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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials)
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 - Outcome of the discussion

As a follow up to 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, for their information, the Presidency's **revised** drafting suggestions on Articles 41 to 43 and 47 of the proposal on the production and marketing of plant reproductive material in the Union.

Please note that yellow colour indicates changes to document 8964/2025 INIT made during the Working Party meeting, and blue indicates changes subsequently made by the Presidency.

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 revised drafting suggestions on Articles 41 to 43 and 47

(Outcome of the Working Party meeting 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~~ **established by** 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~~ **in accordance with** 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.~~

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 to the competent authority.**

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 of certification 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 referred to in Article 3(2) carried out by ~~of~~ the professional operator~~, as referred to in Article 3(2)~~.**

3. **The competent authority shall, after examination of the application, 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.**

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5. **Registered operators shall submit without delay an update concerning any changes in the data referred to in paragraph 2, points (a) to ~~(d)~~(e), 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 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 and directly to non-professional users pursuant to Article 28;**

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(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.]**

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 reasoned request, the information contained therein to other Member States or the Commission.**

2. **The competent authority keeping the register shall make available, upon 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~~ that person's 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.

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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 **to another professional operator**.

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

   (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 and marketing of standard seed and material and commercial seed

1. 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~~ PRM**, ~~and~~ categories of the PRM concerned and the exact location of production.

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

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CHAPTER IV
VARIETY REGISTRATION

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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 vine, potato, and the genera and species of agricultural ~~species~~ plants ~~(~~except for varieties used exclusively for turf grasses purposes~~)~~, ~~and potato and vine~~ 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~~ relevant characteristics of the species included in the protocols established by the CPVO, ~~or other relevant national protocols~~, or, in the absence of those protocols, in the**

guidelines of the International Union for the Protection of new Varieties of Plants (UPOV)~~, protocols established by the CPVO~~**, or, in the absence of those guidelines, in 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~~ **may be** 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.

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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~~ that purpose by Member States.

The competent authority may recognise an official description that has been previously 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 registration in the Union variety register as a variety with an official description was terminated pursuant to Article 71 within the last 2 3 years ~~or within 2 3 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 **protocols established by the CPVO, or** 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 for specific genera or species;.** ~~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.~~

The Commission may adopt, by means of implementing acts, specific requirements concerning

~~(aa)~~ the characteristics and information that the officially recognised description referred to in paragraph 1, point (a)(ii), ~~should~~ is to 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 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);**~~

~~**(c) 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 national variety register, a competent authority may accept, without any further examination, an official description or an official examination of the requirements for value for sustainable cultivation and use, as referred to in paragraph 1, point (aa), which has been produced by a competent authority of another Member State with similar agro-ecological conditions.]~~ ***- to be moved to Article 59a and 59b***

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