



Council of the European Union
General Secretariat

Brussels, 20 November 2025

**Interinstitutional files:
2023/0227 (COD)**

WK 15889/2025 INIT

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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	Informal videoconference of the members of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 21 November 2025 - Meeting document on agenda item 1

In view of the informal videoconference of the member of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 21 November 2025, delegations will find in the annex the Presidency's drafting suggestions on Article 32(2), (3) and (5), and on Article 79.

Please note that the text has been cleaned to ensure better readability. The Presidency's latest changes are marked with the usual formatting, additions are in **bold and underline**, and deletions are marked with ~~strikethrough~~.

Presidency's drafting suggestions on Article 32(2), (3), (5), and Article 79 in view of the informal videoconference of the members of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 21 November 2025

Article 32

PRM of varieties under registration

2. By way of derogation from Articles 5, 6a, and 9b, a competent authority may authorise professional operators to produce and market PRM **of agricultural species and potato** belonging to a variety under registration for the purpose of carrying out tests or trials to gather information on the cultivation or use of that variety, if the following requirements are fulfilled:
- (x) the PRM belongs to a variety for which the competent authority has confirmed the submission of the application for variety registration in accordance with Article 58;
 - (y) the PRM fulfills the respective requirements, other than varietal identity and varietal purity, of Article 8 for standard seed or material;
 - (a) that PRM is only used by professional operators on the premises of specifically designated natural or legal persons;
 - (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) [...]
 - (d) [...]
 - (e) [...]

Such authorisation may be granted for limited quantities per species as determined by the competent authority. That authorisation shall automatically expire if the application for variety registration is withdrawn or a decision pursuant to Article 67(1) or (2) is adopted.

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

{3. In order to obtain the authorisation referred to in paragraphs 1, 2 and 2b, the professional operator shall submit to the competent authority ies a request, indicating information about the following:

(a) [...]

(b) the species and the breeder's reference, or the ~~proposed~~ **decided** denomination **in accordance with Article 66**, where applicable, 2, of the variety indicated in the application for registration;

(c) [...]

~~(d) the Member State and authority to which the application referred to in Article 58 has been submitted, and the reference assigned to that application;~~

(da) [...]

(e) in case of authorisation as referred to in paragraph 1 and 2b, the sites where production **of PRM** is to take place; and in case of authorisation as referred to in paragraph 2, the sites where tests and trials are to take place; and

(ea) in case of authorisation as referred to in paragraph 1, **2 and 2b**, the envisaged quantities **of seed and material** to be produced ~~of pre-basic, basic, certified, or standard seed and material before the variety registration, in case of authorisation as referred to in paragraph 2, the envisaged quantities to be produced for tests and trials for seed and material and, in case of authorisation as referred to in paragraph 2b, the envisaged quantities to be produced.~~]

(f) [...]

{5. Pre-basic, basic and certified seed or material referred to in paragraph 1 shall be accompanied by an official label, and standard seed or material referred to in paragraph 1 shall be accompanied by an operator's label, in both cases with the indication 'Variety under registration – stock for multiplication'.

Seed or material referred to in paragraph 2 shall be accompanied by an operator's label, with the indication 'Variety under registration – tests and trials'.

PRM referred to in paragraphs 2a and 2b shall be accompanied by an operator's label with the indication 'Variety under registration'.}

Article 79

{Amendments of Regulation (EU) 2016/2031

In Article 37 of Regulation (EU) 2016/2031:

(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), where appropriate with reference to the categories, ~~and~~ **and specific cases and other plants for planting** referred to in paragraph 7 of this Article and thresholds referred to in paragraph 8 of this Article.';

(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 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 Regulation (EU) ... / ... of the European Parliament and of the Council*+.~~';

(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, **or for other plants for planting, if the respective phytosanitary risk requires so,** the list referred to in paragraph 2 of this Article shall set out those categories, ~~and~~ refer to those specific cases **or refer to the other plants for planting**, 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.}

* 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.]~~

