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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 8 July 2025 - Meeting document on agenda item 2

In view of the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 8 July 2025, delegations will find in the annex the Presidency's drafting suggestions on Articles 41 to 54 and Annex VII of the proposal on the production and marketing of plant reproductive material in the Union.

ANNEX

2023/0227(COD)

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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Danish Presidency's drafting suggestions on Articles 41 to 54 and Annex VII, in view of the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 8 July 2025

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CHAPTER III
REQUIREMENTS FOR PROFESSIONAL OPERATORS

Article 41

Obligations of professional operators

Professional operators shall:

(a) be established in the Union;

(b) be registered in the register as referred to in Article 65(1) and (2) of Regulation (EU) 2016/2031~~, and in accordance with Article 66 of that Regulation,~~ as applicable for this Regulation;

(c) be available personally, or designate another person, to liaise with the competent authorities for facilitating the official controls;

(d) identify and monitor the critical points of the production process, or of the marketing, which may influence the identity and quality of PRM;

(e) keep records of the monitoring of the critical points referred to in point (d) and provide them for examination when requested by the competent authorities;

(f) ensure that lots of PRM remain separately identifiable;

(g) keep updated information on the address of the premises and other locations, including those of contracting third parties, used for the activities defined in Article 3(2);

(h) make sure that competent authorities have access to the premises and other locations where the activities referred to in Article 3(2) take place, including premises and fields of third contracting parties, and to the records of the monitoring and all related documents;

(i) take measures, where appropriate, for the maintenance of the identity of the PRM in accordance with the requirements of this Regulation; and

(j) make available on request of the competent authorities any contracts with third parties, without prejudice to national and Union rules on confidentiality, access to information and private data protection.

~~Networks and organisations involved in the conservation of plant genetic resources as referred to in Article 29 shall not be subject to the requirements of points (b), (d) - (f), (i) and (j).~~

~~A professional operator whose activities relating to PRM are limited to sale to non-professional users, without producing PRM, altering the content of the lots, packaging, individual plants or labelling, is exempt from the obligations listed in points (b), (d) - (f) and (i).~~

~~Farmers who exchange seed in kind shall not be subject to the requirements of points (b), (d) - (f) and (i).~~

~~Article 68 of Regulation (EU) 2016/2031 shall apply accordingly.~~

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NEW ***Article 41a***

Procedure of registration

1. **Professional operators to be registered in accordance with Article 41, point (b), shall submit to the competent authority an application for registration.**

2. **The application for registration shall include all of the following elements:**

(a) **the name and address in the Member State of registration and contact details of the professional operator;**

(b) **a statement concerning the intention of the professional operator to exercise one or more of the activities referred to in Article 3(2);**

(c) **a statement concerning the intention to carry out activities under official supervision;**

(d) **the address of the premises and, where applicable, the location of land plots used by the professional operator in the Member State concerned to carry out the activities referred to in Article 3(2) for the purpose of the registration; and**

(e) **the commodity types, families, genera or species of the PRM concerned by the activities of the professional operator, as referred to in Article 3(2).**

3. **The competent authority shall register the professional operator without delay where the application for registration contains all of the elements set out in paragraph 2.**

4. **By way of derogation from paragraphs 1 and 2 of this Article, the competent authority shall register the professional operator without the submission of an application for registration if that operator is registered in accordance with the Directives referred to in Article 82 and if all of the elements set out in paragraph 2 of this Article are available to that competent authority. Where relevant, the professional operator concerned shall submit an update of those elements within a deadline set by the competent authority.**

5. **Registered operators shall submit without delay an update concerning any changes in the data referred to in paragraph 2, points (a) to (d), in relation to the next production season.**

6. **Where the competent authority becomes aware that the professional operator no longer carries out the activities referred to in Article 3(2), or that the elements included**

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in the application submitted by the professional operator in accordance with paragraph 2 of this Article are no longer correct, it shall request that operator to correct those elements immediately or within a specified period of time.

Where the professional operator does not correct those elements within the period of time set by the competent authority, the competent authority shall, where appropriate, amend or revoke the registration of that operator.

7. **The competent authorities shall have full access to the register referred to in Article 65(1) of Regulation (EU) 2016/2031 of their Member State.**

NEW ***Article 41b***

Content of the register

The register shall contain the elements set out in Article 41a (2), points (a), (b), (d) and (e), and the following elements:

(a) **the official registration number;**

(b) **where applicable, an indication for which of the activities referred to in Article 41a (2), point (c), the professional operator is authorised.**

NEW ***Article 41c***

Derogation from obligations of professional operators

1. **[By way of derogation from Article 41, point (b), professional operators shall not be required to be registered if they exclusively carry out one or more of the following activities:**

(a) **the marketing of PRM exclusively to non-professional users pursuant to Article 28;**

(b) **the marketing of PRM for the conservation of plant genetic resources by organisations and networks pursuant to Article 29;**

(c) **the exchange of seed in kind between farmers pursuant to Article 30.]**

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2. **[Professional operators whose activities relating to PRM are limited to sale to non-professional users as referred to in Article 28, without altering the content of the lots, packaging or labelling, are exempt from the obligations listed in Article 41, points (d), (e) and (g).]**

3. **[Networks and organisations involved in the conservation of plant genetic resources as referred to in Article 29 shall not be subject to the requirements of Article 41, points (d) and (e).]**

4. **The Commission is empowered to adopt delegated acts in accordance with Article 75 amending paragraph 1 of this Article by adding other professional operators to be exempted from the obligation in Article 41, point (b), where registration would constitute an administrative burden for them disproportionate to the low risk related to their professional activities.**

NEW ***Article 41d***

Availability of information of official registers

1. **The Member State of the competent authority keeping the register referred to in Article 41, point (b), shall make available, upon request, the information contained therein to other Member States or the Commission.**

2. **The competent authority keeping the register shall make available, on reasoned request, the information referred to in Article 41a (2), points (a) and (b), and Article 41b, point (b), concerning a particular registered operator to any natural or legal person established in the Union, for its own use.**

3. **This Article shall apply without prejudice to national and Union rules on confidentiality, access to information and private data protection.**

~~*Article 41a*~~

~~**Registration of professional operators**~~

~~1. The registration of the professional operators referred to in Article 41(b), shall, where applicable, include the elements detailed in Article 66(2) of Regulation (EU) 2016/2031 and in addition to this, specifically for the professional operators referred to in Article 3(2) who shall be registered pursuant to Article 41:~~

~~(a) a statement concerning the intention of the professional operator to exercise one or more of the activities referred to in Article 3(2), supplemented with the intended use of the PRM and the species involved;~~

~~(b) a statement concerning which activities the professional operator intends to carry out under official supervision; and~~

~~(c) a statement concerning the intention to print official labels or operator's labels pursuant to Article 15, 16, 21, 22, 23, 26 to 29 and 32 to 35.~~

~~2. The Commission is empowered to adopt delegated acts in accordance with Article 75 concerning one or two of the following:~~

~~(a) amending this Regulation by adding further categories of professional operators to be exempted from the application of paragraph 1, where registration would constitute a disproportionate administrative burden, disproportionate to the low risk related to their professional activities;~~

~~(b) supplementing this Regulation by setting out particular requirements for the registration of certain categories of professional operators, taking into account the nature of the activity or of the PRM concerned.~~

~~3. When the registered professional operator no longer performs the activities it is registered for, it shall rectify or ask for withdrawal of its registration according to the instructions of the competent authority.~~

~~4. The competent authorities shall have full access to the register referred to in Article 65(1) of Regulation (EU) 2016/2031.~~

Article 42

Traceability

1. Professional operators ~~who are registered according to Article 41(b),~~ shall ensure that PRM is traceable at all stages of production and marketing.

2. ~~For the purposes of paragraph 1, p~~**P**rofessional operators shall keep information or records allowing them to identify:

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(a) the professional operators or other persons, who have supplied them with the PRM concerned;

(b) the professional operators or the persons to whom they have supplied PRM and the PRM concerned, except in case of non-professional users.

On request, they shall make such information available to the competent authorities.

3. Professional operators shall keep records of the PRM and the information of the professional operators and persons referred to in paragraph 2 for at least 6 years after the PRM has been respectively supplied to or by them.

[4. This Article shall not apply to professional operators that are, pursuant to Article 41c, exempted from the registration requirements.]

Article 43

Notification of the production and certification of pre-basic, basic and certified seed and material, and commercial seed ~~and material and, of the production of standard seed and material~~

At least once a year, professional operators shall notify the competent authorities, within a reasonable time in advance, and in accordance with the instructions of the competent authority, about:

(a) the production of pre-basic, basic and certified seed and material, and commercial seed; and

(b) the production of pre-basic, basic and certified seed and material, and commercial seed that started in previous years and continues in the year concerned.

That notification shall state the plant species, varieties or where appropriate, selected clones or polyclonal ~~mixtures~~ **selections**, ~~and~~ categories of the PRM concerned and the exact location of production.

~~Once a year, professional operators shall submit to the competent authority a declaration concerning the quantities per species of standard seed and material they produced for the purpose of its marketing in the Union.~~

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CHAPTER IV
VARIETY REGISTRATION

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SECTION 1
VARIETY REGISTERS

Article 44

Establishment of national variety registers

1. Each Member State shall establish and publish, in electronic format, and shall keep updated a single national register of varieties ~~of cultivated species~~ ('national variety register') containing **at least**:

(a) all varieties registered pursuant to the procedure set out in Articles 55 to 68;

~~(b) the conservation varieties referred to in Article 26 and registered pursuant to Article 53.~~

(aa) varieties for which an application has been submitted pursuant to Article 55 and have not yet been registered pursuant to Article 67.

Any varieties additional to those referred to in the first subparagraph shall be indicated in the national variety register separately.

2. PRM belonging to a variety that is registered in accordance with paragraph 1**, point (a),** in at least one national variety register may be **immediately** produced and marketed in the Union, in accordance with this Regulation.

PRM belonging to a variety subject to paragraph 1, point (aa), may only be marketed pursuant to Article 32.

~~This paragraph shall apply without prejudice to Article 26(1) with regard to conservation varieties.~~

3. Following the establishment of their national variety registers, as well as following any of their updates, Member States shall as soon as possible~~, but in any case within one month,~~ notify them to the Commission for inclusion in the Union variety register referred to in Article 45.

4. ~~Member States may decide that v~~**V**arieties which are intended solely as components of hybrid varieties and are not marketed as individual varieties are not required to be registered pursuant to this Article and Articles 45 to 74.

Article 45

Establishment of a Union variety register

1. The Commission shall establish, publish, in an electronic format, and keep updated a single register of varieties ~~of cultivated species~~ ('the Union variety register').

2. The Union variety register shall include the varieties registered in national variety registers and notified in accordance with Article 44**(3)**.

2a. The Union variety register may be accessible by an electronic portal ~~(EU Plant Variety Portal)~~ **established and managed by the Commission.** ~~, which should~~ **That portal shall** ~~also~~ enable access to other registers of plant varieties, registers of forest reproductive material**, registers of clones and polyclonal selections** or other plant databases.

~~3. [The Union variety register shall also contain the following varieties, which do not belong to paragraph 1 and 2:~~

~~(a) nationally registered varieties that are not regulated under this Regulation;~~
~~(b) selected clones and polyclonal selections; and~~
~~(c) varieties, for which an application for registration has been submitted pursuant to Articles 55 to 68.]~~

Article 46

Contents of the national and Union variety registers

1. The national variety registers and Union variety register shall contain all the elements set out in Annex VII, concerning the varieties referred to in Article 44(1)~~, point (a)~~.

~~In the case of the conservation varieties referred to in Article 44(1), point (b), those registers shall indicate at least a link to the officially recognised description, their denomination, the natural or legal person that maintains them and where possible, the initial region of their origin.~~

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2. The Commission ~~shall, as appropriate,~~ **is empowered to** adopt a delegated act ~~[~~in accordance with Article 75, in order to amend Annex VII~~]~~ taking into account the technical and scientific developments, and on the basis of gained experience indicating the need of competent authorities or professional operators to obtain more precise information about the varieties referred to in Article 44(1).

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SECTION 2
REQUIREMENTS FOR REGISTRATION OF VARIETIES

Article 47

Requirements for registration in national variety registers

1. Varieties shall be registered in a national variety register in accordance with Articles 55 to 68, only if:

(a) they have:

(i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50; **and in the case of agricultural species listed in Annex I, they fulfil the requirements for satisfactory value for sustainable cultivation and use, as set out in Article 52**; or

(ii) an officially recognised description **referring to the characteristics of the species included in the guidelines of the International Union for the Protection of new Varieties of Plants (UPOV), protocols established by the CPVO, or other relevant national protocols** ~~pursuant to Article 53~~, if they are conservation varieties;

~~(aa) where applicable, they fulfil the requirements for satisfactory value for sustainable cultivation and use, as set out in Article 52;~~

(b) they bear a denomination deemed suitable pursuant to Article 54;

(c) where the varieties contain or consist of genetically modified organisms, the organism is authorised for cultivation in the ~~relevant~~ Member State **concerned** pursuant to Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) 1829/2003, or, where applicable, in the ~~relevant~~ Member State **concerned** in accordance with Article 26b of Directive 2001/18/EC;

(d) where the varieties contain or consist of a category 1 NGT plant as defined in Article 3 point (7), of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation ...), that plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of that Regulation or is progeny of such plants;

(e) where the varieties contain or consist of a category 2 NGT plant as defined in Article 3 point (8), of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation), that plant has been authorised pursuant to Chapter III of that Regulation;

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions to avoid the development of herbicide resistance in weeds due to their use~~.~~**, and** ~~T~~**t**he competent authorities ~~shall~~ **may** determine the cultivation conditions for the territory of the Member State concerned~~;~~

(g) […]

~~(h) they are maintained in the Union or in a third country for which an equivalence for maintenance has been recognised pursuant to Article 39(4)~~.

A variety shall not be registered with both an official description and an officially recognised description.

The officially recognised description referred to in point (a)(ii), shall be based on knowledge gained from practical experience during cultivation, reproduction and use, or other information, in particular from the plant genetic resource authorities or from organisations recognised for this purpose by Member States.

The competent authority may recognise an official desription that has been produced for the registration of a variety in the past as an officially recognised description.

1a. A variety shall not be listed in the national variety register as conservation variety if:

(a) it is listed in the Union variety register with an official description;

(b) it was deleted from the Union variety register as a variety with an official description within the last 2 years, or within 2 years from the expiry of the period granted pursuant to Article 71(2);

(c) it is protected by a Community plant variety right as provided for in Regulation (EC) No 2100/94, or by a national plant variety right; or

(d) an application for registration of a variety pursuant to Article 47(1), point (a)(i), or an application for Community plant variety rights or national plant variety rights is pending.

2. The Commission shall adopt, by means of implementing acts, specific requirements concerning:

(a) distinctness, uniformity and stability per genera and species of varieties, as referred to in paragraph 1, point (a)**(i)**, based on the applicable guidelines of ~~the International Union for the Protection of new Varieties of Plants (~~UPOV~~)~~, protocols established by the CPVO, or other relevant national protocols~~;~~**, including for organic varieties suitable for organic production, as defined in Article 3 of Regulation (EU) 2018/848, where the requirements concerning uniformity may be adjusted;** and

~~(b) distinctness, uniformity and stability per genera and species, as referred to in point (a), for organic varieties suitable for organic production, as defined in Article 3 of Regulation (EU) 2018/848, based on the applicable guidelines established by UPOV or the protocols established by the CPVO, and in particular by adjusting the requirements concerning uniformity.~~

(aa) the characteristics and information that the officially recognised description should cover, if appropriate, for specific species.

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

They shall adapt the respective requirements to the development, where applicable, of international standards, and the new scientific and technical knowledge.

Until the requirements ~~referred to in point (b) of this paragraph~~ are established, the assessment of uniformity of varieties suitable for organic production, other than the varieties referred to in Article 68(1), shall be carried out on the basis of off-types. ~~For self-pollinating species, a~~ **A** population standard of 10 % and an acceptance probability of at least 90 % shall be applied. ~~For open pollinated out-crossing species, a population standard of 20 % shall be applied and an acceptance probability of at least 80 % shall be applied. Assessment of the distinctness and stability of the variety shall be carried out according to requirements set out in point (a) of this paragraph.~~

[3. **The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing paragraph 1, point (f), concerning:**

(a) the minimum cultivation conditions, based on the latest scientific and technical knowledge, to be adopted by the competent authorities, concerning measures in the field, including crop rotation;

(b) monitoring measures;

(c) the way of notification of the conditions referred to in point (a) to the Commission and the other Member States;

(d) rules for reporting from professional operators to the competent authorities concerning the application of the conditions referred to in point (a);

(e) the indication of the conditions referred to in point (a) in the national variety registers.]

4. ~~[~~For the purpose of registering a variety in ~~its~~ **their** national variety register, ~~a~~ **the** competent authority ~~may~~ **shall** accept, without any further examination, an official description **produced by a competent authority of another Member State.**

Competent authorites may accept ~~or~~ an official examination of the requirements for value for sustainable cultivation and use, as referred to in paragraph 1, point (a~~a~~)**(i)**, which has been produced by a competent authority of another Member State with similar agro-ecological conditions.~~]~~

Article 48

Distinctness

1. For the purposes of the official description referred to in Article 47(1), point (a), a variety shall be deemed to be distinct if it is clearly distinguishable, by reference to the expression of the characteristics that results from a particular genotype or combination of genotypes, from any other variety whose existence is a matter of common knowledge ~~[in the Union]~~ on the date of the submission of the application established in accordance with Article 58.

2. The existence of another variety, as referred to in paragraph 1, shall be deemed to be a matter of common knowledge **in particular** if ~~one or more of the following conditions are complied with~~:

   (a) the variety ~~is included~~ **has been registered** in a national variety register ~~and the Union variety register~~, or the variety has been granted a plant variety right pursuant to Regulation (EC) No 2100/94 or pursuant to national rules;

   (b) an application for registration of the variety has been filed in accordance with Article 55 of this Regulation and is under examination;

   (c) […]

   (d) an application for granting a plant variety right in respect of that variety has been submitted in accordance with Regulation (EC) No 2100/94 **or in accordance with national rules** and is under examination.

3. […]

Article 49

Uniformity

For the purposes of the official description, as referred to in Article 47(1), point (a)(i), a variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its **propagation** ~~reproduction and type~~, it is sufficiently uniform in the expression of ~~the~~ **those** characteristics **which are** included in the examination for distinctness, as well as in the expression of any other characteristics used for its official description.

Article 50

Stability

For the purposes of the official description, as referred to in Article 47(1), point (a)(i), a variety shall be deemed to be stable if the expression of the characteristics included in the examination for distinctness, as well as of any other characteristics used for the variety description, remains unchanged after repeated **propagation** ~~reproduction~~ or, in the case of **a particular** cycle~~s~~ of ~~reproduction~~ **propagation**, at the end of each such cycle.

Article 51

Granted plant variety rights

1. If a variety has been granted a plant variety right pursuant to Article 62 of Regulation (EC) No 2100/~~19~~94 or pursuant to national rules of a Member State, that variety shall be deemed to be distinct, uniform~~,~~ **and** stable for the purposes of the official description ~~as referred to in Article 47(1), point (a)(i), of this Regulation~~ and to have a suitable denomination ~~for the purposes of~~ **as referred to in** Article 47(1), point**s (a)(i) and** (b).

2. ~~In the case of a variety that has been granted a plant variety right pursuant to national rules, t~~**T**his Article shall apply only where the official description was produced on the basis of a technical examination carried out in such premises and under such working arrangements that have been found suitable pursuant to Article 60.

Article 52

Value for sustainable cultivation and use

1. For the purpose~~s~~ of **fulfiling the requirements set out in** Article 47(1), point (a~~a~~)**(i)**, the value of a variety ~~belonging to the species listed an Annex I~~ for sustainable cultivation and use ~~of a variety~~ shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, offer an improvement for the sustainable cultivation and the uses which can be made of the crops, or the products derived therefrom.

   The characteristics referred to in the first subparagraph ~~may~~ include the following, as appropriate, for the species, regions, agro-ecological conditions and uses concerned:

   (a) yield, including yield stability and yield under low-input conditions;

(b) tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests ~~different from those tested in the context of distinctness, uniformity and stability~~;

(c) tolerance/resistance to abiotic stresses, including adaptation to climatic~~al~~ conditions;

(d) more efficient use of natural resources, such as water and nutrients;

(e) reduced need for external inputs, such as plant protection products and fertilisers;

(f) characteristics that enhance the sustainability of storage, processing and distribution;

(g) quality or nutritional characteristics~~;~~

~~(h) ability to be cultivated in association with other species or varieties during all or part of the development cycle~~.

2. For the purpose of paragraph 1, Member States may collaborate with other Member States with similar agro-ecological conditions. Those Member States may establish shared facilities **and resources** for carrying out the **entire, or part of the,** examination for value for sustainable cultivation and use.

3. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by establishing the minimum requirements for:

(a) […]

(b) assessing the characteristics listed under paragraph 1, points (a) to (~~h~~ **g**);

(c) the evaluation and the reporting of the results of the examination of the value for sustainable cultivation and use.

Those delegated acts shall adapt ~~the~~ **those** ~~minimum~~ requirements ~~referred to in points (b) and (c)~~ to the applicable technical or scientific developments, and to any new Union policies or rules on sustainable agriculture.

Where no such rules have been established, Member States may apply national rules to their territories. They shall notify them to the Commission and ~~to~~ the other Member States. ~~Member States may maintain those national rules until Union rules have been established.~~

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4. For the purposes of registration of organic varieties suitable for organic production as defined in Article 3, point (19) of Regulation (EU) 2018/848, the examination of the value for sustainable cultivation and use shall be conducted under organic conditions, in accordance with that Regulation, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 thereof and Part I of Annex II to that Regulation.

Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs.

~~*Article 53*~~

~~**Registration of conservation varieties**~~

~~1. By way of derogation from Articles 48, 49, 50, 52, 55(2), 57, and 59 to 65, a conservation variety shall be registered in a national variety register if it complies with the following conditions:~~

~~(a) it has an officially recognised description, specifying the characteristics that qualify it as a conservation variety;~~

~~(b) it has an indication of its region(s) of origin, except for varieties that had been initially registered on the basis of an official description;~~

~~(c) it bears a denomination, complying with Article 54;~~

~~(d) it is maintained in the region(s) of origin, except for varieties that had been initially registered on the basis of an official description;~~

~~For the purpose of point (a), an official desription that has been produced for the registration of that variety in the past shall be considered as an officially recognised description.~~

~~2. A conservation variety shall be registered in the national variety register upon application by a professional operator established in the Union. That application shall, in addition of the requirements of Article 56, include all the elements referred to in paragraph 1 of this Article.~~

The competent authority shall accept or reject the registration of a conservation variety, after checking its compliance with paragraph 1. That check may include a growing trial of a maximum duration of growing cycle.

3. A variety shall not be listed in the national variety register as conservation variety if:

(a) it is already listed in the Union variety register with an official description, pursuant to Article 44(1), point (a), or it was deleted from the Union variety register as a variety with an official description within the last 2 years, or within 2 years from the expiry of the period granted pursuant to Article 71(2); or

(b) it is protected by a Community plant variety right as provided for in Regulation (EC) No 2100/94, or by a national plant variety right, or an application for such a right is pending.

4. The officially recognised description referred to in paragraph 1, point (a), shall be based on knowledge gained from practical experience during cultivation, reproduction and use, or other information, in particular from the plant genetic resource authorities or from organisations recognised for this purpose by Member States. [It shall contain the characteristics of the species presented in the technical questionnaires.]

[In the case of varieties that have been registered on the basis of an official description but are no longer registered in a national variety register, that official description shall be considered an officially recognised description for the purpose of their registration as conservation varieties pursuant to this Article.]

The Commission may, by means of implementing acts, specify the characteristics and information that that description should cover if appropriate for specific species. Such implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

5. The person responsible for the maintenance of a conservation variety shall keep samples of it and, upon request, make them available to the competent authorities.

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Article 54

Suitability of variety denominations

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

(a) its use in the territory of the Union is precluded by the prior right of a third party;

(b) it may commonly cause its users difficulties as regards recognition or reproduction;

(c) it is identical to, or may be confused with, a ~~variety~~ denomination:

(i) under which another variety of the same or of a closely related species is entered in a national variety register ~~or in the Union variety register~~; or

(ii) under which ~~material of~~ another variety **of the same or of a closely related species** has been made available on the market in a Member State or in a Member of ~~the International Union for the Protection of New Varieties of Plants~~ **UPOV**;

(d) it is identical to, or may be confused with, other designations which are commonly used for making available on the market goods or which have to be kept free pursuant to Union legislation;

(e) it is liable to give offence in one of the Member States or is contrary to the public order;

(f) it is liable to mislead or to cause confusion concerning the characteristics, the value or the identity of the variety, or the identity of the breeder.

2. Without prejudice to paragraph 1, if a variety is already registered in other national variety registers, the denomination shall be deemed suitable only if it is identical to ~~that~~ **the denomination** appearing in those registers.

This paragraph shall not apply if:

(a) the denomination is likely to mislead, offend or cause confusion concerning the relevant variety in one or more Member States; or

(b) the rights of third parties impede the free use of that denomination in connection with the variety in question.

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2a. **[**In the case of conservation varieties referred to in Article 3, point (29)(a), one or more commonly used synonyms may also be indicated **in the national variety register** ~~next to the denomination~~. In the case of conservation varieties referred to **in** Article 3, point (29)(c), which had been registered on the basis of an official description but are no longer registered in a national variety register, the denomination which had been used for that registration shall be retained for the purposes of this Article.**]**

3. […]

4. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by setting out specific criteria concerning the suitability of variety denominations as regards:

(a) their relation to trade marks;

(b) their relation to geographical indications or designations of origin for agricultural products;

(c) written consents of holders of prior rights to remove impediments to the suitability of a denomination;

~~(d) determination of whether a denomination is misleading, offensive or confusing as referred to in paragraph 1, point (f); and~~

(e) the use of a denomination in the form of a code;

(f) the definition of closely related species as referred to in paragraph 1, point (c)(i)~~.~~**; and**

(g) determination of whether a denomination is misleading, offensive or confusing as referred to in paragraph 1, point (f).

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ANNEX VII

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

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

1	**2**	**3**	**4**	**5**
		National variety register	**Union variety register**	**Conservation varieties**
(a)	the scientific name of the genus or species to which the variety belongs~~, and, in the case of national variety registers, its common name~~;	**x**	**x**	**x**
(aa)	**the common name of the genus or species to which the variety belongs;**	**x**		**x**
(b)	the denomination and**, if applicable, the** breeder's reference of the variety and, for varieties marketed before the entry into force of this Regulation, ~~where applicable, other alternative denominations [~~or **known** synonyms~~]~~ used for that variety;	**x**	**x**	**x**
(c)	the name and the ~~reference~~ **official registration** number~~,~~ of the applicant and, where applicable, the name of the applicant's representative;	**x**	**x**	**x**
(ca)	the ~~application number and~~ application date;	**x**	**x**	**x**
(cb)	the status of the variety, including indication whether the variety is registered, its registration has expired, terminated due to other reasons, or surrendered by the applicant, or with an application pending for registration, or an application that has been	**x**	**x**	**x**

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	withdrawn or rejected ~~*(the terminology will be adapted to the content of other articles)*~~;			
(d)	the date of the registration of the variety and any change of its status according to point (cb);	**x**	**x**	**x**
(e)	the date of the end of validity of registration and, where applicable, the date of the end of ~~extension~~ **marketing** pursuant to Article 71(2);	**x**	**x**	
(f)	a ~~reference to the~~ link ~~containing the summary of the file, where~~ **to** the official description of the variety, or, if applicable, the officially recognised description of the ~~variety, can be retrieved from, without prejudice to the second paragraph of Article 65~~;	**x**	**x**	**x**
(g)	~~in the case of conservation varieties with officially recognised description and, if applicable,~~ an indication of the region(s)~~,~~ where the variety has historically been grown and to which it is naturally adapted ('region(s) of origin');	**x**	**x**	**x**
(h)	the name~~, address~~ and the ~~reference~~ **official registration** number of the professional operator responsible for the maintenance of the variety;	**x**	**x**	**x**
(i)	the name of the Member States having established the relevant national variety register(s);		**x**	
(j)	the ~~reference number~~ **unique variety identifier** under which the variety has been registered in the national variety register(s);	**x**		**x**
(k)	where applicable, the indication that the variety is an 'organic variety suitable for organic production**'** according to Regulation (EU) 2018/848;	**x**	**x**	

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(l)	where applicable, the indication that the variety contains, or consists of, a genetically modified organism **as defined in Article 2, point (2), of Directive 2001/18/EC, excluding organisms obtained through the techniques of genetic modification listed in Annex I B to that Directive**;	**x**	**x**	**x**
(m)	where applicable, the indication that the variety is a component variety of another registered variety;	**x**	x	
(n)	where applicable, the indication that PRM belonging to the variety is only produced and marketed ~~in~~ **as** rootstocks;	**x**	**x**	**x**
(o)	[…]			
(p)	where applicable, an indication of the reproduction method of the variety, including information on: (i) whether it is a hybrid ~~or a synthetic variety~~; ~~or~~ **(ia) whether it is a synthetic variety; or** (ii) whether it is a vegetatively or seed propagated variety in case of species with both types of ~~varieties~~ **propagation**;	**x**	**x**	**x**
(q)	where applicable, the indication that the variety contains, or consists of a category 1 NGT plant within the meaning of Article 3**, point** (7)**,** of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation) and the identification number(s) referred to in Article 9(1), point (e) of	**x**	**x**	**x**

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	[NGT Proposal] assigned to the category 1 NGT plant(s) it has been derived from;			
(r)	where applicable, the indication that the variety contains, or consists of a category 2 NGT plant within the meaning of Article 3**, point** (8)**,** of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation);	**x**	**x**	**x**
(s)	where applicable, indication that the variety is herbicide tolerant;	**x**	**x**	**x**
~~(t)~~	~~where applicable, indication that the variety has certain characteristics, other than the one referred to in point (s);~~			
(u)	types or uses of the variety, including winter or spring type, or industrial, or food or feed uses;	**x**	**x**	**x**
~~(v)~~	~~where applicable, references of the patents or published patent applications covering the variety, on the basis of available information;~~			
~~(w)~~	~~where applicable, references to the granted plant variety rights;~~			
~~(x)~~	~~[in the case of selected clones, indication of denomination, maintainer, description and reference number];~~			
~~(y)~~	~~[in the case of polyclonal PRM, indication of denomination, (maintainer,) description, reference number and its composition].~~			

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