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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 Article 32 (2), (3) and (5) and Article 79 - Contributions from BE, CY, CZ, EE, EL, ES, FI, FR, HU, IE, IT, NL, PL, SE and SK

Delegations will find in the annex comments/drafting suggestions submitted by Belgium, Cyprus, Czechia, Estonia, Greece, Spain, Finland, France, Hungary, Ireland, Italy, the Netherlands, Poland, Sweden and Slovakia on Article 32(2), (3) and (5) and Article 79 of the proposal for a Regulation on the production and marketing of plant reproductive material in the Union.

PRM - Consultation on Article 32 (2), (3), (5) and Article 79
From: BE, CY, CZ, EE, EL, ES, FI, FR, HU, IE, IT, NL, PL, SE, SK

Presidency revised text	Drafting suggestions and Comments
Article 32	ITA (Comments): The outcome text from the meeting of 6-7 november has several parts greyed (e.g. new paragraph 2b) that need further comments. The article still raises dubts and lacks consistency with decisión 2004/842, Therefore we would like to anticípate comments also on **points 2a and 2b**, that are not shown here in the grid: **Paragraph 2a.** it's a derogation that, unlike the others, does not require an autohorization, therefore, we suggest moving it to the end **after point 2b**. A clear purpose should be indicated. **Paragraph 2b (new addition):** it's derogation that requests an authorization and therefore a clear purpose/scope should be indicated. (such as in paragraphs 1 and 2). It should be aligned with the current Decision 2004/842 which does not provide quantitative limits.
PRM of varieties under registration ~~for which an application for registration has been submitted~~	CZ (Comments): Czechia supports the Presidency's drafting suggestions on Article 32.
2. By way of derogation from Articles 5, **6a,** ~~10-12, 15, 23~~ and ~~24~~ **~~25~~ 9b**, a competent authority may authorise professional operators ~~before the PRM has been certified to comply with the requirements referred to in Article 7 or 8 concerning varietal identity and varietal purity,~~ to produce and market **PRM ~~fulfiling the respective requirements, other than varietal identity and varietal purity~~, ~~of Article 8 for~~** ~~certified or standard seed or material~~ belonging to a variety **under registration ~~for which the competent authority has confirmed the successful submission of the~~**	EL (Drafting suggestions): 2. By way of derogation from Articles 5, **6a,** ~~10-12, 15, 23~~ and ~~24~~ **~~25 9b~~ 9a**, a competent authority may authorise professional operators ~~before the PRM has been certified to comply with the requirements referred to in Article 7 or 8 concerning varietal identity and varietal purity,~~ to produce and market **PRM of agricultural species and potato ~~fulfiling the respective requirements, other than varietal identity and varietal purity~~, ~~of Article 8 for~~** ~~certified or standard seed or material~~ belonging to a variety **under registration ~~for which the competent authority has confirmed the successful submission of the application for variety registration in accordance with Article 58~~** ~~not yet registered in a national variety register referred to in~~

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~~**application for variety registration in accordance with Article 58** not yet registered in a national variety register referred to in Article 44~~ for the purpose of carrying out tests or trials to gather information on the cultivation or use of that variety, if ~~all of~~ the following requirements are fulfilled:	~~Article 44~~ for the purpose of carrying out tests or trials to gather information on the cultivation or use of that variety, if ~~all of~~ the following requirements are fulfilled: EL (Comments): The addition of agricultural species and potato makes this paragraph clear. ITA (Comments): The current wording is not clear to interpret. Are we limiting the derogation only to standard PRM (fruits, vine and vegetables)? Or does it also apply to agricultural species? If the second option is correct the wording is not clear; we ask for a reference to the types of species concerned (e.g agricultural species). In light of paragraphs 2(a) and 2(b), which allow a broader marketing of fruit, vine and vegetable species, why is it necessary to maintain this paragraph concerning these three types of PRM? The paragraphs overlap, and we do not believe that there is any interest for a vegetable species (covered by 2(b)) or a fruit species (covered by 2(a)) in applying the authorisation provided under this point. NL (Drafting suggestions): By way of derogation from Articles 5, ~~6a,~~ ~~10-12, 15, 23~~ and ~~24~~ **~~25~~ 9b**, a competent authority may authorise professional operators ~~before the PRM has been certified to comply with the requirements referred to in Article 7 or 8~~ NL (Comments): This derogation will be used for material that is still early in the chain, at the producer of seed potatoes or of seeds for agricultural crops. They will produce stock, to be used for test and trials. In general, this adjustment fits better with the current practice. However, not including a derogation of 6a makes it even more in line with the current practice and more in line with the proposed PRM Regulation. In that case certification can still be done

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	when during the growing season the registration is concluded. Then it should be possible to place this material on the market with the correct classification. PL (Comments): As this is a derogation from art. 6a it means that in this particular case it is possible also for all species including agricultural to produced and marketed PRM as standard category for this special purpose of "test and trials". This is similar like for PRM of conservation variety. We don't support the idea to produce and market PRM as PB, B, C category because this PRM will be used for special purposes of test and trials – with no further marketing. It should be produced and marketed with full responsibility of the authorised operator who want's to make those trials and collect results. We don't support idea to produce this PRM as PB, B, C category that is certified officially or under official supervision.
(x) the PRM belongs to a variety for which the competent authority has confirmed the ~~successful~~ submission of the application for variety registration in accordance with Article 58;	
(y) the PRM fulfills the respective requirements, other than varietal identity and varietal purity, of Article 8 for standard seed or material;	BE (Drafting suggestions): The PRM fulfills the respective requirements, other than varietal identity and varietal purity, of Articles 7 or 8 for the categories certified or standard seed or material **according to the possible category of production set up in the Annex II or III** BE (Comments):

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	For some species it could not be possible to produce Standard seed or material (for ex seed potatoes) CY (Comments): Cyprus agrees with the proposed text. PRM produced under this derogation will be in limited quantities and can be used only for tests and trials to designated premises of natural or legal persons. There is no need to upgrade the category in order to issue official labels as this will create unnecessary burden to the CA. EE (Comments): The variety must comply with the varietal identity and varietal purity at least in the first year of technical examination report . EL (Drafting suggestions): **(y) the PRM fulfills the respective requirements, other than varietal identity and varietal purity, ~~of Article 8 for standard seed or material~~ of Article 7 for certified seed or material;** FI (Drafting suggestions): **(y) the PRM fulfills the respective requirements, other than varietal identity and varietal purity, of Article 7 or 8 for certified or standard seed or material;** FI (Comments): Finland considers that article 7 should be brought back to this article. FR (Drafting suggestions):

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	The PRM fulfills the respective requirements, other than varietal identity and varietal purity, of Article**s 7** or 8 for the categories of **pre-basic, basic, certified and** standard seed or material; FR (Comments): La réglementation actuelle prévoit des exigences du niveau certifié pour les espèces à certification obligatoire (article 5 de la décision de la Commission 2004/842/CE). Dans le but de garantir des normes de qualité élevées lors des essais de nouvelles variétés, il est essentiel que les règles pour les grandes cultures soient cohérentes avec les dispositions prévues pour réaliser des essais sur les espèces à certification obligatoire. Le but de ces essais est de tester les variétés dans des conditions de commercialisation. Les autorités françaises souhaitent donc maintenir le niveau d'exigence actuel. Courtesy translation: Current regulations stipulate certified-level requirements for species subject to compulsory certification (Article 5 of Commission Decision 2004/842/EC). To ensure high quality standards during trials of new varieties, it is essential that the rules for field crops be consistent with the provisions for conducting trials on species subject to compulsory certification. The purpose of these trials is to test varieties under market conditions. The French authorities therefore wish to maintain the current level of requirements. IE (Drafting suggestions): the PRM fulfils the respective requirements, other than varietal identity and varietal purity, of Article **7 or** 8 for **certified or** standard seed or material; ITA (Comments): See comment above. NL (Drafting suggestions):

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	(y) the PRM fulfills the respective requirements, other than varietal identity and varietal purity, of Article 7 ~~Article 8~~ for standard seed or material; NL (Comments): Paragraph 2 is about the derogation for agricultural crops and seed potatoes. The categories for these crops are reflected in article 7. Also, when the registration is finished and results in a new variety registration, the material that has been marketed before, can be defined in the appropriate category, not being standard. PL (Comments): Yes, we agree it should be standard category possible according to this derogation for all species. Requirements for standard seed category will have to be established for all species because this will also apply to conservation varieties. In response to concerns raised at the meeting about the lack of requirements for the standard category, we would like to raise the issue again that these requirements will be specified for all species, in line with Article 8 and Annex III.
(a) that PRM is only used ~~for~~ ~~tests or trials carried out~~ by professional operators on the premises of specifically designated **natural or legal** persons ~~in order to gather information on the cultivation or use of the variety concerned;~~	FI (Drafting suggestions): (a) that PRM is only used for tests or trials carried out by authorised professional operators on the premises of specifically designated **natural or legal** persons ~~in order to gather information on the cultivation or use of the variety concerned;~~ FI (Comments): FI thinks that is would be useful to bring test and trials back to the text for clarity. Authorised should be added to be in line with the formulation of point b)

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(b) the marketing is made by the **authorised** professional operators carrying out the tests and trials to the persons referred to in point (a) only, with no further marketing of PRM thereafter to be allowed; **and**	
(c) there is no risk that such an authorisation will lead to insufficient identification or quality of the marketed PRM;	
~~(ca) there are indications that PRM complies with the requirements pursuant to Article 7 or 8 concerning varietal identity and varietal purity, which shall be attested by the technical questionnaire provided by the professional operator; and~~	
(d) […]	
~~(e) the respective PRM belongs to a variety for which an application has been submitted for registration in a national variety register pursuant to Article 55.~~	
Such authorisation may be granted for ~~a~~ **limited** ~~period and for small~~ quantities per species as determined by the competent authority. That authorisation shall automatically expire **if the application for variety registration is withdrawn or** ~~when~~ a decision pursuant to Article 67**(1) or (2)** is adopted ~~concerning the~~	EE (Comments): Are these limited quantities permitted for marketing or for multiplication/production during tests and trials? EL

Presidency revised text	Drafting suggestions and Comments
~~registration of the respective variety or if the application for registration of the respective variety is withdrawn~~.	(Drafting suggestions): Such authorisation may be granted for ~~a~~ **limited** ~~defined~~ ~~period and for small~~ quantities per species as determined by the competent authority. That authorisation shall automatically expire **if the application for variety registration is withdrawn or** ~~when~~ a decision pursuant to Article 67**(1) or (2)** is adopted ~~concerning the registration of the respective variety or if the application for registration of the respective variety is withdrawn~~. EL (Comments): **We suggest to replace the word "limited" with the word "defined". We also suggest to use the word "defined" in paragraphs 2a and 2b. It is more flexible.** ES (Drafting suggestions): Such authorisation may be granted for ~~a~~ **limited** ~~period and for small~~ quantities per species **and per operator** as determined by the competent authority. That authorisation shall automatically expire **if the application for variety registration is withdrawn or** ~~when~~ a decision pursuant to Article 67**(1) or (2)** is adopted ~~concerning the registration of the respective variety or if the application for registration of the respective variety is withdrawn~~. ES (Comments): It would be good to clarify if the authorisation is given per operator, or per variety, or just for a species annually for all operators using this derogation. The same for authorisations in paragraph 1 and 2b, as it is not clear and it could be interpreted in several ways. FR (Drafting suggestions): **Such authorisation may be granted for limited quantities per species for the categories of pre-basic, basic and certified seed. The quantities authorised for each variety shall not**

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	exceed the following percentages of seed of the same species utilised yearly in the Member State(s) for which the seed is intended: **(a) in the case of durum wheat: 0,05 %;** **(b) in the case of field pea, field bean, oats, barley and wheat: 0,3 %;** **(c) in all other cases: 0,1 %. However, if such quantities are not sufficient to sow [10] ha per Member State for which the seed is intended, the quantity needed for such an area may be authorised.** FR (Comments): S'agissant des limites quantitatives par espèce, déterminées par l'autorité compétente, il est nécessaire de définir des règles communes qui permettent d'éviter de créer des distorsions de concurrence au sein de l'Union européenne, ce qui pourrait conduire à encourager par exemple l'inscription de variétés dans les Etats membres qui accordent les limites quantitatives les plus élevées. Ce paragraphe étant destiné désormais principalement aux grandes cultures, il est proposé de reprendre le principe actuellement en place. La même problématique se pose pour le paragraphe 2b spécifique des espèces de légumes. Il serait préférable de disposer de règles harmonisées pour tous les Etats membres plutôt qu'une fixation par une autorité compétente. Courtesy translation: Regarding the quantitative limits per species, determined by the competent authority, it is necessary to define common rules to avoid creating distortions of competition within the European Union, which could, for example, encourage the registration of varieties in Member States that grant the highest quantitative limits. As this paragraph now primarily concerns agriculture crops, it is proposed to retain the principle currently in place. The same issue arises for paragraph 2b, which is specific to vegetable species. It would be preferable to have harmonized rules for all Member States rather than rules set by a single competent authority. ITA

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	(Drafting suggestions): Such authorisation may be granted for ~~a~~ **limited** ~~period and for small~~ **defined** ~~-~~quantities per species as determined by the competent authority. That authorisation shall automatically expire **if the application for variety registration is withdrawn or** ~~when~~ a decision pursuant to Article 67**(1) or (2)** is adopted ~~concerning the registration of the respective variety or if the application for registration of the respective variety is withdrawn~~
Such authorisation may only be granted by the competent authority with which the application for registration has been filed.	BE (Comments): And only for production and marketing within the territory of that Member State? Not a strong view, but if so then it would be better to clarify this. EE (Comments): Is this authorization also intended for conducting tests in another Member State? We have had in Estonia experience where Germany wanted to conduct tests and reproduce results in Estonia – the competent authorities should then be notified of this. FI (Comments): This formulation is not necessarily clear. Does this limit the authorisation to certain MS? In practice, is the CA in all the cases the same as the CA responsible for the variety registration? ITA (Drafting suggestions): **Such authorisation may only be granted by the competent authority with which the application for registration has been submitted** ~~**filed.**~~ ITA (Comments): We support text with some editorial changes

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	NL (Comments): The Netherlands agrees.
3. In order to obtain the authorisation referred to in paragraphs 1**, 2** and 2**b**, the professional operator shall submit to the competent authorities a request, indicating information about the following:	CY (Drafting suggestions): 3. In order to obtain the authorisation referred to in paragraphs 1, 2 and 2b, the professional operator shall submit to the competent authorit**y** ~~ies~~ **with which the application for registration has been filed** a request, indicating information about the following CY (Comments): Taking into consideration the last sentence added to paragraphs 1, 2 and 2b we believe that paragraph 3 must be rephrased. EL (Drafting suggestions): 3. In order to obtain the authorisation referred to in paragraphs 1**, 2, 2a** and 2**b**, the professional operator shall submit to the competent authorities a request, indicating information about the following: EL (Comments): [redacted] ES (Comments):

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	It would be good to rearrange the order of the paragraphs, as to have all paragraph linked to authorisation together, and paragraph 2a at the end (as it can be confused with the need of authorisation). FR (Drafting suggestions): **[**3. In order to obtain the authorisation referred to in paragraphs 1**, 2** and 2**b**, the professional operator shall submit to the competent ~~**authorities**~~ **authority** a request, indicating information about the following: HU (Drafting suggestions): …to in paragraph 1, **2, 2a** and 2**b….** HU (Comments): We prefer to have authorization also in case of fruit plants and vine. SK (Comments): We cannot support the addition of paragraph 2b. In our view, the authorisation requirements applicable to "*standard seed or material of varieties of vegetable plant species*" are already comprehensively covered by paragraph 1, and paragraph 2b therefore introduces unnecessary duplication.
(a) […]	

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(b) **the species and** the breeder's reference, **or the proposed denomination, where applicable** ~~and species~~ of the variety indicated in the application for registration;	BE (Drafting suggestions): **(b) the species and** the breeder's reference, **or the proposed denomination, where applicable,** ~~and species~~ of the variety indicated in the application for registration; BE (Comments): A comma after applicable ES (Drafting suggestions): (b) **the species and** the breeder's reference, ~~or~~ **and the proposed denomination, where applicable** ~~and species~~ of the variety indicated in the application for registration; ES (Comments): The breeder reference should be always mandatory to be provided, as it is the only reference that won´t be changed. The proposed denomination could change during the registration process and this can make difficult to track these varieties and these linked authorisations. FI (Drafting suggestions): (b) **the species and** the breeder's reference, ~~or~~ **and the proposed denomination, where applicable** ~~and species~~ of the variety indicated in the application for registration; FI (Comments): FI considers that it would be useful in light of traceability to have always the breeder's reference, and if applicable, as additional information the proposed denomination. These varieties are not yet registered.

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	IE (Drafting suggestions): (b) the species and the breeder's reference, ~~**or**~~ **and** the proposed denomination, where applicable ~~and species~~ of the variety indicated in the application for registration; IE (Comments): IE believes the breeders reference should always be provided to allow for full traceability.
(c) […]	
(d) the Member State and authority ~~before~~ **to** which the application **referred to in Article 58 has been submitted** ~~for the registration of the variety is pending~~, and the reference assigned to that application;	BE (Comments): Unnecessary as the authorisations **can only be granted by the competent authority with which the application for registration has been filed.** CY (Drafting suggestions): ~~the Member State and authority before **to** which the application **referred to in Article 58 has been submitted** for the registration of the variety is pending, and~~ the reference assigned to that application; CY (Comments): The first part of point (d) is redundancy. EE (Comments):

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	Does this also include DUS tests carried out at another member state testing center? Estonia also sends samples to testing centers in Poland and elsewhere. FI (Comments): It would be useful, if PRES could check that is this formulation in line with the previous addition : Such authorisation may only be granted by the competent authority with which the application for registration has been filed **?**
~~(da) the quantities of the PRM and the respective category to be made available on the market~~;	
(e) in case of authorisation as referred to in paragraph 1 **and 2b**, the sites where production ~~will~~ **is to** take place; and in case of authorisation as referred to in paragraph 2, the sites where tests and trials ~~will~~ **are to** take place; and	BE (Comments): OK with new paragraph 2b, but just one question: can the authorisation only be given for production and marketing within the territory of that Member State? Not a strong view, but if so then it would be better to clarify this. EE (Drafting suggestions): (e) in case of authorisation as referred to in paragraph 1**, 2a and 2b**, the sites where production will **is to** take place; and in case of authorisation as referred to in paragraph 2, the sites where tests and trials will **are to** take place; and EE (Comments): Reference is needed also to paragraph 2a EL (Drafting suggestions):

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	(e) in case of authorisation as referred to in paragraph 1, 2a **and 2b**, the sites where production ~~will~~ **is to** take place; and in case of authorisation as referred to in paragraph 2, the sites where tests and trials ~~will~~ **are to** take place; and EL (Comments): **We suggest to add also the sites of production of PRM of fruit plant species and vine.** HU (Drafting suggestions): …to in paragraph 1, 2a and 2**b….** HU (Comments): We suggest to add also the sites of production of PRM of fruit plant species and vine. ITA (Drafting suggestions): in case of authorisation as referred to in paragraph 1 2a **and 2b**, the sites where production ~~will~~ **is to** take place; and in case of authorization as referred to in paragraph 2, the sites where tests and trials ~~will~~ **are to** take place; and NL (Drafting suggestions): (e) in case of authorisation as referred to in paragraph 1 **and 2b**, the sites where production **of the PRM** ~~will~~ **is to** take place; and in case of authorisation as referred to in paragraph 2, the sites where tests and trials ~~will~~ **are to** take place; and NL (Comments): We assume the site of production in these cases is where the PRM is produced, not where end products will be produced from this PRM

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	SE (Drafting suggestions): (e) in case of authorisation as referred to in paragraph 1 ~~and 2b~~, the sites where production ~~will~~ **is to** take place; and in case of authorisation as referred to in paragraph 2, the sites where tests and trials ~~will~~ **are to** take place; and SE (Comments): There is no need for the competent authorities to know where the production takes place for the PRM referred to in 2b. If there is a requirement for 2b the same requirements should also apply for 2a. SK (Drafting suggestions): (e) in case of authorisation as referred to in paragraph 1 ~~and 2b~~, the sites where production will is to take place; and in case of authorisation as referred to in paragraph 2, the sites where tests and trials will are to take place; and
(ea) in case of authorisation as referred to in paragraph 1, the envisaged quantities to be produced of pre-basic, basic, certified, or standard seed and material before the variety registration ~~and~~, in case of authorisation as referred to in paragraph 2, the envisaged **quantities to be produced for** tests and trials **for ~~standard~~ seed and material~~;~~ and, in case of authortisation as referred to in paragraph 2b, the envisaged quantities to be produced.]**	BE (Drafting suggestions): (ea) in case of authorisation as referred to in paragraphs 1, 2 and 2b, the envisaged quantities to be produced of seed and material BE (Comments): Simplification of the text with the same information requested EL (Drafting suggestions):

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	(ea) in case of authorisation as referred to in paragraph 1, the envisaged quantities to be produced of pre-basic, basic, certified, or standard seed and material before the variety registration ~~and~~, in case of authorisation as referred to in paragraph 2, the envisaged **quantities to be produced for** tests and trials **for ~~standard~~ seed and material**~~;~~ **and, in case of as referred to in paragraph 2b, the envisaged quantities to be produced.**] EL (Comments): **Addition of quantities of PRM of fruit plant species and vine.** ES (Drafting suggestions): (ea) in case of authorisation as referred to in paragraph 1, the envisaged quantities to be produced of pre-basic, basic, certified, or standard seed and material before the variety registration ~~and~~, in case of authorisation as referred to in paragraph 2, the envisaged **quantities to be produced for** tests and trials **for ~~standard~~ seed and material**~~;~~ **and, in case of authortisation as referred to in paragraph 2b, the envisaged quantities to be produced during the period of authorisation.**] HU (Drafting suggestions): …in paragraph **2a and** 2b, … HU (Comments):

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	We suggest envisaged quantities also in case of fruit plant species and vine. ITA (Drafting suggestions): in case of authorisation as referred to in paragraph 1, the envisaged quantities to be produced of pre-basic, basic, certified, or standard seed and material before the variety registration ~~and~~, in case of authorisation as referred to in paragraph 2, the envisaged **quantities to be produced for** tests and trials **for ~~standard~~ seed and material**~~; and, in case of authorisation as referred to in paragraph 2b, the envisaged quantities to be produced~~; ITA (Comments): See comment above. We suggest no limits for 2b NL (Drafting suggestions): (ea) in case of authorisation as referred to in paragraph 1, the envisaged quantities to be produced of pre-basic, basic, certified, or standard seed and material before the variety registration ~~and~~, in case of authorisation as referred to in paragraph 2, the envisaged **quantities to be produced for** tests and trials **for ~~standard~~ seed and material**~~; and, in case of authorisation as referred to in paragraph 2b, the envisaged quantities to be produced~~; NL (Comments):

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	There are already limited quantities possible for this kind of material and we foresee that the envisaged quantities will be the same as the limited quantities mentioned in paragraph 4. Therefore, we propose not to ask for the envisaged quantities to be produced in 2b. PL (Drafting suggestions):] (ea) in case of authorisation as referred to in paragraph 1, the envisaged quantities to be produced of pre-basic, basic, certified, or standard seed and material before the variety registration ~~and~~, in case of authorisation as referred to in paragraph 2, the envisaged **quantities to be produced for** tests and trials **for ~~standard~~ seed and material~~;~~ and, in case of authortisation as referred to in paragraph 2b, the envisaged quantities to be produced for ~~standard~~ seed and material.]** PL (Comments): As in case of reference to paragraph 1 categories are mentioned, for the sake of uniformity of wording, categories should be mentioned also in case of reference to paragraphs 2 and 2b. Moreover please see comment in para. 2 - PRM form para 2 should be produced and marketed as standard category. SE (Drafting suggestions): (ea) in case of authorisation as referred to in paragraph 1, the envisaged quantities to be produced of pre-basic, basic, certified, or standard seed and material before the variety registration ~~and~~, in case of authorisation as referred to in paragraph 2, the envisaged **quantities to be produced for** tests and trials **for ~~standard~~ seed and material~~;~~ and, in case of authortisation as referred to in paragraph 2b, the envisaged quantities to be produced.]** SK (Drafting suggestions): (ea) in case of authorisation as referred to in paragraph 1, the envisaged quantities to be produced of pre-basic, basic, certified, or standard seed and material before the variety registration and, in

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	case of authorisation as referred to in paragraph 2, the envisaged quantities to be produced for tests and trials for standard seed and material; ~~and, in case of authortisation as referred to in paragraph 2b, the envisaged quantities to be produced.~~]
(f) […]	
	EE (Comments): In paragraph 4 also is needed the reference to paragraph 2a.
5. Pre-basic, basic and certified seed or material referred to in paragraph 1 shall be accompanied by an official label ~~as referred to in Article 15(1a)(a),~~ and standard seed or material referred to in paragraph 1 shall be accompanied by an operator's label ~~referred to in Article 16(2)(gb)~~, **in both cases** with the indication '~~Not yet registered v~~**V**ariety **under registration** – stock for multiplication'.	ES (Drafting suggestions): 5. Pre-basic, basic and certified seed or material referred to in paragraph 1 shall be accompanied by an official label ~~as referred to in~~ **Article 15(1a)(a),** and standard seed or material referred to in paragraph 1 shall be accompanied by an operator's label **referred to in Article 16(2)(gb), in both cases** with the indication '~~Not yet registered v~~**V**ariety **under registration** – stock for multiplication'. ES (Comments): As far as we recall, the latest version of the wording of paragraph 1 was for PRM (seeds or material) to be in the pre-basic, basic, certified or standard category, i.e. they do have a category and therefore Article 15 and 16 should apply. The only paragraph without a category would be paragraph 2, as it does not belong to either the certified or standard category. If we have understood correctly. If this is not the case, then the wording of paragraphs 1, 2a and 2b must be amended, and we are unclear as to how an official label can be requested for paragraph 1 without it being a pre-basic, basic or certified category label. FR

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	(Drafting suggestions): **Pre-basic, basic and certified seed or material referred to in paragraph 2 shall be accompanied by an official label, and standard seed or material referred to in paragraph 2 shall be accompanied by an operator's label, in both cases with the indication 'Variety under registration – test and trials'.**" FR (Comments): Afin d'être conforme avec le niveau des exigences demandé par les autorités françaises au paragraphe 2, il est demandé des étiquettes officielles pour le matériel de niveau certifié. Courtesy translation: In order to comply with the level of requirements required by the French authorities in paragraph 2, official labels are required for certified level material. ITA (Drafting suggestions): Pre-basic, basic and certified seed or material referred to in paragraph 1 and **2** shall be accompanied by an official label ~~as referred to in Article 15(1a)(a)~~**,** and standard seed or material referred to in paragraph 1 **and 2** shall be accompanied by an operator's label ~~referred to in Article 16(2)(gb)~~, **in both cases** with the indication '~~Not yet registered v~~**V**ariety **under registration** – stock for multiplication'. ITA (Comments): See comment above in paragraph 2. We ask for coherence with actual decision 2004/842
	FR (Comments): ,
~~Certified seed or material referred to in paragraph 2 shall be accompanied by an official label as referred to in~~	FI

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~~Article 15(1a)(a) and s~~**S**~~Standard~~ **S**~~s~~eed or material referred to in paragraph 2 shall be accompanied by an operator's label ~~as referred to in Article 16(2)(gb)~~, with the indication '~~Not yet registered v~~**V**ariety **under registration** – tests and trials'.	(Drafting suggestions): Certified seed or material referred to in paragraph 2 shall be accompanied by an official label as referred to in Article 15(1a)(a) and s**S**tandard **S**eed or material referred to in paragraph 2 shall be accompanied by an operator's label ~~as referred to in Article 16(2)(gb)~~, with the indication '~~Not yet registered v~~**V**ariety **under registration** – tests and trials'. FI (Comments): FI considers that certified seed should be brought back to point 2. IE (Drafting suggestions): **Certified seed or material referred to in paragraph 2 shall be accompanied by an official label as referred to in Article 15(1a)(a) and ~~s~~Standard** S~~s~~eed or material referred to in paragraph 2 shall be accompanied by an operator's label as referred to in Article 16(2)(gb), with the indication 'Not yet registered vVariety under registration – tests and trials'. IE (Comments): To reflect our suggested change at "y" above. PL (Drafting suggestions): ~~Certified seed or material referred to in paragraph 2 shall be accompanied by an official label as referred to in Article 15(1a)(a) and s~~**S**~~tandard~~ **S**~~s~~eed or material referred to in paragraph 2 shall be accompanied by an operator's label ~~as referred to in Article 16(2)(gb)~~, with the indication '~~Not yet registered v~~**V**ariety **under registration** – tests and trials'. PL (Comments): Please see comment in para. 2 - PRM form para 2 should be produced and marketed as standard category.

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PRM referred to in paragraphs 2a **and 2b** shall be accompanied by an operator's label ~~as referred to in Article 16(2)(h)~~ with the indication **'Variety under registration'** ~~'Not yet registered fruit variety' or 'Not yet registered vine variety', as applicable.~~	ES (Drafting suggestions): PRM referred to in paragraphs 2a **and 2b** shall be accompanied by an operator's label **as referred to in Article 16(2)(h)** with the indication **'Variety under registration'** ~~'Not yet registered fruit variety' or 'Not yet registered vine variety', as applicable.~~ ES (Comments): As far as we recall, the latest version of the wording of paragraph 2a and paragraph 2b was for PRM (seeds or material) to be in the standard category, i.e. they do have a category and therefore Article 16 should apply. The only paragraph without a category would be paragraph 2, as it does not belong to either the certified or standard category. If we have understood correctly. If this is not the case, then the wording of paragraphs 1, 2a and 2b must be amended, and we are unclear as to how an official label can be requested for paragraph 1 without it being a pre-basic, basic or certified category label. NL (Comments): The Netherlands agree. PL (Drafting suggestions): **Standard seed and material** ~~PRM~~ referred to in paragraphs 2a **and 2b** shall be accompanied by an operator's label ~~as referred to in Article 16(2)(h)~~ with the indication **'Variety under registration'** ~~'Not yet registered fruit variety' or 'Not yet registered vine variety', as applicable.~~ PL (Comments):

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	For the sake of uniformity of wording of articles of regulation the term “seed and material” should be used instead of “PRM” SE (Drafting suggestions): **6. The PRM referred to in paragraphs 2a and 2b that is still in storage or at a retailer shall be a) re-labelled if a decision pursuant to article 67(1) is adopted, or b) withdrawn from the market if a decision pursuant to article 67(2) is adopted.** SE (Comments): There must be requirements for what should happen to the PRM in paragraphs 2a and 2b once a decision according to 67(1) och 67(2) is adopted. If the variety is registered and the correct denomination is printed on the label there might not be a need for re-labelling. However, if the variety is rejected and not registered the PRM must be withdrawn from the market as it does not fulfil the requirements in Article 5 nor the requirements in this article.
Article 79	CY (Comments): Cyprus agrees with the proposed text of article 79
[Amendments of Regulation (EU) 2016/2031	CZ (Comments): Czechia supports the Presidency's drafting suggestions on Article 79. FI (Comments):

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	FI can agree to amend 2016/2031. However, we would welcome, if Commission and Council legal service could still check that should also some other points also be amended when we are now opening this point. There are references to the marketing directives also in art 37 in the point 3. as well as art 72, 83, 87. We wonder how art 37.3. should be read in the future? IE (Comments): IE accepts the need for the wording proposed by the Commission. ITA (Comments): We support the article SE (Comments): If the PHR Regulation is opened to amend Article 37 several more amendments could very well be done at the same time in order to reduce the risk for confusion.
In Article 37 of Regulation (EU) 2016/2031**:-**	
	SK (Comments): We fully support the amendments in article 79
(1) paragraph 2 is replaced by the following:	
'2. The Commission shall, by means of an implementing act, establish a list setting out the Union regulated non-quarantine pests and the specific plants for planting, as referred to in Article 36, point (d),	NL (Comments): After analysis, the Netherlands can agree with this change, as long as this doesn't mean that for seedpotatoes also there will be a category standard.

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where appropriate with reference to the categories and specific cases referred to in paragraph 7 of this Article and thresholds referred to in paragraph 8 of this Article.';	PL (Drafting suggestions): The Commission shall, by means of an implementing act, establish a list setting out the Union regulated non-quarantine pests and the specific plants for planting, as referred to in **point (d) of Article 36 and thresholds referred to in paragraph 8 of this Article.** **The implementing act referred to in the first subparagraph may also include references to the categories and cases referred to in paragraph 7 of this Article.** PL (Comments): The list of organisms and requirements should be specified for all plants and seeds intended for planting. This will also apply to OHM seeds and all seeds intended for sowing. If it is determined that the requirements should apply only to PRM paragraph 7, there is a possibility of such a solution. In the second paragraph, we propose including a provision that specifies the requirements for categories and cases in the PRM.
	EE (Comments): In Article 37 of Regulation (EU) 2016/2031 in paragraph 3 need to delete the marketing directives SE (Drafting suggestions): **(1a) paragraph 3 is replaced by the following:** **3. The list referred to in paragraph 2 shall include the pests and the respective plants for planting set out in the following provisions:** ~~(a) Section II of Part A of Annex II to Directive 2000/29/EC;~~

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	~~(b) points (3) and (6) of Annex I and point (3) of Annex II to Directive 66/402/EEC;~~ ~~(c) Annex I to Directive 68/193/EEC;~~ **(d) the acts adopted pursuant to Article 5(5) of Council Directive 98/56/EC (1);** ~~(e) Annex II to Directive 2002/55/EC;~~ ~~(f) Annex I and point B of Annex II to Directive 2002/56/EC, and the acts adopted pursuant to point (c) of Article 18 of that Directive;~~ ~~(g) point (4) of Annex I and point (5) of Annex II to Directive 2002/57/EC;~~ ~~(h) the acts adopted pursuant to Article 4 of Directive 2008/72/EC; and~~ ~~(i) the acts adopted pursuant to Article 4 of Directive 2008/90/EC.~~ **Pests listed in Annex I and in Section I of Part A and in Part B of Annex II of Directive 2000/29/EC and listed as a Union quarantine pest pursuant to Article 5(2) of this Regulation, as well as pests subject to measures adopted pursuant to Article 30(1) of this Regulation, shall not be included in that list.** SE (Comments): There is no need to have provisions for the repealed directives.
(2) paragraph 4 is replaced by the following:	
‘4. The Commission shall, by means of an implementing act, where appropriate, set out measures to prevent the presence of Union regulated non-quarantine pests on the plants for planting concerned, as referred to in Article 36, point (f). Those measures shall, where appropriate, concern the introduction int o, and the movement within, the Union of those plants. **Those measures shall be adopted in accordance with the principles set out in Section 2 of Annex II to this Regulation. Those measures shall apply without**	EL (Drafting suggestions): ‘4. The Commission shall, by means of an implementing act, where appropriate, set out measures to prevent the presence of Union regulated non-quarantine pests on the plants for planting concerned, as referred to in Article 36, point (f). Those measures shall, where appropriate, concern the introduction **into**, and the movement within, the Union of those plants. **Those measures shall be adopted in accordance with the principles set out in Section 2 of Annex II to this Regulation. Those measures shall apply without prejudice to the measures**

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prejudice to Regulation (EU) … / … of the European Parliament and of the Council*+.' ;	**adopted pursuant to Directive 98/56/EC and to Regulation (EU) … / … of the European Parliament and of the Council*+.' ;** EL (Comments): **Directive 98/56/EC is not covered by the PRM Regulation. We think that it is necessary to add this Directive.** ES (Drafting suggestions): 4. The Commission shall, by means of an implementing act, where appropriate, set out measures to prevent the presence of Union regulated non-quarantine pests on the plants for planting concerned, as referred to in Article 36, point (f). Those measures shall, where appropriate, concern the introduction int o, and the movement within, the Union of those plants. **Those measures shall be adopted in accordance with the principles set out in ~~Section 2 of~~ Annex II and III to this Regulation. Those measures shall apply without prejudice to Regulation (EU) … / … of the European Parliament and of the Council*+.' ;** ES (Comments): The last drafting of Annex II was amended with no sections. Also, after all amendment introduced on the annexes, would it not be better to state the whole Annex II (for pre-basic, basic and certified categories) and Annex III (for standard category)? FI (Comments): In this point 4. there are references also to the directives 98/56/EC and Council Directive 1999/105/EC. Should they be also taken into account somehow in this formulation?

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(3) paragraph 7 is replaced by the following:	
'7. Where Article 36, point (e), is only fulfilled for one or more of the categories referred to in Article 6(1) of [PRM Regulation]+, or, as applicable, in one or more of the specific cases referred to in Article 6(2) of that Regulation, the list referred to in paragraph 2 of this Article shall set out those categories and refer to those specific cases, stating that the prohibition of introduction and movement provided for in paragraph 1 of this Article only applies to those categories or in those specific cases.]	ES (Drafting suggestions): **'7. Where Article 36, point (e), is ~~only~~ fulfilled for one or more of the categories referred to in Article 6(1) of [PRM Regulation]+, or, as applicable, in one or more of the specific cases referred to in Article 6(2) of that Regulation, the list referred to in paragraph 2 of this Article shall set out those categories and refer to those specific cases, stating that the prohibition of introduction and movement provided for in paragraph 1 of this Article only applies to those categories or in those specific cases.]** ES (Comments): Editorial amendment, it is more clear with no "only" PL (Drafting suggestions): .
	PL (Comments): **It is unclear why other provisions of the PHR containing references to the Directives were not taken into account in the proposal for amendments to the relevant articles of the PHR.** **In our opinion also articles:** **- 72 para. 1 (d),** **- 83.5(b) - 87.4 and** **Annex VII parts C and D require changes.**
_____	SE (Drafting suggestions):

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	(4) Annex VII Part C paragraph 1 is replaced by the following: **'(1) The plant passport for movement within the Union territory, combined in a joint label with the official label for seeds or other propagating material referred to in Regulation (EU) … / … of the European Parliament and of the Council*+, shall contain the following elements:'** **(5) Annex VII Part D paragraph 1 is replaced by the following:** **'The plant passport for movement into and within protected zones, combined in a joint label with the official label for seeds or other propagating material referred to in Regulation (EU) … / … of the European Parliament and of the Council*+, shall contain the following elements:'** SE (Comments): Instead of listing the marketing directives there should be a reference to the PRM Regulation.
*** Regulation (EU) .... of the European Parliament and of the Council of ... [the final title of the PRM Regulation] (OJ L ..., ELI:...).'**	
[+ OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.]	