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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	Meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 27 and 28 May 2025 - Meeting document on agenda item 1

In view of the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 27 and 28 May 2025, delegations will find in the annex the Presidency's drafting suggestions on Articles 6, 15, 30a, 36a, 39, 40 and 40a of the proposal on the production and marketing of plant reproductive material in the Union.

Article 6 - The green colour markes the changes compared to the text in document 7110/2025.

Article 15 - The blue colour marks the changes compared to the text in document 7109/2025.

Articles 39 and 40 - Deletions are marked with ~~strikethrough~~ and additions are marked with **bold and underline** in comparison with the Belgian Presidency's revised text as in document 11303/2024.

Articles 30a, 36a and 40a are newly proposed articles.

ANNEX

2023/0227 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the production and marketing of plant reproductive material in the Union, amending Regulations (EU) 2016/2031, 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)

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Polish Presidency drafting suggestions on Articles 6, 15, 30a, 36a, 39, 40 and 40a in view of the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 27 and 28 May 2025

Article 6

Belonging to certain categories of PRM

Paragraph 2

(eb) PRM of a generation prior to pre-basic seed or material produced and marketed ~~for the purpose of multiplication for the production of pre-basic, basic, certified or standard seed or material. This PRM shall be accompanied by an operator's label pursuant to Article 16, with the indication 'PRM from maintenance'~~ **in accordance with Article 30a~~.~~;**

Article 15

Official label for pre-basic, basic and certified PRM

Reinsert Paragraph 6

6. By way of derogation from paragraphs 1 to 5, pre-basic, basic and certified **seed and** material ~~and seed~~, imported from third countries pursuant to Article 39, ~~shall~~ **may** be marketed in the Union with the respective OECD **Seed Schemes** label **('OECD label')** that was accompanying them at import, or with ~~another~~ **an** official label **issued by the competent authority of the third country for species for which there is no OECD Seed Schemes available** ~~if so provided for by applicable international standards~~.

NEW Article 30a

PRM of a generation prior to pre-basic category

1. **By way of derogation from Articles 6 to 22, PRM of a generation prior to pre-basic seed or material may be produced and marketed for the purpose of its multiplication for the production of pre-basic seed or material, if that PRM fulfils all of the following conditions:**

   a) **the marketing is made directly from the professional operator responsible for the maintenance of the variety to the professional operator carrying out the production of pre-basic seed or material, with no further marketing of that PRM thereafter; and**

   b) **it is accompanied by an operator's label bearing the denomination of the variety and the indication 'Seed prior to pre-basic seed' or 'Material prior to pre-basic material'.**

2. **The Commission may, by means of implementing acts, adopt rules concerning size, form, colour and content of the operator's label as referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).**

NEW Article 36a

Derogation from the production rules for certain species

3. By way of derogation from Articles 5 to 22, PRM may be produced in a Member State subject to national rules pursuant to a request from that Member State demonstrating, on the basis of consultations with the professional operators concerned, that the following conditions are fulfilled:

c) the cultivation of that species in the requesting Member State is insignificant, in terms of economic value and area of cultivation, due to the agro-climatic conditions in that Member State; and

d) the certification and control of the production of PRM of that species would impose a disproportionate administrative burden on the competent authority of that Member State.

That PRM may only be marketed in the territory of that Member State with a label indicating that it is for marketing in that territory only.

4. The Commission may, by means of implementing acts, allow PRM belonging to certain species listed in Annex I to be produced in a Member State without being subject to the rules of Articles 5 to 22 as referred to in paragraph 1 of this Article.

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

SECTION 8

IMPORTS FROM THIRD COUNTRIES

Article 39

Imports on the basis of Union equivalence

1. PRM may only be imported from third countries, if it is established, pursuant to paragraph 2, that it fulfils requirements equivalent to those applicable to PRM produced and marketed in the Union.

1aa. ~~However, for~~ PRM **belonging to preservation mixtures as referred to in Article 22 and PRM** subject to the derogations of Articles ~~22, and~~ 26**, ~~27,~~ [28], ~~29,~~ [30], 30a, 32, 32a and 34** ~~no such import~~ shall **not** be **imported** ~~allowed~~, and no such equivalence shall be recognised pursuant to paragraph 2 **of this Article**.

1a. By way of derogation from paragraph 1, seed as grown of vegetable species **as referred to in column X of Annex I** may be imported into the Union for the purpose of being processed and marketed as standard seed without the need to comply with **the** requirements ~~as~~ referred to in that paragraph. Such seed shall comply with the following conditions:

(a) it ~~shall be~~ **is** accompanied by a label pursuant to Article 40(2**aa**)~~, points (b) (g), with the indication 'seed as grown'~~ and the identity of the seed is ensured;

(b) ~~there is no further marketing prior to processing other than to the first place of destination which will be the place of processing~~ **it is marketed only up to the place(s) of processing without further marketing**;

(c) the import of that seed has been notified in advance by the professional operator to the competent authority.

2. The Commission may recognise, by means of implementing acts, that PRM of specific genera, species or categories produced in a third country, or particular regions of a third country, fulfils requirements equivalent to those applicable to PRM produced and marketed in the Union, on the basis of all of the following:

(a) a thorough examination of the information and data provided by the third country concerned;

(b) an audit carried out by the Commission in the third country concerned, showing that the PRM concerned fulfils requirements equivalent to those applicable to PRM produced and marketed in the Union ~~[~~when it concerns a first request to be recognised as equivalent~~]~~, and where that audit has been considered necessary by the Commission in other cases; and

(c) in the case of seed~~s~~ belonging to a species for which OECD Seed Schemes exist, the fact that the country concerned participates in the OECD Schemes for the Varietal Certification of Seed moving in International Trade and implements the methods of the International Seed Testing Association (ISTA), or, where applicable, implements the rules of the Association of Official Seed Analysts (AOSA) or other internationally recognised organisations.

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2a. For the purpose of paragraph 2, the Commission shall examine:

(a) the third country's legislation on the species concerned;

(b) the structure of the competent authorities of the third country and its control services, the powers available to them, the guarantees that can be provided with regard to the application and enforcement of the legislation of the third country applicable to the sector concerned, and, where applicable, the reliability of the official certification procedures;

(c) the performance by the competent authorities of the third country of adequate official controls concerning the identification and quality of the PRM of the species concerned;

(d) the guarantees given by the third country that:

(i) the conditions applied to the production sites from which PRM are exported to the Union comply with requirements that are equivalent to those referred to in this Article; and

(ii) those production sites are subject to regular and effective controls by the competent authorities of the third country.

The Commission may also carry out further audits to verify the compliance with points (b) to (d) of this paragraph.

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

3. The implementing act**s** referred to in paragraph 2 may provide for one or more of the following elements, as appropriate for the respective PRM:

(a) conditions relating to inspections in the production site, carried out in third countries;

(b) in the case of seed~~s~~, conditions relating to the issuance by the third country of a certificate provided by the ISTA, or, where applicable, the AOSA or other internationally recognised organisations;

(c) conditions relating to **[**PRM**]** subject to the derogation~~s~~ referred to in Articles ~~31 –~~ 35;

(d) conditions relating to packaging, sealing and labelling of PRM;

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(e) conditions relating to the production, identity and marketing of PRM, in addition to the ones provided for by the third country's legislation, if so needed to address particular aspects concerning the identity and quality of that PRM;

(f) requirements to be fulfilled by the professional operators producing and marketing that PRM.

4. The Commission may, by means of implementing acts, recognise that the controls on variety maintenance carried out in the third country afford the same guarantees as those provided for in Article 72(1), (2) and (4), if varieties registered in a national variety register or in the Union variety register are to be maintained in the third country concerned.

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

Article 40

Labelling ~~and information to be provided for~~ of ~~the~~ PRM imported from third countries

1. Pre-basic, basic and certified seed~~s~~ referred to in Article 39 from third countries may only be imported, if ~~they~~ **it** bear**s** an ~~OECD Seed Schemes label (~~'OECD label'~~)~~ or an official label issued by the competent authority of the third country for species for which there is no OECD Seed Schemes available and, where applicable, is accompanied by a certificate issued by ISTA or AOSA or other internationally recognised organisations as referred to in Article 39(3), point (b).

1a. Pre-basic, basic and certified material referred to in Article 39 **from third countries** may only be imported ~~into the Union from third countries~~ if it bears an official label issued by the competent authority of the third country concerned.

~~1b. The official labels, including the OECD label, referred to in paragraph 1 and 1a, shall at least contain the following official information:~~

~~(a) the indication 'meets EU rules and standards';~~

~~(b) the species, variety, category and, lot reference number and label serial number of the PRM concerned;~~

~~(c) the date of issuance of the label;~~

~~(d) the third country or, where applicable region, of production and the respective competent authority;~~

~~(e) where applicable, the last third country from which the PRM is imported;~~

~~(f) in the case of seeds, the declared net or gross weight of the seeds or, if applicable, the declared number of lots of seeds imported into the Union;~~

~~(fa) in the case of material, the declared number of plants declared number of bundles, or declared net or gross weight imported into the Union;~~

~~(fb) In the case of seeds, information regarding seed treatments with plant protection products or other treatments.~~

~~(g) […]~~

2. Standard seed and material referred to in Article 39 **from third countries** may only be imported ~~into the Union from third countries,~~ if it **bears,** ~~is accompanied by an~~ **where applicable, an** OECD label **issued by a profesional operator** ~~where applicable~~ or an operator's label**.** ~~, issued in the third country, containing all of the following information:~~

~~(a) the indication 'meets EU rules and standards';~~

~~(b) the species, variety, category and, lot reference number of the PRM concerned;~~

~~(c) the date or year of issuance of the label;~~

~~(d) the third country or, where applicable region, of production;~~

~~(e) where applicable, the last third country from which the PRM is imported;~~

~~(f) in the case of seeds, the declared net or gross weight of the imported seeds or, if applicable, the declared number of imported lots of seeds;~~

~~(fa) in the case of material, the declared number of imported plants or, if applicable, the declared number of imported bundles;~~

~~(g) […]~~

~~(ga) In the case of seeds, information regarding seed treatments with plant protection products or other treatments~~.

2aa. Seed as grown of vegetable species as referred to in Article 39 from third countries may only be imported if it bears an operator's label with the indication 'Seed as grown'.

2a. The Commission shall by means of ~~an~~ implementing act**s** specify the format, colo**u**r, language, size and ~~additional~~ content of the ~~official~~ label**s** ~~issued by the competent authority of the third country in case there is no OECD Seed schemes available~~ referred to

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in paragraph**s** 1, **1a,** ~~the official label referred to in paragraph 1a, and of the operator´s labels referred to in paragraph~~ 2 **and 2aa**.

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

NEW Article 40a

Information provided for PRM imported from third countries

3. ~~The professional operator responsible for the imported~~ PRM **may only by imported into the Union after the electronic notification is delivered**~~, shall inform~~ **by the profesional operator** ~~the respective competent authority in advance of the arrival of the consignment and provide the information referred to in paragraph 1 or 2~~ through the information management system for official controls (IMSOC) referred to in Article 131 of Regulation (EU) 2017/625. **The rules of the delegated act referred to in Article 45(4) of Regulation (EU) 2017/625 shall apply accordingly.**

3a. **In addition to the information pursuant to paragraph 3, the professional operator responsible for the imported PRM shall immediately and directly inform the competent authority of the place of destination as referred to in Article 44(3), point (e), of Regulation (EU) 2017/625 about the arrival of the consignment.**

~~4. Member States shall immediately notify the Information management system for official controls (IMSOC), referred to in Article 131 of Regulation (EU) 2017/625, of all established non-compliances of the imported PRM concerning the requirements of paragraphs 1 and 2.~~

~~5. The Commission is empowered in accordance with Article 75 to adopt delegated acts, amending paragraphs 1b and 2, in order to align these provisions to technical and scientific developments of international standards.~~

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