basic ~~or~~**,** certified **or standard** ~~seed or material or seed~~ subject to less stringent requirements, or to derogate from the requirement to belong to a variety, and with respect to repealing and amending that authorisation. SE (Drafting suggestions): (82) In order to ensure uniform conditions for the implementation of this Regulation **in relation** ~~and~~ to address**ing** ~~urgent~~ **temporary** supply difficulties of PRM, implementing powers should be conferred to the Commission for authorising, ~~in the case of temporary difficulties in the supply of PRM,~~ for a maximum period of ~~1 year~~ **18 months**, the marketing of PRM of the categories of pre-basic, basic ~~or~~**,** certified **or standard seed or** material ~~or seed~~ subject to less stringent requirements **regarding germination**, or to derogate from the requirement to belong to a variety, and with respect to repealing and amending that authorisation. SE (Comments): It should be pointed out that the less stringent requirement regards the germination rate.
(83) In order to ensure uniform conditions for the implementation of this Regulation, and ensure some flexibility ~~to~~ **for** Member States to adopt **more stringent** national measures**,** ~~adapted to their agro-climatic conditions and~~ **including** higher quality standards, implementing powers should be conferred	EL (Drafting suggestions):

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to the Commission for authorising the Member States to ~~adopt, with regards to production and marketing of PRM, more stringent~~ **such requirements for the** production ~~or~~ **and** marketing ~~requirements~~ **of PRM, provided that those measures correspond to market demands, specific production conditions or agro-climatic conditions of that Member State**~~, in all or part of the territory of the Member State concerned, and with respect to repealing or amending such measures adopted pursuant to the PRM marketing Directives~~.	(83) In order to ensure uniform conditions for the implementation of this Regulation, and ensure some flexibility ~~to~~ **for** Member States to adopt **more stringent** national measures**,** ~~adapted to their agro-climatic conditions and~~ **including** higher quality standards, implementing powers should be conferred to the Commission for authorising the Member States to **adopt**~~,~~ ~~with regards to production and marketing of PRM, more stringent~~ **such requirements for the** production ~~or~~ **and** marketing ~~requirements~~ **of PRM, provided that those measures correspond to market demands, specific production conditions or agro-climatic conditions of that Member State**~~, in all or part of the territory of the Member State concerned, and with respect to repealing or amending such measures adopted pursuant to the PRM marketing Directives~~. EL (Comments): Editorial. FR (Drafting suggestions): (83) In order to ensure uniform conditions for the implementation of this Regulation, and ensure some flexibility ~~to~~ for Member States to adopt more stringent national measures, ~~adapted to their agro-climatic conditions and~~ including higher quality standards, implementing powers should be conferred to the Commission for authorising the Member States to ~~adopt, with regards to production and marketing of PRM, more stringent~~ such requirements for the production ~~or~~ and marketing ~~requirements~~ of PRM, provided that those measures correspond to market demands, specific production conditions or agro-climatic conditions of that Member State. **Those more stringent measures shall not impose, or result in, any prohibitions or restrictions on the movement of products originating from, or destined to, other Member States.** FR

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	(Comments): Il est important de rappeler que ces conditions supplémentaires ne s'appliquent pas à la production provenant d'autres Etats membres. Courtesy translation It is important to remember that these additional conditions do not apply to production from other Member States.
(83a) In order to ensure uniform conditions for the implementation of this Regulation, and ensure some flexibility for Member States concerning species whose cultivation on their territory is insignificant, and where the certification and control of the production of that species would create a disproportionate administrative burden, implementing powers should be conferred to the Commission for temporarily allowing PRM belonging to such species to be produced and marketed in that Member State without being subject to the production and marketing rules under this Regulation.	
(84) In order to ensure uniform conditions for the implementation of this Regulation, and ensure a swift response to sudden risks, implementing powers should be conferred to the Commission for taking emergency measures, where **there are detailed reasons based on new or additional scientific knowledge for considering that** the production or marketing of PRM ~~is likely to~~ constitute**s** a serious risk to human, animal or plant health, the environment or cultivation of other species, and such risk **has not been assessed pursuant to any other Union rules and** cannot be contained satisfactorily by measures taken by the Member State concerned~~, and with respect to repealing or amending any such measure taken by a Member State~~. **Implementring powers shall be conferred to the Commission to adopt immediately applicable implementing acts to, in duly jusitfied cases of urgency, address a serious risk to human health.**	DE (Drafting suggestions): …

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	Implement~~r~~ing powers shall be conferred to the Commission to adopt immediately applicable implementing acts to, in duly ~~jusitfied~~ justified cases of urgency, address a serious risk to human health. DE (Comments): editorial IT (Drafting suggestions):

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	Implementring powers shall be conferred to the Commission to adopt immediately applicable implementing acts to, in duly justified ~~jusitfied~~ cases of urgency, address a serious risk to human health. IT (Comments): Editorial changes SK (Drafting suggestions):

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	….in duly **justified** cases of urgency, address a serious risk to human health.
(85) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission for deciding on the organisation of temporary experiments to seek improved alternatives to the scope and certain provisions of this Regulation.	
(86) In order to ensure uniform conditions for the implementation of this Regulation with regard to the import of PRM, and ensure compliance of the third country requirements with the equivalent Union requirements, implementing powers should be conferred to the Commission with respect to recognising whether PRM of specific genera, species or categories produced in a third country, or particular areas of a third country, fulfils requirements equivalent to those applicable to PRM produced and marketed in the Union, in order to be imported.	EL (Drafting suggestions): (86) In order to ensure uniform conditions for the implementation of this Regulation with regard to the import of PRM, and ensure compliance of the third country requirements with the ~~equivalent~~ Union requirements, implementing powers should be conferred to the Commission with respect to recognising whether PRM of specific genera, species or categories produced in a third country, or particular areas of a third country, fulfils requirements equivalent to those applicable to PRM produced and marketed in the Union, in order to be imported. EL (Comments): Equivalent should be the requirements of the third country.
(87) In order to ensure uniform conditions for the implementation of this Regulation and to ensure appropriate maintenance of the registered varieties in third countries too, implementing powers should be conferred to the Commission with respect to recognising that the controls on variety	

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maintenance carried out in the third country afford the same guarantees as those set out in the Union.	
(88) In order to ensure uniform conditions for the implementation of this Regulation, ~~and to adapt its provisions to the evolving applicable~~ **taking into account the** protocols **established by the CPVO, the applicable guidelines** of the International Union for the Protection of new Varieties of Plants (UPOV) or **other relevant national** protocols~~established by the CPVO, and the relevant technical and scientific developments~~, implementing powers should be conferred to the Commission for adopting specific requirements concerning distinctness, uniformity and stability per genera or species of varieties **and the characteristics and information that the officially recognised description of the variety is to cover**.	LT (Comments): Implementing powers should also be conferred to the Commission regarding adjustment of uniformity requirements for organic varieties.
(88a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission for specifying the elements of suitability of variety denominations laid own in this Regulation, taking into account any applicable international standards, as well as the relevant guidelines on variety denominations developed by the CPVO.	IT (Drafting suggestions): **In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission for specifying the elements of suitability of variety denominations laid down in this Regulation, ~~taking into account~~ considering any applicable international standards, as well as the relevant guidelines on variety denominations developed by the CPVO.** IT (Comments): Editorial changes SK (Drafting suggestions):

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	….Commission for specifying the elements of suitability of variety denominations **laid down** in this Regulation,
(88b) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission for specifying the way in which competent authorities may collaborate with natural or legal persons for the purpose of the technical examination of distinctness, uniformity and stability and of the value for sustainable cultivation and use.	
(89) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission for adopting specific rules as regards the size **and replacement** of the standard sample of registered varieties ~~used for the official post controls of PRM, the rules for the renewal of those samples~~ and the provision of those samples to other ~~Member States~~ **competent authorities**.	
(89a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission for specifying the technical formats for Member States' reporting on the functioning of the PRM production and marketing system.	
(90) Since the objective of this Regulation, namely to ensure a harmonised approach with regard to the production and marketing of PRM, cannot be sufficiently achieved by the Member States but can rather, by reason of its effects, complexity and international character, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not exceed what is necessary in order to achieve that	DE (Drafting suggestions): (90) Since the objective of this Regulation, namely to ensure a harmonised approach with regard to the production and marketing of PRM, ~~cannot~~ **may not** be sufficiently achieved by the Member States but ~~can~~ **might** rather, by reason of its effects, complexity and international character, be better achieved at Union level, the Union may adopt measures, in accordance with

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objective. In this view, and as necessary, it introduces derogations or specific requirements for certain types of PRM and professional operators.	the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not exceed what is necessary in order to achieve that objective. In this view, and as necessary, it introduces derogations or specific requirements for certain types of PRM and professional operators. DE (Comments): We suggest to not forget that the Directives worked well over many decades. Stating that Member States are not able to ensure a harmonised approach does not reflect this. Hence the suggested amendments.
	IT (Comments): **A specific recital on transitional provisions is needed**
(91) This Regulation should apply from ~~3~~ **5** years after its entry into force, in order to allow the competent authorities and the professional operators to adapt to its provisions and also to provide the necessary time for the adoption of the respective delegated and implementing acts. ~~The rules concerning the satisfactory value for sustainable cultivation and use of varieties of vegetables and fruit plants should however apply from 5 years after its entry into force. That additional time period is needed for the competent authorities and professional operators to make the necessary preparations and carry out the first tests in the fields complying with those new rules.~~	
HAVE ADOPTED THIS REGULATION:	