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General Secretariat

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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 non-concluded elements - Comments from AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PT, SE and SI

Delegations will find in the annex comments/drafting suggestions submitted by Austria, Belgium, Cyprus, the Czech Republic, Germany, Estonia, Greece, Spain, Finland, France, Croatia, Hungary, Italy, Lithuania, Latvia, the Netherlands, Portugal, Sweden and Slovenia on those parts of the proposal for a Regulation on the production and marketing of plant reproductive material in the Union, which have been put in square brackets by previous Presidencies (non-concluded elements).

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
Article 2	
Scope and objectives	
4. This Regulation does not apply to:	PL (Comments): PLsupport addition and deletion of art.29
[(i) PRM marketed by non-profit organisations and networks other than gene banks, with a purpose defined in their articles of association or other equivalent document of conserving plant genetic resources, to any natural or legal person, under the condition that those organisations and networks have notified their activity to the competent authority and the respective PRM is identified as such through appropriate labelling;]	AT (Drafting Suggestions): **~~[(i) PRM marketed by non-profit organisations and networks other than gene banks, with a purpose defined in their articles of association or other equivalent document of conserving plant genetic resources, to any natural or legal person, under the condition that those organisations and networks have notified their activity to the competent authority and the respective PRM is identified as such through appropriate labelling;]~~** AT (Comments): Since AT is in favour of retaining Article 29, we are being dismissive against the new point (i) in Article 2(4).] BE (Comments):

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Revised Presidency text	Drafting Suggestions and Comments
	BE does not support this addition (and thus the deletion of Article 29). See comments in WK 8580 2025 INIT. CY (Drafting Suggestions): **[(i) PRM marketed by non-profit organisations and networks other than gene banks, with a purpose defined in their articles of association or other equivalent document of conserving plant genetic resources, to any natural or legal person who carry out conservation of that PRM, under the condition that those organisations and networks have notified their activity and the species if listed in Annex I to the competent authority and the respective PRM is identified as such through appropriate labelling;]** CY (Comments): Cyprus agrees with this addition in Article 2(4) and thus with the deletion of Article 29. We have the opinion that the marketing of such PRM must be limited to natural or legal persons carrying out conservation of plant genetic resources in order to prevent any future abuse of this derogation.

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Revised Presidency text	Drafting Suggestions and Comments
	Furthermore and beside the notification of their activity to the competent authority, we propose also the inclusion of the species, if these species are included in Annex I, to this notification. The proposed addition we believe that can also satisfy the concerns of those organizations as expressed in several occasions by several NGOs. CZ (Drafting Suggestions): ~~[(i) PRM marketed by non-profit organisations and networks other than gene banks, with a purpose defined in their articles of association or other equivalent document of conserving plant genetic resources, to any natural or legal person, under the condition that those organisations and networks have notified their activity to the competent authority and the respective PRM is identified as such through appropriate labelling;]~~ CZ (Comments): No, Czechia does not support this addition, we support the presence of Article 29. DE (Drafting Suggestions):

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	[(i) PRM marketed by non-profit organisations and networks and their members ~~other than gene banks~~, with a purpose defined in their articles of association or other equivalent document of conserving plant genetic resources, to any natural or legal person, under the condition that those organisations and networks have notified their activity to the competent authority, ~~and~~ the respective PRM is identified as such through appropriate labelling and the annual quantities of PRM per species and non-profit organisations and networks as specified by the Member States and reported to the competent authorities within the Member States are not exceeded;] DE (Comments): There seem to be various ways these non-profit organisations and networks work. German non-profit organisations do not market PRM themselves. Their **members** individually "market" PRM, hence the suggested amendment. The non-profit organisations and networks in Germany suggest themselves repeatedly to allow the transfer of PRM to other persons within limited quantities only.

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Revised Presidency text	Drafting Suggestions and Comments
	We generally understand the Belgian concerns with the proposed wording, but we also see the need to keep the administrative burden for this group of operators as low as possible. Our amendment would ensure that these organisations and the quantities distributed by them are known to the Competent Authorities of PRM. The EP suggested already specific quantities for such an exception. We would like to emphasize that those quantities are <u>too high</u> from our perspective as they refer to per person, year and variety. EE (Comments): Estonia does not support art 2(4) point (i), but supports retaining Article 29 because we need rules for CA in order to monitor such non-profit organizations. But if a non-profit organization or network sells registered varieties, i.e. varieties listed in the variety register, is this PRM also excluded from the scope of regulation? Variety protection is also important here. EL (Drafting Suggestions): **<u>[(i) PRM marketed by non-profit organisations and networks other than gene banks, with a purpose defined in their articles of association</u>**

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Revised Presidency text	Drafting Suggestions and Comments
	or other equivalent document of conserving plant genetic resources, to any natural or legal person, under the condition that those organisations and networks have notified their activity to the competent authority, the respective PRM is identified as such through appropriate labelling and comply with article 4 of this Regulation;] EL (Comments): Support ES (Drafting Suggestions): ~~[(i) PRM marketed by non-profit organisations and networks other than gene banks, with a purpose defined in their articles of association or other equivalent document of conserving plant genetic resources, to any natural or legal person, under the condition that those organisations and networks have notified their activity to the competent authority and the respective PRM is identified as such through appropriate labelling;]~~ ES (Comments): We do not support this addition here to exclude these organisations and networks from the scope of the regulation. We would prefer to keep Article 29 with its exceptions as it was, as it provides greater legal certainty for

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Revised Presidency text	Drafting Suggestions and Comments
	everyone, both those who carry out professional activities in the usual way and those who decide to go down this route and become conservation networks. The requirements for the latter are minimal, so they do not constitute an administrative barrier, and they are only asked to provide the minimum information about the activity they are carrying out and to guarantee that they are labelling and carrying out the activity they claim to be carrying out. Leaving this activity outside the scope of application encourages fraudulent activities over which no control can be exercised, as they fall outside the powers granted to the competent authorities to take action. As presented by some MS during the WG, there are several big companies and NGOs, which market big amount of PRM under this premise (conservation) but they are really marketing for professional uses, commercial varieties… together with some other "conservation" varieties. We prefer these cases to be at least under the knowledge of competent authorities in order to control in case it is necessary. FI (Comments):

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Revised Presidency text	Drafting Suggestions and Comments
	Finland would prefer to keep the Article 29 with some modifications; and to define 'gene bank' in Article 3, as indicated when this article was last time discussed. Council Legal Service said during that discussion that this suggestion for wording is problematic because we put obligations to the operators to notify their activities and these same operators are not in the scope of this regulation. Finland shares this observation and is worried how this would be implemented in practise. In this wording there are also obligation to use appropriate labelling. Is it meant that competent authorities could monitor this? We would like still to inquire from Council Legal Service in relation to this, that is this addition in their view possible and binding? Another point that has been raised in this context is, that these networks are not necessarily operating only in one MS. If legislation is based on national legislation, that may differ from MS to MS, this can cause extra burden for the operators. FR (Drafting Suggestions): [(i) PRM **for the conservation of plant genetic resources** marketed **by** ~~**non-profit**~~ organisations and networks other than gene banks, with a purpose defined in their articles of association or other equivalent document of

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Revised Presidency text	Drafting Suggestions and Comments
	conserving plant genetic resources, to any natural or legal person, under the condition that those organisations and networks have notified their activity to the competent authority ~~**and the respective PRM is identified as such through appropriate labelling;**~~**]**. **Such PRM shall fulfil the following requirements:** **a) bear an operator's label with the indication 'Plant reproductive material PRM for the conservation of plant genetic resources';** **b) be listed in a register kept by those organisations and networks with appropriate related information of that PRM, and** **c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material.** FR (Comments): Les autorités françaises ont une préférence pour conserver un encadrement allégé (article 29) plutôt qu'une exonération totale des réseaux de conservation telle que prévue ici. Tout d'abord, la définition de « banque de gène » est déjà assez large, permettant d'y inclure de multiples acteurs. Par ailleurs, certaines associations à but non lucratif en France ont une activité commerciale, qui ne concerne pas

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Revised Presidency text	Drafting Suggestions and Comments
	forcément que du matériel ayant un intérêt en tant que ressources génétiques. Par exemple, l'une des associations françaises atteint un chiffre d'affaires dépassant le million d'euros. Tel que rédigé, ce point permettrait d'exempter tout matériel commercialisé par une organisation de conservation de ressources phytogénétiques, ce qui est différent de l'objectif initial du texte qui visait l'allègement des règles pour la commercialisation des ''ressources phytogénétiques'' elles-mêmes. Il convient que ce type d'acteurs soient exonérés des règles du règlement PRM uniquement vis-à-vis de leur activité de diffusion de ressources génétiques. Il semble que l'article 29 suffise à couvrir ce cas de figure. De plus, le statut non lucratif d'une association n'est pas suffisant, car en France les opérateurs sont de nature très diverse : Organismes de recherche/CRB, associations, particuliers, Sociétés Anonymes. La décision doit être prise au cas par cas par l'autorité compétente et non pas de façon générale sur la base du statut de l'organisation. Si l'exemption de l'article 2(4)(i) était maintenue, il est proposé de limiter son champ d'application aux seules ressources génétiques vendues et d'exiger un minimum de traçabilité. Courtesy translation:

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Revised Presidency text	Drafting Suggestions and Comments
	The French authorities prefer to retain a lighter framework (Article 29) rather than a total exemption for conservation networks as provided for here. First of all, the definition of 'gene bank' is already quite broad, making it possible to include a wide range of players. In addition, some not-for-profit associations in France have a commercial activity, which does not necessarily only concern material of interest as genetic resources. For example, one French association has a turnover of over one million euros. As drafted, this point would make it possible to exempt any material marketed by a plant genetic resources conservation organisation, which is different from the initial aim of the text, which was to relax the rules for the marketing of 'plant genetic resources' themselves. This type of operator should be exempt from the rules of the PRM Regulation solely in respect of their activity of distributing genetic resources. It seems that Article 29 is adequate to cover this situation. Furthermore, the non-profit status of an association is not sufficient, because in France operators are of a very diverse nature: research organisations, biological resource centres, associations, private individuals, limited companies. The decision must be taken on a case-by-case basis by the competent authority and not in a general way on the basis of the organisation's status.

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	HR (Comments): We support suggested adding as well as the deletion of article 29. HU (Comments): Both solutions are acceptable for Hungary. IT (Comments): We support the addition. LT (Comments): Since Article 29 will be repealed, it is unclear where the labeling requirements will be set out. What does it mean to label properly? LV (Drafting Suggestions): **[(i) PRM marketed by non-profit organisations and networks other than gene banks, with a purpose defined in their articles of association or other equivalent document of conserving plant genetic resources, to any natural or legal person.** NL (Comments):

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	Netherlands has a preference to keep article 29 because this gives possibilities to have a light control regime on these companies. This would be preferred over the suggestion to put them out of the scope under relative easy administrative conditions that cannot be checked. These networks are professional operators active in marketing of PRM, which means they should be registered and comply with basic rules. SE (Drafting Suggestions): ~~[(i) PRM marketed by non-profit organisations and networks other than gene banks, with a purpose defined in their articles of association or other equivalent document of conserving plant genetic resources, to any natural or legal person, under the condition that those organisations and networks have notified their activity to the competent authority and the respective PRM is identified as such through appropriate labelling;]~~

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Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	SE (Comments): Sweden prefers Article 29 over this paragraph. This paragraph is worded too wide so that more organisations and networks are covered by the derogation. This derogation would exempt the operators, i.e. the organisations and networks, from registration and all control from the CA. Our dialogue with the Swedish operators shows that they prefer an article with clear requirements over a less clear derogation. This might open a back door for operators that are not performing the conservation of genetic resources that is intended. SI (Comments): We support this addition.
Article 3	
Definitions	NL (Comments): The proposed definition of commercial seed needs to be added again. Then it will make sence to have an official label as well for the seeds. (17a) 'commercial seed' means seed which has been found by means of official examination, or examination under official supervision, to satisfy the

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Revised Presidency text	Drafting Suggestions and Comments
	relevant conditions laid down in Annex II, with the exception of the requirement to belong to a variety registered in a national variety register as referred to in Article 44; (From the Polish presidency text 9647/25 without the reference to heterogenous material)
[(32a) 'true potato seed' means seed of *Solanum tuberosum* L.]	AT (Comments): AT supports this definition.] BE (Comments): OK, CY (Comments): Cyprus agrees with the proposed definition of "true potato seed" CZ (Comments): Yes, Czechia agrees with this definition. DE (Comments): We agree.

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Revised Presidency text	Drafting Suggestions and Comments
	EE (Comments): Estonia is agree with the definition. Do the requirements listed everywhere also apply to seed potatoes, or only when specific requirements for true potato seed are listed? EL (Comments): Support ES (Comments): Ok with this definition FI (Comments): Finland can agree with this definition. FR (Comments): Les autorités françaises sont favorables à cette définition . Courtesy translation: The French authorities are in favour of this definition.

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Revised Presidency text	Drafting Suggestions and Comments
	HR (Comments): We agree with this definition HU (Comments): We can accept this definition. LT (Comments): Proposal: (32a) True potato seeds" means seeds of *Solanum tuberosum L.* formed by sexual reproduction of potatoes, as opposed to tubers. NL (Comments): We support this definition and agree that it is necessary to define this in the Regulation. PL (Comments): PL agree with the defination SE (Comments): Sweden support this definition. SI

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): We agree with definition of true potato seed.
Article 6	NL (Comments): NL proposes to have an official label for the category 'Commercial Seed'. All species in 'Commercial Seed' have official inspections by the CA, therefore 'Commercial Seed' should be seen as an official category with an official label, and not an operators label. With operator labels for seeds which that have all the official inspections the system would create inconsistenties and confusion.
Belonging to certain categories of PRM	EL (Comments): Support
2. By way of derogation from paragraph 1, PRM may be produced and marketed without belonging to a category listed in points (a) to (~~eb~~**d**) of that paragraph in the following cases:	EE (Comments): Estonia agree with the exclusion of commercial seed and preservation mixtures. EL

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Support NL (Drafting Suggestions): By way of derogation from paragraph 1, PRM may be produced and marketed without belonging to a category listed in points (a) to (~~eb~~c) of that paragraph in the following cases: NL (Comments): The Netherlands agrees with the exclusion of commercial seed and preservation mixtures from the category requirements. Although it is often discussed, we underline the importance to keep a definition of commercial seed in article 3.17a (17a) '*commercial seed' means seed which has been found by means of official examination, or examination under official supervision, to satisfy the relevant conditions laid down in Annex II, with the exception of the requirement to belong to a variety registered in a national variety register as referred to in Article 44;* (which was deleted under the Polish precidency) in order to be as clear as possible what ''commercial seed'' is.

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	As to the draft suggestion (deleting d and referring to c): Category standard is not available for commercial seed. SE (Comments): If (f) and (g) shall be included this paragraph needs to be amended: 2. By way of derogation from paragraph 1, PRM may be produced and marketed without belonging to a category listed in points (a) to (~~cb~~**dg**) of that paragraph in the following cases: SI (Comments): We agree with the exclusion of commercial seed and preservation mixtures from the category requirement.
[(f) PRM as commercial seed in accordance with Article 32a;~~.~~]	AT (Drafting Suggestions): ~~**[(f) PRM as commercial seed in accordance with Article 32a;.]**~~ AT (Comments): AT suggests to delete point (f), given the importance of ensuring minimum quality standards. Commercial seed should fulfil the minimum requirements foreseen for the respective genera or species.] BE

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): OK, they are not marketed as belonging to a category. CY (Comments): Cyprus agrees with the exclusion of both commercial seed and preservation mixtures from the category requirement. CZ (Comments): Yes, Czechia agrees with the exclusion of commercial seed from the category requirement. DE (Comments): Please also refer to our comments under Art. 32a. Taking them into account we could agree to this wording. EL (Comments): Support ES (Comments): Ok with this FI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Finland can agree to exclude f and g from the category requirement. FR (Comments): Les autorités françaises n'ont pas de préférence sur le fait que les semences commerciales relèvent d'une nouvelle catégorie spécifique ou constituent une exception à part entière vis-à-vis des exigences d'identification variétale prévues pour les catégories existantes (standard et certifié) du moment que cela permet la commercialisation des espèces fourragères sans identité variétale, dans la continuité de ce que permet la réglementation en vigueur (Directive 66/401/CEE du Conseil). Le fait de créer une nouvelle catégorie pourrait être perçu comme renforçant la complexité du texte en discussion ; ce type de matériel n'étant pas rattachable à une variété, un traitement comme une exception pourrait être justifié puisque c'est la principale différence qui existe avec du matériel certifié. Toutefois, le terme « variété commerciale » existe déjà dans la réglementation en vigueur sans que cela n'ait a priori posé de difficulté (Directive 66/401/CEE du Conseil).

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Revised Presidency text	Drafting Suggestions and Comments
	Courtesy translation: The French authorities have no preference as to whether commercial seed should come under a new specific category or constitute an exception to the varietal identification requirements laid down for the existing categories (standard and certified), as long as this allows the marketing of forage species without varietal identity, in line with current regulations (Council Directive 66/401/EEC). Creating a new category could be seen as adding to the complexity of the text under discussion. The main difference with certified material is that this type of material cannot be attached to a variety, so considering it as an exception could be justified. However, the term 'commercial variety' already exists in the regulations in force and this has not a priori caused any difficulty (Council Directive 66/401/EEC). HR (Comments): We agree with the exclusion of commercial seed and preservation mixtures from the category requirement HU (Comments):

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Revised Presidency text	Drafting Suggestions and Comments
	Generally we support the article but the discussion about Annex I has not yet been finished, so we suggest first to finish Annex I because the articles related to it are incomprehensible without it. NL (Comments): Commercial seed should be seen as an official category whereby it is possible to have an official label, and not an operators label. Depending on how the formulation of the article 15 and 32a it is possible to have the exemption here. PL (Comments): PL support SE (Comments): Sweden has several times earlier stated that we prefer to not include commercial seed in the regulation but to reword the requirements for standard seed (in Article 8, which we have offered to propose if needed). However, we can accept this if a majority of MS are in favour.
[(g) preservation mixtures produced in accordance with Article 22.]	AT (Comments): AT is in favour of keeping point (f)]

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	BE (Comments): OK, they are not marketed as belonging to a category. CZ (Drafting Suggestions): **[(g) preservation mixtures produced in accordance with Article 22.]** **(h) seed mixtures produced in accordance with Article 21.** CZ (Comments): Yes, Czechia agrees with the exclusion of preservation mixtures from the category requirement and suggests that also seed mixtures produced according to Article 21 shall be excluded from the category requirement because all seed mixtures are marketed without indicating any category. DE (Comments): We agree. EL (Comments): Support ES (Comments):

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	Ok with this We also support to leave in the text letters b), c), d), and eb) from the polish text: b) PRM for non professional users c) PRM by conservation organizations and networks d) exchange of seeds between farmers eb) PRM of a generation prior to pre-basic seed or material FR (Comments): Les autorités françaises soutiennent la possibilité de commercialiser des mélanges de semences telle que définie à l'article 22. Courtesy translation: The French authorities support the possibility of marketing seed mixtures as defined in Article 22. PL (Comments): PL support

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	SE (Comments): It is correct that the preservation mixtures should not belong to a category.
Article 17a (former Article 23)	EL (Comments): Support
Re-packaging, re-sealing and re-labelling of ~~seed lots~~ PRM	AT (Comments): AT supports the retention of the bracketed text of both paragraphs 4 and 5 and the proposed wording.] EL (Comments): Support NL (Comments): NL sees the importance on these paragraphs. We made some drafting suggestions on art 17(5) PL (Comments): PL support

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
[4. **In addition to the provision of Article 42,** ~~T~~the professional operators shall keep records, when re-packaging, re-sealing and re-labelling ~~seed lots~~, for 3 years after the respective re-labelling, re-sealing and re-packaging. The information contained in the records shall include:	BE (Comments): OK CY (Comments): Cyprus agrees with the wording of paragraphs (4) and (5) CZ (Drafting Suggestions): [4. **In addition to the provision of Article 42,** ~~T~~the professional operators shall keep records, when re-packaging, re-sealing and re-labelling ~~seed lots~~, for ~~3~~ **6** years after the respective re-labelling, re-sealing and re-packaging. The information contained in the records shall include: CZ (Comments): Yes, Czechia agrees with the wording of Article 17a (4) and (5), except for the number of years of keeping records stated in paragraphs (4) and (5), which we suggest to increase to 6 years in order to be in line with the number of years stated in Article 42. DE (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

Revised Presidency text	Drafting Suggestions and Comments
	4. **In addition to the provision of Article 42,** ~~T~~the professional operators shall keep records **of**, ~~when~~ re-packaging, re-sealing and re-labelling ~~seed lots~~, **which they shall retain** for 3 years after the respective re-labelling, re-sealing and re-packaging. DE (Comments): It was not clear what the operator shall keep records of. Hence our suggestion. EE (Comments): Generally Estonia agrees with the wording. This article is too detailed and should be in the delegated act, because if something changes, it will be time-consuming to update the requirements. Article 14 deals with packaging, bundles and containers, but Article 17a deals with activities – logically, it could follow immediately after. EL (Comments): Support FI

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Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	(Drafting Suggestions): [4. **In addition to the provision of Article 42,** ~~T~~the professional operators shall keep records, when re-packaging, re-sealing and re-labelling ~~seed lots~~, for seeds 6 years and for other PRM 3 years after the respective re-labelling, re-sealing and re-packaging. The information contained in the records shall include: FI (Comments): The Presidency indicated that this addition was added based on the discussion on article 42 in the last meeting. Finland unfortunately had to leave the meeting before this point was discussed and we don´t have information on the modifications to the art 42 after the meeting. It seems though that this addition is more or less just technical and could be accepted here. We find it important that this information is recorded and kept to ensure tracability and we would like to keep the point 4 and 5. We would like to point out that in this article the requirement for keeping the information is 3 years and in art 42 it is 6 years and therefore we suggest a change. We find 6 years suitable for seeds, but 3 years is enough for other PRM. FR

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): La France soutient la nouvelle rédaction du point 4 de l'article 17a. Courtesy translation: France supports the new wording of point 4 of Article 17a. HR (Comments): We agree with the wording in 4 and 5. HU (Drafting Suggestions): … for 3 years **or until it is circulating on the market.** HU (Comments): The recods should be stored until the stock is circulating on the market. NL (Comments): NL agrees with the wording in art 17.4 PL (Comments): PL support SE

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	(Drafting Suggestions): [4. **In addition to the provision of Article 42,** ~~T~~the professional operators shall keep records, when re-packaging, re-sealing and re-labelling ~~seed lots~~**PRM**, for 3 years after the respective ~~re-labelling, re-sealing and re-packaging~~**activity**. The information contained in the records shall include: SE (Comments): Sweden considers this a useful clarification of the minimum information in the records. It will likely enhance the harmonisation among EU member states which is good for equal competetiveness. We suggest a slight change of wording for enhanced readability. SI (Comments): We agree with the wording. But we think that the use of the words re-packaging, re-sealing and re-labeling should be the same throught the text of the Regulation. Now we have in the title of the Article re-packaging, re-sealing and re-labeling and than in the text repackaging, resealing and relabeling.
(a) the reference number of the original ~~seed~~ lot;	EL (Comments): Support

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
(b) the reference number of the repackaged or relabeled ~~seed~~ lot;	EL (Comments): Support
(c) the weight of the original ~~seed~~ lot;	EL (Comments): Support ES (Drafting Suggestions): (c) the weight **or units** of the original ~~seed~~ lot; ES (Comments): We need to add units for materials. The weight has sense for seeds, but not for material which are sold in individual plants, in bundles or in packages. SE (Drafting Suggestions): ~~(c) the weight of the original seed lot;~~ SE (Comments): This point is not necessary as the weight is available under the information of the original lot.

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
(d) the weight of the re-packaged or relabeled ~~seed~~ lot;	EL (Comments): Support ES (Drafting Suggestions): (d) the weight **or units** of the re-packaged or relabeled ~~seed~~ lot; ES (Comments): Same comment as previously.
(e) the most recent date of re-sealing of the lot.	EL (Comments): Support SI (Drafting Suggestions): (e) the most recent date of **re-packaging,** re-sealing **and re-labeling** of the lot.
Those records shall be kept in a form allowing identification and verification of the authenticity of the original ~~seed~~ lot which is subject to re-packaging	EL (Comments): Support

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and re-labelling. They shall be made available to the competent authority on request.]	
5. The original seals and labels shall be removed [from the original ~~seed~~ lot. The professional operator shall also keep the replaced label, its content or digital equivalent of each original seed lot for at least 3 years after the respective re-sealing. In the case the professional operator chooses to keep the content of the replaced label instead of the label itself, the retainment may take the form of storage of the information contained in the official label in a computerised database, provided that this includes the information that is needed to guarantee the traceability.]	BE (Drafting Suggestions): The original seals and labels shall be removed from the original ~~seed~~ lot. BE (Comments): 1 CZ (Drafting Suggestions): 5. The original seals and labels shall be removed [from the original ~~seed~~ lot. The professional operator shall also keep the replaced label, its content or digital equivalent of each original seed lot for at least ~~3~~ 6 years after the respective re-sealing. In the case the professional operator chooses to keep the content of the replaced label instead of the label itself, the retainment may take the form of storage of the information contained in the official label in a computerised database, provided that this includes the information that is needed to guarantee the traceability.] CZ

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	(Comments): Czechia suggests increasing the number of years of keeping records stated in paragraphs (4) and (5) to 6 years in order to be in line with the number of years stated in Article 42. EL (Comments): Support ES (Drafting Suggestions): 5. The original seals and labels shall be removed [from the original ~~seed~~ lot. The professional operator shall also keep the replaced label, its content or digital equivalent of each original ~~**seed**~~ lot for at least 3 years after the respective re-sealing, **re-packaging or re-labelling**. In the case the professional operator chooses to keep the content of the replaced label instead of the label itself, the retainment may take the form of storage of the information contained in the official label in a computerised database, provided that this includes the information that is needed to guarantee the traceability.] FI (Comments):

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	We are in favour of keeping this point as a whole (delete the brackets). FR (Comments): Les autorités françaises soutiennent la rédaction du point 5 de l'article 17a, y compris la partie entre crochets. Courtesy translation: The French authorities support the wording of point 5 of Article 17a, including the part in square brackets. HU (Comments): We agree with the text in the square brackets. NL (Drafting Suggestions): The original seals and labels shall be removed **where possible.** [from the original ~~seed~~ lot. The professional operator shall also keep the replaced label, its content or digital equivalent of each original seed lot for at least 3 years after the respective re-sealing. In the case the professional operator chooses to keep the content of the replaced label instead of the label itself, the retainment may take the form of storage of the information contained in the

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Revised Presidency text	Drafting Suggestions and Comments
	official label in a computerised database, provided that this includes the information that is needed to guarantee the traceability.] NL (Comments): NL does not agree with the wording in art 17.5. Removal of original seals and labels is not feasible in the case of official labels issued by third countries in line with article 40. In that case, it should also be allowed to add the EU label with plant passport integrated and not to remove all original labels which is not feasible or not possible without destroying the package. With the original label present, all original information from the 3rd country remains available. NOTE: this issue has been dicussed in working group on equivalence of several countries for fruit PRM, where it was mentioned by experts that removal of labels should not be required at import. SE (Drafting Suggestions): 5. The original seals and labels shall be removed [from the original ~~seed~~ lot **[or indicated as no longer valid]**. The professional operator shall also keep the replaced label, its content or digital equivalent of each original seed lot ~~for at least 3 years after the respective re-sealing. In the case the~~

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	~~professional operator chooses to keep the content of the replaced label instead of the label itself, the retainment may take the form of storage of the information contained in the official label in a computerised database, provided that this includes the information that is needed to guarantee the traceability.~~] SE (Comments): Unless the seed is re-packed it is not possible to remove the seal or the label as this will also ruin the package. The aim must therefore be that we have transparency, readability and traceability in the process and that it will work regardless whether the CA, or operator, is packaging and labelling electronically or manually. The second part of the paragraph is stated already in the beginning of the article and is therefore unnecessary to repeat.

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Article 28	FR (Comments): Les autorités françaises soutiennent le principe d'une dérogation sur l'étiquetage et sur les conditions de production pour la vente aux utilisateurs non professionnels. Elles avaient toutefois exprimées des inquiétudes et de très fortes réserves sur la précédente rédaction qui ne permettait pas d'éviter la porosité entre le circuit de commercialisation des PRM destinés aux amateurs et les circuits professionnels. Cette rédaction pouvait ainsi conduire à des contournements de la réglementation ce qui n'était pas acceptable. Les autorités françaises considèrent que borner la dérogation à la vente directe, hors vente en ligne et autres contrats à distance, constituerait une solution sécurisée, équilibrée et cohérente avec la réglementation phytosanitaire (c'est le cas des exigences relatives au passeport phytosanitaire dans l'article 81 du règlement 2016/2031). Il pourrait également être envisagé de réduire la portée de cet article aux seules espèces légumières et fruitières, s'agissant des espèces qui intéressent avant tout les amateurs. Courtesy translation: The French authorities support the principle of a derogation on labelling and production conditions for sales to non-professional users. However, they had expressed concern and very strong reservations about the previous wording,

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	which did not make it possible to avoid the porosity between the marketing channels for PRM intended for amateurs and the professional channels. This could lead to circumvention of the regulations, which was unacceptable. The French authorities consider that restricting the derogation to direct supply to final users, excluding online sales and other distance contracts, would be a secure, balanced solution that is consistent with plant health regulations (as is the case with the requirements relating to the plant passport in article 81 of Regulation 2016/2031). Consideration could also be given to reducing the scope of this article to vegetable and fruit species only, as these are species that are of interest above all to amateurs.
[PRM produced for and marketed to non-professional users	CY (Comments): Cyprus supports the derogation on PRM produced and marketed to non-profesional users. The limitation provided in paragraph 1(d) and 2 can ensure that this derogation will not be abused. CZ (Comments):

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Revised Presidency text	Drafting Suggestions and Comments
	No, Czechia does not support this derogation in its current wording because of serious concerns about the negative consquences on the PRM market. Such derogation might be only acceptable providing that there were clear and effective restrictions while maintaining the original idea to increase a diversity of PRM for amateur growers, such as: - professional operators may only use this article if they themselves produce the propagating material and place it on the market directly without further distributor, - PRM not belonging to a registered variety, in case of species where registration is compulsory or to a protected variety, can be marketed only without any denomination. Such PRM shall be marked only as a species, voluntarily with the information for growers (colour, earliness, etc.), and - the derogation applies only to vegetable and fruit species. Therefore, Czechia suggests the following amendments, see below: EL (Comments): Support ES (Comments):

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Revised Presidency text	Drafting Suggestions and Comments
	We support to keep this article in the proposal. It is very important to give the option to operators to produce PRM for non-professional users with more relaxed requirements. This flexibility is important for the market, for conservation of some genetic resorces, for diversity, for small gardeners and amateurs, and for so many other reasons. But, as well as in all other derogations, we need to know who is doing this activity and have them under the competent authorities control. Perhaps controls are minimal, or non-existent, but if something needs to be controlled, knowledge and information about this activity must be available, and it must not be an activity outside the market. FI (Comments): Finland prefers to keep the article. HR (Comments): We support this article, bat express concern about possible abuses of this provision. HU (Comments): In general we support the text. IT

Consultation on non-concluded elements – PRM

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	(Comments): During the Polish Presidency most delegations expressing concerns that this derogation could potentially lead to the introduction of poor quality PRM onto the market, facilitate illegal trade, reduce monitoring and controls, and pose risks to plant health. Some suggestions have been proposed as: derogation for specific groups of species, a redraft to highlight that it is a direct supply to nonprofessional users, a deeper evaluation of impact valuation We recognise the intention of this provision to facilitate access to PRM for non-professional users. However, as currently drafted, it does not provide adequate guarantees of quality and transparency for the end user. There is a potential risk of creating parallel regulatory tracks, with different standard controls. In our view, basic requirements should apply to all PRM placed on the market, regardless of the type of user. In particular, we consider *variety registration to be a fundamental prerequisite*, even for PRM intended for non-professional or final users. Ensuring that all material is traceable to a clearly identified and registered variety is essential to guarantee minimum standards of quality, transparency, and consumer protection.

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Revised Presidency text	Drafting Suggestions and Comments
	While we acknowledge the need to reduce administrative burdens and costs for varieties with low or no commercial value, especially those intended for amateur or non-commercial use, this should not come at the expense of traceability and variety identification. Therefore, we support the introduction of a simplified and cost-free registration pathway, *provided that such a pathway still ensures the official recognition and identification of the variety*. Ultimately, even material placed on the market for final users must meet minimum quality and safety guarantees, and variety registration is a key tool to ensure this. PRM should also be marketed only in individual plants or small packages and an annual notification of the activity to the competent authority, as well as the quantities produced and marketed, should be maintained. In our opinion a new drafting is needed,, below some suggestions. NL (Comments): NL has some hesitations with this article. We think the article can be strengthened with some additions which will make it possible to support this derogation. PL (Comments):

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Revised Presidency text	Drafting Suggestions and Comments
	PL support all changes to the article SI (Comments): We can support this derogation. We agree with the latest changes, and we have one comment in the paragraph 1(b).
1. By way of derogation from Articles 5~~(1)~~ **to** 12~~,~~ **and** **14** ~~15~~ **to 17a** ~~and 20~~, PRM with the exception of seed potatoes **and mixtures of seed**, intended to be used **exclusively** by non-professional users may be produced~~,~~ and marketed ~~to non-professional users,~~ if it complies with all of the following requirements:	BE (Comments): We can agree with the derogation. CY (Drafting Suggestions): 1. By way of derogation from Articles 5~~(1)~~ **to** 12~~,~~ **and** **14** ~~15~~ **to 17a** ~~and 20~~, PRM ~~with the exception of~~ **other than** seed potatoes **and mixtures of seed**, intended to be used **exclusively** by non-professional users may be produced~~,~~ and marketed ~~to non-professional users,~~ if it complies with all of the following requirements: CZ (Drafting Suggestions): 1. By way of derogation from Articles 5~~(1)~~ **to** 12~~,~~ **and** **14** ~~15~~ **to 17a** ~~and 20~~, PRM ~~with the exception of seed potatoes and mixtures of seed~~ **of vegetables and fruit species**, intended to be used **exclusively** by non-

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	professional users may be ~~**produced, and**~~ marketed **to non-professional users only directly by the professional operators who produced the PRM** if it complies with all of the following requirements: DE (Drafting Suggestions): 1. By way of derogation from Articles 5~~(1) –~~ **to** 12~~,~~ **and** **14** ~~15~~ **to 17a** ~~and 20~~, PRM with the exception of **agricultural species,** seed potatoes**,** ***Curcubita pepo, Vitis vinifera*** **and mixtures of seed**, intended to be used **exclusively** by non-professional users may be produced~~,~~ and marketed ~~to non-professional users,~~ if it complies with all of the following requirements: DE (Comments): We can agree to have an article for production and marketing to non-professional users, but see the urgent need to restrict it to species other than agricultural species. This type of material is not only locally produced and marketed. There might be quite long production and marketing chains in which the material might be transferred without any control and any possibility of traceability between many Member States. Therefore this article bears specifically for agricultural species the risk that many requirements of the PRM may be bypassed – PRM of a variety that did not

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Revised Presidency text	Drafting Suggestions and Comments
	pass registration can be marketed to the non-professional user, PRM that did not pass certification can be marketed to the non-professional user. We also see the need to ensure under Article 39 that article 28 does not apply to PRM imported. We agree to "with the exception of seed potatoes and mixtures of seed". During the Polish Presidency also *Cannabis sativa*, *Papaver somniferum* and in the informal Working group of vine *Vitis vinifera* were suggested to be excluded from this article. If the majority of the MS cannot follow our suggestion to exclude agricultural species in general at least these species should be excluded. We are wondering if maybe even *Cucurbita pepo* should be excluded from the scope of this article as there might be a toxic risk for the non-professional user when consuming not professionally bred, not registered varieties? EE (Comments): We do not support this article in its current form, as it would cause considerable confusion in the marketing of such PRMs. Furthermore, this material must meet the requirements of the lowest/ standard category, so it could be equivalent to standard PRM.

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Revised Presidency text	Drafting Suggestions and Comments
	Can not be possible with a protected variety, needed reference to Article 51. EL (Comments): Support ES (Drafting Suggestions): 1. By way of derogation from Articles 5~~(1) –~~ **to** 12~~,~~ **and** **14** ~~15~~ **to 17a** ~~and 20~~, PRM with the exception of seed potatoes, **Cannabis, Papaver somniferum, Vitis L. and mixtures of seed**, intended to be used **exclusively** by non-professional users may be produced~~,~~ and marketed ~~to non-professional users,~~ if it complies with all of the following requirements: ES (Comments): It is very important to keep outside this article also these species: **Cannabis, Papaver somniferum, Vitis L.** FI (Comments): We welcome the exception of seed potatoes. We are though not sure about the benefit of exception of mixtures of seed and is it really needed.

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	FR (Drafting Suggestions): 1. By way of derogation from Articles 5~~(1)~~ to 12, and 14 ~~15~~ to 17a ~~and 20~~, PRM **[<u>of fruit and vegetable species</u>] / [**with the exception of seed potatoes**<u>, *Cannabis sativa*</u>** and mixtures of seed**]**~~,~~ intended to be used exclusively by non-professional users may be produced, and marketed **<u>directly to non-professional users</u>**, if it complies with all of the following requirements: **<u>That exception shall not apply to non-professional users receiving that PRM by means of sales through distance contracts.w</u>** FR (Comments): Comme indiqué ci-dessus, les autorités françaises souhaitent que cette dérogation ne s'applique qu'à la vente directe et hors vente en ligne. De plus, la France demande l'exclusion de *Cannabis sativa*. En effet il est essentiel de contrôler la circulation de *Cannabis sativa* au sein de l'UE et cela ne peut se faire que si les variétés sont clairement identifiées. Une autre possibilité serait de réduire le périmètre aux fruits et légumes. La mention ''intended to be used for'' ne semble pas juridiquement assez précise pour englober la production et la commercialisation de ce type de

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	matériel. Le matériel doit être effectivement vendu aux amateurs et non aux professionnels pour éviter les dérives. Il est donc important de le mentionner pour pouvoir sanctionner d'éventuelles dérives le cas échéant. Courtesy translation: As indicated above, the French authorities want this derogation to apply only to direct sales and excluding online sales. France is also calling for Cannabis sativa to be excluded. It is essential to control the movement of Cannabis sativa within the EU, and this can only be done if the varieties are clearly identified. Another possibility would be to restrict the scope to fruit and vegetables. The phrase 'intended to be used for' does not seem legally precise enough to cover the production and marketing of this type of material. The equipment must actually be sold to amateurs and not to professionals, to avoid abuses. It is therefore important to specify this in order to be able to penalise any abuses. IT (Comments): We received comments by stakeholders about exception for turf grasses as exceptions for forage, oil and fibre species that should be remain only certified seeds.

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	The words "*supplied directly*" should be added NL (Drafting Suggestions): 1. By way of derogation from Articles 5~~(1) -~~ **to** 12~~,~~ **and** **14**~~ 15~~ **to 17a** ~~and 20~~, PRM with the exception of seed potatoes ~~**and mixtures of seed**~~ , intended to be used **exclusively** by non-professional users may be produced~~,~~ and marketed ~~to non-professional users,~~ if it complies with all of the following requirements: 1. By way of derogation from Articles 5(1) - **to** 12, **and** **14** 15 **to 17a** and 20, PRM with the exception of seed potatoes **and mixtures of seed** , intended to be used **exclusively** by non-professional users may be produced, and **sold directly to** ~~**marketed to**~~ **non-professional users**, if it complies with all of the following requirements: NL (Comments): It is not logic to exclude mixtures of seeds for ornamental purposes, for non professional use. Certification of these mixtures has no added value for the non-professional user, so it is only an extra burden to operators. Therefore, the 'mixtures of seed' should be deleted in this article.

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	SE (Drafting Suggestions): 1. By way of derogation from Articles 5~~(1) –~~ **to** ~~12~~11~~,~~ **and** **14** ~~15~~ **to 17a** ~~and 20~~, PRM with the exception of seed potatoes **and mixtures of seed** of **fodder plant species intended for feed**, intended to be used **exclusively** by non-professional users may be produced~~,~~ and marketed ~~to non-professional users,~~ if it complies with all of the following requirements: SE (Comments): Why do we derogate from Article 12 on controls? These operators and this PRM should also be subject to control if the CA sees a need for it. The term "mixtures of seed" will exclude not only turf grass mixtures but also small packages of carrots, radishes and lettuce which already today is commonly sold as mixtures as well as mixtures of seeds of pollinator friendly species (of which some are regulated according to Annex I). In order to not exclude too much we suggest to specify the term.
(a) ~~to~~ bear an operator's label ~~as referred to in Article 16(2), second subparagraph,~~ with the denomination of the PRM and the indication '~~Plant reproductive material~~ **PRM** for non-professional user **– not certified'** ~~or, in the case of seed, 'Seed for non-professional user~~;	BE (Drafting Suggestions): (a) ~~to~~ bear an operator's label ~~as referred to in Article 16(2), second subparagraph,~~ with the denomination of the PRM and the indication '~~Plant reproductive material~~ **PRM** for non-professional user ~~– not certified'~~ ~~or, in the case of seed, 'Seed for non-professional user~~; BE

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	(Comments): BE supports the words 'PRM for non professional user' on the label because it says it all, but not deal breaker. CZ (Drafting Suggestions): (a) ~~to~~ bear an operator's label ~~as referred to in Article 16(2), second subparagraph,~~ with **~~the denomination of the PRM and~~** the indication 'Plant reproductive material **~~PRM~~** for non-professional user **~~– not certified'~~** ~~or, in the case of seed, 'Seed for non-professional user~~; CZ (Comments): We suggest not using an abbreviation here, so that the label is correctly understood by the public and we do not agree with the statement "not certified" because it does not show the difference from standard seed or material of vegetables and fruit, which is also not certified. DE (Drafting Suggestions): (a) ~~to~~ bear an operator's label ~~as referred to in Article 16(2), second subparagraph,~~ with the denomination of the PRM and the indication 'Plant

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	reproductive material ~~**PRM**~~ for non-professional user**s** ~~**– not certified**~~**'** ~~or, in the case of seed, 'Seed for non-professional user~~; DE (Comments): We do not agree to use the acronym, as this PRM is intended for the final user who might not be familiar with this acronym. We suggest to delete the words "not certified" as this might lead to confusion for the non-professional user. EL (Comments): Support ES (Drafting Suggestions): (a) ~~to~~ bear an operator's label ~~as referred to in Article 16(2), second subparagraph,~~ with the denomination of the PRM and the indication '~~Plant reproductive material~~ **PRM** **exclusively** for non-professional user ~~**– not certified**~~**'** ~~or, in the case of seed, 'Seed for non-professional user~~; ES (Comments):

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	There is no need to say "not certified". Standard material is also not certified and it is not said in the label. With the information that this is intended exclusively for a non-professional use is enough. NL (Comments): The reference to Article 16(2) should be maintained, so that it is clear which operator's label is meant. As there is no definition of an operator's label yet, this should be made explicit. We suggest to define the operator's label in article 3. This is also applicable for the Article 32a (4 and 5). The reference to Article 16(2) should be consistent in the Regulation. SE (Drafting Suggestions): (a) ~~to~~ bear an operator's label ~~as referred to in Article 16(2), second subparagraph,~~ with the denomination of the PRM and the indication '~~Plant reproductive material~~ **PRM** for non-professional user~~ not certified~~**'** or, in the case of seed, 'Seed for non-professional user; SE (Comments): The phrase that should be used on the label is still too long. The non-professional user is likely not very informed about the meaning of

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	certification. The majority of the seed sold to these users are, since a long time, vegetable seed in ST category which is not certified. In addition, some packages also need an indication that the variety is not registered and thus the space on the label very quickly runs out.
(b) in case not belonging to a variety registered in a national ~~or in the Union~~ variety register referred to in Article 44 ~~and 45~~:	EL (Comments): Support FI (Drafting Suggestions): (b) in case not belonging to a variety registered in a national or in the Union variety register referred to in Article 44 and 45: FI (Comments): We would prefer to keep the union register as well. HU (Comments): The rules set out in the implementing act shall apply to the species listed in Annex I. All other categories that are not PRMs need not be regulated here. IT (Comments):

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	This point should be replied by "***The PRM shall belong to a variety registered in a national or Union variety register pursuant to Articles 44 and 45.*** ***In case of varieties with no or limited commercial interest, a simplified registration procedure may be applied, without the requirement for official DUS or VCUS trials and free of charge. Varieties shall be use a denomination complying with Article 54 "*** NL (Comments): Note: in case the material belongs to a EU registered variety (which is of course possible), the name of the variety should be mentioned. SE (Comments): Sweden approves of the amendment. SI (Drafting Suggestions): (b) in case not belonging to a variety registered in a national ~~or in the Union~~ variety register referred to in Article 44 ~~and 45~~ **or to variety for which plant variety rights have been granted in accordance with Regulation (EU) 2100/94:** SI

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	(Comments): Here must be excluded also the varieties for which plant variety rights have been granted.
(i) ~~to~~ use a denomination **complying with Article 54 and** ~~[starting with the Prefix "Art. 28~~ **followed by the indication 'variety not registered pursuant to Article 44** of Regulation (EU) .../… of the European Parliament and of the Council'[1]**, and complying with Article 54** ~~followed by any given denomination in order to clearly differentiate] from varieties registered in national or Union variety registers~~; and	BE (Drafting Suggestions): ~~2~~(i) ~~to~~ use a denomination **complying with Article 54 and** starting with the words **'variety not registered , and complying with Article 54** ~~followed by any given denomination in order to clearly differentiate] from varieties registered in national or Union variety registers~~; and BE (Comments): BE supports a simplification of the denomination on the label and to be easily understood to use the words 'Variety not registered' at the beginning of the denomination

1 Regulation (EU) .../… of the European Parliament and of the Council …. (OJ…., p….).

\+ OJ: Please insert in the text the number of the Regulation contained in document (… (COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

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Revised Presidency text	Drafting Suggestions and Comments
	CZ (Drafting Suggestions): (i) ~~to use a denomination~~ **~~complying with Article 54 and~~** ~~[starting with the Prefix "Art. 28~~ **~~followed by the indication 'variety not registered pursuant to Article 44~~** ~~of Regulation (EU) .../… of the European Parliament and of the Council'~~[3]**~~, and complying with Article 54~~** ~~followed by any given denomination in order to clearly differentiate] from varieties registered in national or Union variety registers; and~~ **it shall not use any denomination in the case it concerns a species for which a variety registration is compulsory, such PRM shall be marketed under a species name only.** CZ (Comments): It is highly unlikely that the verification of the suitability of variety denominations pursuant to Article 54 would be practically feasible at all for professional operators. There is a real threat that the denominations will be misused, either consciously or unconsciously with serious impacts.

[3] Regulation (EU) .../… of the European Parliament and of the Council …. (OJ…., p….).

\+ OJ: Please insert in the text the number of the Regulation contained in document (… (COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

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Revised Presidency text	Drafting Suggestions and Comments
	It is also unclear how long the denomination of an unregistered variety could actually be used if the existence of the variety were not limited by the registration period. Such a variety denomination could then be permanently blocked from use for a registered variety. (Currently, the denominations given to organic heterogeneous material are confusing on the market, because people believe that it is a variety, even though "OHM" is mentioned next to it.) EL (Comments): Support FI (Drafting Suggestions): (i) ~~to~~ use a denomination **that is complying with Article 54 and that is distinguishable of the denominations of registered varities. ~~and~~** ~~[starting with the Prefix "Art. 28~~ **followed by the indication 'variety not registered pursuant to Article 44** ~~of Regulation (EU) .../… of the European Parliament and of the Council'~~[4]**, and complying with Article 54** ~~followed by any given~~

[4] Regulation (EU) .../… of the European Parliament and of the Council …. (OJ…., p….).

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Revised Presidency text	Drafting Suggestions and Comments
	~~denomination in order to clearly differentiate] from varieties registered in national or Union variety registers~~; and FI (Comments): Finland consideres that this reference is too complicated in practise and therefore we suggest to simplify it. FR (Drafting Suggestions): (i) ~~to~~ use a denomination complying with Article 54 and ~~[starting with the Prefix "Art. 28~~ followed by the indication '**~~variety~~ PRM** not **belonging to a variety** registered pursuant to Article 44 of Regulation (EU) .../… of the European Parliament and of the Council'[5]~~,~~ ~~and complying with Article 54 followed by any given denomination in order to clearly differentiate] from varieties registered in national or Union variety registers~~; and FR (Comments):

+ OJ: Please insert in the text the number of the Regulation contained in document (… (COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

5 Regulation (EU) .../… of the European Parliament and of the Council …. (OJ…., p….).

+ OJ: Please insert in the text the number of the Regulation contained in document (… (COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

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Revised Presidency text	Drafting Suggestions and Comments
	Dans ce cas, le matériel n'appartient pas forcément à une variété au sens du règlement. Il pourrait s'agir par exemple de matériel hétérogène. Il ne faut donc pas laisser penser qu'il s'agit d'une variété. Courtesy translation: In this case, the material does not necessarily belong to a variety within the meaning of the regulations. It could, for example, be heterogeneous material. So it must not be suggested that it is a variety. NL (Drafting Suggestions): (i) to use a denomination **complying with Article 54 and** [starting with the Prefix "Art. 28 **followed by the indication 'variety not officially registered'** ~~**pursuant to Article 44** of Regulation (EU) .../… of the European Parliament and of the Council'[6]~~**, and complying with Article 54** ~~followed by any given denomination in order to clearly differentiate] from varieties registered in national or Union variety registers~~; and NL (Comments):

[6] Regulation (EU) .../… of the European Parliament and of the Council …. (OJ…., p….).

\+ OJ: Please insert in the text the number of the Regulation contained in document (… (COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

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Revised Presidency text	Drafting Suggestions and Comments
	We support the reference to Article 54. We suggest to use the indication 'variety not officially registered' on small packages. SE (Drafting Suggestions): (i) ~~to~~ use a denomination **complying with Article 54 and** ~~[starting with the Prefix "Art. 28~~ **followed by the indication 'variety not registered** ~~pursuant to Article 44~~ ~~of~~ **according to** Regulation (EU) .../… ~~of the European Parliament and of the Council~~'[7]**,** ~~**and complying with Article 54 followed by any given denomination in order to clearly differentiate] from varieties registered in national or Union variety registers**~~; and SE (Comments): Sweden appreciate that Article 54 is included. However, the indication that should be stated is far too long for the size of label and/or package that is usually the case for this PRM. As it is possible to do a web search of the number of the EU regulation it should be necessary with a shorter phrase. The user will then be informed that there are rules and according to which regulation and find out more about these. The label should serve the user, not the operator or the CA and most users are not interested in which article or

[7] Regulation (EU) .../… of the European Parliament and of the Council …. (OJ…., p….).

\+ OJ: Please insert in the text the number of the Regulation contained in document (… (COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

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Revised Presidency text	Drafting Suggestions and Comments
	even which regulation that the PRM is marketed according to. If the user has any further questions they are free to contact the operator who should be able to explain. In addition, all packages also need an indication that the variety is intended for non-professional users and thus the space on the label very quickly runs out.
(ii) ~~to~~ have a description made publicly available, on the basis of a private documentation, kept by the professional operator~~.~~ ~~This~~ **and that** ~~private~~ documentation ~~shall be~~ **is** made available by the professional operator ~~upon request~~ to the competent authority **upon request**;	CZ (Drafting Suggestions): ~~(ii) to have a description made publicly available, on the basis of a private documentation, kept by the professional operator. This **and that** private documentation shall be **is** made available by the professional operator upon request to the competent authority **upon request**;~~ CZ (Comments): If it is not allowed to use the variety denomination for an unregistered "variety", in the case of species for which the registration is compulsory, see above, then there is no reason for the official authority to require the operator to provide a description of such PRM (non-variety). EL (Comments): Support SE

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): support
(c) ~~to~~ be practically free from quality pests and any defects likely to impair its quality as reproductive material, and**:**	EL (Comments): Support SE (Comments): The points (i) and (ii) should change places as seed in general is mentioned before material in other occurences in the regulation. Hence, this should be tha case here as well.
(i) in the case of PRM other than seed, ~~shall~~ have ~~satisfactory~~ **sufficient** vigour and dimensions ~~in respect of its usefulness as PRM~~**;** and~~,~~	EL (Comments): Support SE (Drafting Suggestions): **(i)** in the case of seed, ~~shall~~ have ~~satisfactory~~ ~~minimum sufficient~~ adequate germination **as applicable for the lowest possible category of the respective species** ~~capacity~~; and, SE (Comments): Minimum sufficient is two terms meaning almost the same thing stacked on top of each other and indicates that there is a requirement behind the term. In

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Revised Presidency text	Drafting Suggestions and Comments
	this case there is no such requirement of what percentage of the seed that shall germinate. Therefore, we suggest to use the term adequate instead.
(ii) in the case of seed, ~~shall~~ have ~~satisfactory~~ **minimum sufficient** germination **as applicable for the lowest possible category of the respective species** ~~capacity~~;	EL (Comments): Support FI (Drafting Suggestions): **(ii)** in the case of seed, ~~shall~~ have ~~satisfactory~~ ~~**minimum**~~ **sufficient** germination **as applicable for the lowest possible category of the respective species** ~~capacity~~; FI (Comments): We find it difficult to understand term "minimum sufficient germination" and suggest to use "sufficient germination" instead. SE (Drafting Suggestions): **(ii)** **in the case of PRM other than seed,** ~~shall~~ have ~~satisfactory~~ **sufficient** vigour and dimensions ~~in respect of its usefulness as PRM~~**;** ~~and,~~
~~(ca) to be kept separate and identifiable from the PRM not intended for non-professional user during the production and marketing process; and~~	EL (Comments):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	Support ES (Drafting Suggestions): **(ca) to be kept separate and identifiable from the PRM not intended for non-professional user during the production and marketing process; and** ES (Comments): This point is important, this should be restored. SE (Comments): support
(d) ~~to~~ be marketed as individual plants**,** ~~or trays, or in the case of seed and tubers,~~ **or** in small packages**,** clearly ~~distinct~~ **distinguishable** from ~~those~~ **packages** used for ~~any~~ pre-basic, basic, certified and standard ~~seed~~ **PRM**.	BE (Drafting Suggestions): ~~to~~ be marketed as individual plants**,** ~~or trays, or in the case of seed and tubers,~~ **or** in small packages**,** BE (Comments): BE considers that a correct labelling is sufficiant. Impose different packaging for 'small companies' could be too expensive to implement CZ

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

Revised Presidency text	Drafting Suggestions and Comments
	(Drafting Suggestions): (d) ~~to~~ be marketed as individual plants**,** ~~or trays, or in the case of seed and tubers,~~ **or** in small packages**,** clearly ~~distinct~~ **distinguishable** from ~~those~~ **packages** used for ~~any~~ pre-basic, basic, certified and standard ~~seed~~ **PRM.** EL (Comments): Support FI (Drafting Suggestions): (d) ~~to~~ be marketed as individual plants**,** ~~or trays~~, or in the case of seed and tubers, ~~**or**~~ in small packages**,** clearly ~~distinct~~ **distinguishable** from ~~those~~ **packages** used for ~~any~~ pre-basic, basic, certified and standard ~~seed~~ **PRM**. FI (Comments): To be more precise SE (Comments): support

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
A professional operator ~~producing or repackaging PRM intended for non-professional users~~ who uses this derogation shall annually notify this activity**,** **as well as the quantities produced and marketed,** to the competent authority in accordance with the instructions of ~~the~~ **that** ~~competent~~ authority, with regard to the species ~~[and denomination]~~ concerned.	CY (Drafting Suggestions): A professional operator ~~producing or repackaging PRM intended for non-professional users~~ who uses this derogation shall annually notify this activity**,** **as well as the quantities per species produced and marketed,** to the competent authority in accordance with the instructions of ~~the~~ **that** ~~competent~~ authority, with regard to the species ~~[and denomination]~~ concerned. CY (Comments): The notification to the competent authority must be more specific. EL (Comments): Support ES (Drafting Suggestions): ~~A p~~Professional operator**s** ~~producing or repackaging PRM intended for non-professional users~~ **producing PRM using** ~~**and uses**~~ this derogation shall annually notify this activity**, as well as the quantities produced and marketed,** to the competent authority in accordance with the instructions of

Revised Presidency text	Drafting Suggestions and Comments
	~~the~~ **that** ~~competent~~ authority, with regard to the species ~~[and denomination]~~ concerned. ES (Comments): Only producers shall notify quantities produced and marketed, not traders. Otherwise there will be duplicated information about same lots being maketed between traders in the marketing chain up to the final user. FI (Drafting Suggestions): A professional operator producing or repackaging PRM intended for non-professional users who uses this derogation shall annually notify this activity**,** ~~**as well as the quantities produced and marketed,**~~ to the competent authority in accordance with the instructions of ~~the~~ **that** ~~competent~~ authority. ~~with regard to the species [and denomination] concerned.~~ FI (Comments): Finland considers that professional operator that produces the PRM should only notify the activity of the production. There should not be any obligations for other operators (just selling the PRM without altering the

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Revised Presidency text	Drafting Suggestions and Comments
	content of the packages). According to our view, there are no need to notify the quantities of PRM and this would be too burdensome. FR (Comments): Les autorités françaises soutiennent cet ajout qui permettra de réaliser les contrôles nécessaires à la vérification du recours à cette dérogation. Courtesy translation: The French authorities support this addition, which will make it possible to carry out the necessary checks to verify whether this derogation is being used. LV (Drafting Suggestions): A professional operator~~,~~ who uses this derogation upon the request of competent authority, notifies this activity to the competent authority in accordance with the instuctions of the competent authority, with regard to the species concerned. LV (Comments): Do not set mandatory notification annually in order to reduce administrative burden for operators and competent authority.

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Revised Presidency text	Drafting Suggestions and Comments
	NL (Drafting Suggestions): A professional operator ~~producing or repackaging PRM intended for non-professional users~~ who uses this derogation shall annually notify this activity**,** ~~**as well as the quantities produced and marketed,**~~ to the competent authority in accordance with the instructions of ~~the~~ ~~**that the**~~ ~~competent~~ authority, with regard to the species ~~[and denomination]~~ concerned NL (Comments): We do not support the requirement for these operators to notify quantities produced and marketed to non professional users. We do not see the relevance to collect this data. It will only cause extra administrative burden, for companies and for the autorities. Why should the instructions come from the same compentent authority as the authority to which the professional operator should notify his activities? Should this not be left to member states to decide? Therefor we suggest to revert back to ‘’the’’ authority SE (Comments): support

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
2. The Commission ~~shall~~ **may**, by means of implementing acts, adopt rules concerning the size, form, sealing and handling requirements concerning **individual plants and** the small packages referred to in paragraph 1, point (d**), and size, form, colour and content of the operator's label.**	EL (Comments): Support SE (Drafting Suggestions): 2. The Commission ~~shall~~ **may**, by means of implementing acts, adopt rules concerning the size, form, sealing and handling requirements concerning ~~**individual plants and**~~ the small packages referred to in paragraph 1, point (d**) and individual plants. The implementing acts may also concern the~~**, and** **size, form, colour and content of the operator's label.** SE (Comments): Seed (here in the form of "small packages") is in general mentioned before material ("plants") in other occurences in the regulation. Hence, this should be tha case here as well.
Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).]	EL (Comments): Support

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Article 29	AT (Comments): As already said in the working party AT is in favour of keeping the improved Article 29 for conservation networks and, in this context, the deletion of Article 2(4)(i).] CZ (Drafting Suggestions): *Article 29* EE (Comments): Estonia do not support the deletion of Article 29 because we need rules for CA in order to monitor such organizations and networks. FR (Comments): Comme indiqué à l'article 2.4(i), les autorités françaises préfèrent conserver cet article plutôt que d'élargir l'exemption. Courtesy translation: As indicated in Article 2.4(i), the French authorities prefer to retain this article rather than extend the exemption. HU (Comments):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	Both solutions are acceptable for Hungary. NL (Drafting Suggestions): *Article 29*
[~~PRM marketed by organisations and networks for the conservation of plant genetic resources~~	AT (Drafting Suggestions): **[PRM marketed by organisations and networks for the conservation of plant genetic resources** BE (Comments): BE wishes to re-install article 29. See comments in doc WK 8550 2025 INIT. CZ (Drafting Suggestions): **PRM marketed by organisations and networks for the conservation of plant genetic resources** CZ (Comments): No, Czechia does not support the deletion of Article 29. Czechia supports retaining Article 29, due to the need to introduce at least minimum requirements for the activities of these organizations. We also

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Revised Presidency text	Drafting Suggestions and Comments
	support the definition of the term "gene bank" and the exclusion of the activities of such gene banks from the scope of this regulation. DE (Comments): Please refer to Art. 2 (4) EL (Comments): Support this deletion ES (Comments): We support to keep this article in the proposal, and not to exclude these organisations and networks from the scope of the regulation. To keep Article 29 with its exceptions provides greater legal certainty for everyone, both those who carry out professional activities in the usual way and those who decide to go down this route and become conservation networks. The requirements for the latter are minimal, so they do not constitute an administrative barrier, and they are only asked to provide the minimum information about the activity they are carrying out and to guarantee that they are labelling and carrying out the activity they claim to be carrying out. Leaving this activity outside the scope of application

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Revised Presidency text	Drafting Suggestions and Comments
	encourages fraudulent activities over which no control can be exercised, as they fall outside the powers granted to the competent authorities to take action. As presented by some MS during the WG, there are several big companies and NGOs, which market big amount of PRM under this premise (conservation) but they are really marketing for professional uses, commercial varieties… together with some other "conservation" varieties. We prefer these cases to be at least under the knowledge of competent authorities in order to control in case it is necessary. FI (Comments): As stated in the beginning of this document, Finland would prefer to keep the Article 29 with some modifications; and to define 'gene bank' in Article 3, as indicated when this article was last time discussed. Please find our more detailed comments in the beginning of the document. FR (Drafting Suggestions): **PRM marketed by organisations and networks for the conservation of plant genetic resources**

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	HR (Comments): WE support the deletion of Article 29 LV (Comments): We support deletion of Article 29. NL (Drafting Suggestions): **[PRM marketed by organisations and networks for the conservation of plant genetic resources** NL (Comments): We are in favour of keeping art 29 and not to exclude organisation networks completely out of the scope of PRM, if they market PRM to professional users. It would be impossible to control these operators if the activities would be completely out of the scope. PL (Comments): PL support deletion SE (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	[PRM marketed by organisations and networks for the conservation of plant genetic resources SE (Comments): Sweden prefers this article over Article 2.4 (i) after conferring with the national sector. SI (Comments): We support the deletion of this Article.
~~1. By way of derogation from Articles 5~~ **~~to~~** ~~15 and 19 - 25, PRM may be marketed, for~~ **by** ~~non-profit purposes, by organisations and networks~~ **~~other than gene banks, having a purpose defined in their articles of association or other equivalent document~~** ~~with a statutory objective, of ensuring the conservation~~ **conserving** ~~of plant genetic resources~~**, to any natural or legal** ~~persons who carry~~**ies** ~~out conservation of that PRM and to farmers or non-professional users.~~	AT (Drafting Suggestions): 1. By way of derogation from Articles 5 **to** 15 and 19 - 25, PRM may be marketed, for **by** non-profit purposes, by organisations and networks **other than gene banks, having a purpose defined in their articles of association or other equivalent document** with a statutory objective, of ensuring the conservation **conserving** of plant genetic resources**, to any natural or legal** persons who carry**ies** out conservation of that PRM and to farmers or non-professional users. CY (Comments): Cyprus supports the deletion of Article 29

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	CZ (Drafting Suggestions): 1. By way of derogation from Articles 5 **to** ~~15 and 19 –~~ 25, PRM **intended for the purpose of conservation of plant genetic resources** may be marketed~~, for~~ **by** ~~non-profit purposes, by~~ organisations and networks **other than gene banks, having a purpose defined in their articles of association or other equivalent document** ~~with a statutory objective, of ensuring the conservation~~ **conserving** ~~of~~ plant genetic resources**, to any natural or legal** person~~s~~ who carr~~y~~**ies** out conservation of that PRM and to farmers or non-professional users. CZ (Comments): And we suggest adapting the wording of this article so that it is clearly stated that this derogation shall apply only to PRM, which is intended for conservation of plant genetic resources, not to any PRM marketed by the organisations and networks in question. Secondly, we propose not to limit the type of organisations and networks to non-profit ones only. ES (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	1. By way of derogation from Articles 5 **to** 12 ~~15~~ and 14 to 17a ~~19 - 25~~, PRM may be marketed, for ~~by~~ non-profit purposes, by organisations and networks **other than gene banks, having a purpose defined in their articles of association or other equivalent document** with a statutory objective, of ensuring the conservation ~~conserving~~ of plant genetic resources**, to any natural or legal** persons who carry**ies** out conservation of that PRM and to farmers or non-professional users. FR (Drafting Suggestions): 1. By way of derogation from Articles 5 to ~~15 and~~ 19 - 25, PRM may be marketed, ~~for~~ by non-profit ~~purposes, by~~ organisations and networks other than gene banks, having a purpose defined in their articles of association or other equivalent document ~~with a statutory objective,~~ of ~~ensuring the conservation~~ conserving ~~of~~ plant genetic resources, to any natural or legal persons who carr~~y~~ies out conservation of that PRM and to farmers or non-professional users. NL (Drafting Suggestions): 1. By way of derogation from Articles 5 **to** 15 and 19 - 25, PRM may be marketed, for ~~**by**~~ non-profit purposes, by organisations and networks **other**

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Revised Presidency text	Drafting Suggestions and Comments
	than gene banks, having a purpose defined in their articles of association or other equivalent document with a statutory objective, of ensuring the conservation **conserving** of plant genetic resources**, to any natural or legal** persons who carry out conservation of that PRM and to farmers or non-professional users. SE (Drafting Suggestions): 1. By way of derogation from Articles 5 **to** ~~15~~**11, 15** and ~~19~~**21** - 25, PRM may be marketed, ~~for~~ **by** non-profit ~~purposes, by~~ organisations and networks **other than gene banks, having a purpose defined in their articles of association or other equivalent document** ~~with a statutory objective, of ensuring the conservation~~ **conserving** ~~of~~ plant genetic resources**, to any natural or legal** person~~s~~ who carr~~y~~**ies** out conservation of that PRM and to farmers or non-professional users. SE (Comments): Even though Sweden prefers this article over the possible derogation in 2.4 (i) the derogation here is too wide. There is a need for the CA to control the organisations and networks just as well as other operators. Thus, they should not have a derogation from Article 12. It is necessary for these organisations and networks, as for any professional operator, to have a traceability of the PRM. Articles 13 (lots) and 14

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(packaging) provides a minimum level. There is also a need for maximum lot sizes and rules for the packages for this PRM just as for other PRM.
~~In these cases, this~~ **Such** ~~PRM shall fulfil the following requirements:~~	AT (Drafting Suggestions): In these cases, this **Such** PRM shall fulfil the following requirements: CZ (Drafting Suggestions): ~~In these cases, this~~ **Such** PRM shall fulfil the following requirements: ES (Drafting Suggestions): In these cases, this ~~**Such**~~ PRM shall fulfil the following requirements: FR (Drafting Suggestions): ~~In these cases, this~~ Such PRM shall fulfil the following requirements: NL (Drafting Suggestions): In these cases, ~~this~~ **such** PRM shall fulfil the following requirements: SE (Drafting Suggestions): ~~In these cases, this~~ Such PRM shall fulfil the following requirements: SE

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): keep
~~(aa) bear an operator's label as referred to in Article 16(2), point (g), with the indication 'Plant reproductive material~~ **PRM** ~~for the conservation of plant genetic resources';~~	AT (Drafting Suggestions): (aa) bear an operator's label as referred to in Article 16(2), point (g), with the indication 'Plant reproductive material **PRM** for the conservation of plant genetic resources'; CZ (Drafting Suggestions): (aa) bear an operator's label as referred to in Article 16(2), point (g), with the indication 'Plant reproductive material ~~**PRM**~~ for the conservation of plant genetic resources'; CZ (Comments): We suggest not using an abbreviation here, so that the label is correctly understood by the public. ES (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

Revised Presidency text	Drafting Suggestions and Comments
	(aa) bear an operator's label ~~as referred to in Article 16(2), point (g),~~ with the indication 'Plant reproductive material **~~PRM~~** for the conservation of plant genetic resources'; FR (Drafting Suggestions): (aa) bear an operator's label ~~as referred to in Article 16(2), point (g),~~ with the indication ~~'Plant reproductive material~~ PRM for the conservation of plant genetic resources'; NL (Drafting Suggestions): ~~(~~aa) bear an operator's label as referred to in Article 16(2), point (g), with the indication 'Plant reproductive material **~~PRM~~** for the conservation of plant genetic resources'; SE (Drafting Suggestions): (aa) bear an operator's label ~~as referred to in Article 16(2), point (g),~~ with the indication ~~'Plant reproductive material~~ **PRM** for the conservation of plant genetic resources'; SE (Comments):

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	The derogation does not cover Article 16 but there is no need to specifically refer to the article.
~~(a) be listed in a register kept by those organisations and networks with appropriate related information of that PRM;~~	AT (Drafting Suggestions): (a) be listed in a register kept by those organisations and networks with appropriate related information of that PRM; CZ (Drafting Suggestions): (a) be listed in a register kept by those organisations and networks with appropriate related information of that PRM; ES (Drafting Suggestions): (a) be listed in a register kept by those organisations and networks with appropriate related information of that PRM; FR (Drafting Suggestions): (a) be listed in a register kept by those organisations and networks with appropriate related information of that PRM; NL (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(a) be listed in a register kept by those organisations and networks with appropriate related information of that PRM~~;~~ SE (Drafting Suggestions): (a) be listed in a register kept by those organisations and networks with appropriate related information of that PRM; SE (Comments): Keep
~~(b) be conserved by those organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and~~	AT (Drafting Suggestions): (b) be conserved by those organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and CZ (Drafting Suggestions): (b) be conserved by those organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and ES (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(b) be conserved by those organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and FR (Drafting Suggestions): (b) be conserved by those organisations and networks**, and samples of that PRM be made available by them to the competent authorities upon request;** and FR (Comments): Les autorités françaises sont opposées à la mise à disposition des échantillons qui représente une charge bien trop lourde pour ces organisations. Courtesy translation: The French authorities are opposed to the provision of samples, which represents too heavy a burden for these organisations. NL (Drafting Suggestions): ~~(b) be conserved by those organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and~~

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	NL (Comments): Not really necessary. We also do not require this for PRM marketed to non-professional users (art 28) SE (Drafting Suggestions): (b) be conserved by those organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and SE (Comments): Keep
~~(c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material.~~	AT (Drafting Suggestions): (c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material. CZ (Drafting Suggestions): (c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material. ES

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

PUBLIC

Revised Presidency text	Drafting Suggestions and Comments
	(Drafting Suggestions): (c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material. **If the PRM produced and marketed by these organisations and networks belong to to varieties registered in a register referred to in Art. 44 or belong to a variety for which plant breeder's rights have been granted at national or EU level, then that PRM and operators shall comply with the general requirements of this regulation.** ES (Comments): Important to make clear that if these organisatiosn market "professional" varieties, then they should fullfil all general requirements established for the PRM marketed by the rest of operators. FR (Drafting Suggestions): (c) be **visually** practically free from quality pests and any defects likely to impair its quality as a reproductive material. FR

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

PUBLIC

Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Les autorités françaises souhaitent remplacer la mention « practically free from quality pests » par « be visually practically free from quality pests », comme proposé lors de la dernière discussion de cet article. Courtesy translation: The French authorities wish to replace the phrase "practically free from quality pests" by "be visually practically free from quality pests", as proposed during the last discussion of this article. NL (Drafting Suggestions): ~~(~~c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material. SE (Drafting Suggestions): (c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material. SE (Comments): Keep

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

PUBLIC

Revised Presidency text	Drafting Suggestions and Comments
~~2. The organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species, if listed in Annex I, concerned.~~	AT (Drafting Suggestions): 2. The organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species, if listed in Annex I, concerned. CZ (Drafting Suggestions): 2. The organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species, if listed in Annex I, concerned. ES (Drafting Suggestions): 2. The organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species, if listed in Annex I, concerned. FR (Drafting Suggestions): 2. The organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species, ~~if listed in Annex I,~~ concerned. NL

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

PUBLIC

Revised Presidency text	Drafting Suggestions and Comments
	(Drafting Suggestions): 2~~.~~ The organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species, if listed in Annex I, concerned. SE (Drafting Suggestions): 2. The organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species~~, if listed in~~ **according to** Annex I, concerned. SE (Comments): For clarity it's good to emphasize that it is only the species in Annex I that this applies to.
~~**3. The Commission may, by means of implementing acts, adopt rules concerning size, form and content of the operator's label.**~~	AT (Drafting Suggestions): **3. The Commission may, by means of implementing acts, adopt rules concerning size, form and content of the operator's label.** CZ (Drafting Suggestions): **3. The Commission may, by means of implementing acts, adopt rules concerning size, form and content of the operator's label.**

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	ES (Drafting Suggestions): **3. The Commission may, by means of implementing acts, adopt rules concerning size, form and content of the operator's label and packages.** FR (Drafting Suggestions): 3. The Commission may, by means of implementing acts, adopt rules concerning size, form and content of the operator's label. NL (Drafting Suggestions): ~~**3. The Commission may, by means of implementing acts, adopt rules concerning size, form and content of the operator's label.**~~ NL (Comments): Not really necessary to have an IA for the operators label. The operator's label should be defined in the Regulation and can be used with the additional indication as mentioned above.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).~~]	AT (Drafting Suggestions): **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).]** CZ (Drafting Suggestions): **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).]** ES (Drafting Suggestions): **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).]** FR (Drafting Suggestions): Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).] NL (Drafting Suggestions): **~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).~~]**

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

Revised Presidency text	Drafting Suggestions and Comments

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Article 30	AT (Comments): AT is in favour of the retention of Article 30 and supports the latest wording. The restrictions and conditions are sufficient to prevent circumventing the rules for the regular seed market. It is a political priority of some stakeholders to keep this derogation. With a view to the trilogue, it is advantageous to present a practical proposal by the Council.] EE (Comments): Estonia agree with deletion of this derogation. FR (Comments): Les autorités françaises sont opposées à la suppression de cette dérogation. En effet, il apparait que ces échanges sont actuellement pratiqués sur le terrain, même si la réglementation UE actuelle ne prévoit pas cette possibilité. Il est important de les encadrer, notamment en définissant les quantités de semences pouvant être troquées. Le fait de réduire aux échanges en nature, et non contre rémunération, permet de limiter ces échanges. De tels échanges sont d'ores et déjà autorisés en France et aucune dérive n'a été constatée.

Revised Presidency text	Drafting Suggestions and Comments
	Par ailleurs, il s'agira certainement d'un sujet majeur de préoccupation du Parlement. Courtesy translation: The French authorities are opposed to the abolition of this derogation. Indeed, it appears that such exchanges are currently practised in the field, even though current EU regulations do not provide for this possibility. It is important to regulate them, in particular by defining the quantities of seed that can be exchanged. Restricting exchanges to those in kind, and not in return for payment, makes it possible to limit such exchanges. Such exchanges are already authorised in France and no abuses have been reported. Moreover, this will certainly be a major concern for the Parliament. HU (Comments): We agree with the deletion. NL (Comments): NL does agree with the deletion of this derogation. PL

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): PL support deletion SE (Comments): Sweden is in favour of the deletion of the article. The Swedish seed industry as well as the Swedish authorities and the Swedish Federation of Farmers, LRF, want the article deleted. In Sweden, seed may not be exchanged or otherwise marketed between farmers. Both LRF and the seed industry oppose the proposal to exchange seeds between farmers. The regulation can potentially have significant consequences on the interest of plant breeding companies to invest and develop varieties for the Swedish, or even the Nordic, market with significantly limited protection for developed varieties. Sweden voted against UNDROP and this was one of the reasons. Article 19 in UNDROP refers to Article 9.3 in the International treaty on plant genetic resources for food and agriculture (ITPGRFA). Article 9.3 (c) in ITPGRFA, reads: "nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, **subject to national law** as appropriate." Sweden therefore suggest the deletion of the Article and let the issue be national competence.
~~**[Seed exchanged in kind between farmers**~~	AT (Drafting Suggestions): **[Seed exchanged in kind between farmers** CY

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Cyprus agrees with the deletion of this Article. CZ (Comments): Czechia does not support this derogation. It may lead to the creation and legalization of a parallel market for PRM, whether in barter or monetary form, which cannot be effectively prevented. It may represent a significant loss of income for companies producing high-quality certified PRM and investing in the development of new varieties. It may significantly affect smaller and medium-sized local breeding companies that are dependent on a given group of customers. The quantity limits under paragraph 2(b) will not be realistic to control in practice, nor will it be possible to enforce compliance with them. DE (Comments): We are not in favour of the deletion as we understand KOM and EP have a very strong opinion on keeping and even extending the scope of it. From a German perspective, it is important to keep the limit of the scope of the article to **seeds**. We would also like to see monitoring options, as indicated in our comments below.

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	EL (Comments): Support. There is not exchange in kind between farmers only with money. This provision is not possible to be applicable in terms that is impossible to be controlled by the competent authorities. ES (Comments): We support to keep this article in the proposal. This is an activity that actually happens nowadays, and it's pretty hard to stop it from happening. It should be allowed in a legal framework like this one, which offers farmers' right to exchange seeds, but always in a way that doesn't hurt the professional seed production sector and the breeding sector. That is why we believe that the best approach is to leave this derogation within the scope of this regulation, as it allows it to take place but at the same time enables the quantities and types of seeds exchanged to be defined and controlled. The purpose of this article is not to restrict the activity, but quite the opposite, to allow it but under certain minimum requirements. It is better to set the requirements with discretion, from the Council, than to leave it in the hands of Parliament in the trilogues. Let us remember that Parliament wanted to include this article in a way that was much more detrimental to the PRM production sector, as it established extremely exorbitant quantities.

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Revised Presidency text	Drafting Suggestions and Comments
	Furthermore, it is something recognized in the IT-PGRFA, and CBD, and delete, could create more problems. FI (Comments): We can agree to delete this article. We assume that it then means that seed exchange would not be allowed. HR (Comments): In our opinion the seed exchange between smallholder farmers is important for achieving a sustainable food system and resilience of local communities in times of climate crisis. We believe this article should not be deleted. IT (Comments): The article should be kept in the proposal LV (Comments): We support deletion of Article 30. NL (Drafting Suggestions): **[Seed exchanged in kind between farmers** SI

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): We support the deletion of this Article.
~~1. By way of derogation from Articles 5 to 25 farmers may exchange seed in kind, if such seed fulfil all of the following conditions:~~	AT (Drafting Suggestions): 1. By way of derogation from Articles 5 to 25 farmers may exchange seed in kind, if such seed fulfil all of the following conditions: ES (Drafting Suggestions): 1. By way of derogation from Articles 5 to 25 farmers may exchange seeds ~~in kind~~, if such seeds fulfil all of the following conditions: ES (Comments): We do not think that "in kind" is realistic, nobody gives seeds for nothing, may be for other seeds, for small amount of money or for at least the cost of production. IT (Drafting Suggestions): 1. By way of derogation from Articles 5 **to** 25 farmers may exchange seeds in kind, if such seeds fulfill all of the following conditions: NL

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

Revised Presidency text	Drafting Suggestions and Comments
	(Drafting Suggestions): ~~1~~. By way of derogation from Articles 5 to 25 farmers may exchange seed in kind, if such seed fulfil all of the following conditions:
~~(a) are produced in the respective farmer's own premises;~~	AT (Drafting Suggestions): (a) are produced in the respective farmer's own premises; ES (Drafting Suggestions): (a) are produced in the respective farmer's own premises; IT (Drafting Suggestions): (~~1~~**a**) are produced in the respective farmer's own premises; NL (Drafting Suggestions): (a) are produced in the respective farmer's own premises;
~~(b) are derived from the respective farmer's own harvest; and~~	AT (Drafting Suggestions): (b) are derived from the respective farmer's own harvest; and ES (Drafting Suggestions):

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(b) are derived from the respective farmer's own harvest; and IT (Drafting Suggestions): (~~2~~**b**) are derived from the respective farmer's own harvest; **and** NL (Drafting Suggestions): (b) are derived from the respective farmer's own harvest; and
~~(c) are not subject to a service contract between the farmer and a professional operator for multiplication of seed.~~	AT (Drafting Suggestions): (c) are not subject to a service contract between the farmer and a professional operator for multiplication of seed. ES (Drafting Suggestions): (c) are not subject to a service contract between the farmer and a professional operator for multiplication of seed. IT (Drafting Suggestions): (~~3~~**c**) are not subject to a service contract **between the** ~~conducted by the respective~~ farmer ~~with~~**and** a professional operator **for multiplication of seed**~~performing seed production.; and~~

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	NL (Drafting Suggestions): ~~(c) are not subject to a service contract between the farmer and a professional operator for multiplication of seed.~~
~~(4) […]~~	AT (Drafting Suggestions): (4) […] IT (Drafting Suggestions): ~~(4) the seed is used for dynamic management of farmer's own seed for the purpose of contributing to agro-diversity.~~ NL (Drafting Suggestions): ~~(4) […]~~
~~2. Such seed shall fulfil all of the following requirements:~~	AT (Drafting Suggestions): 2. Such seed shall fulfil all of the following requirements: ES (Drafting Suggestions): 2. Such seeds shall fulfil all of the following requirements:

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	NL (Drafting Suggestions): 2. Such seed shall fulfil all of the following requirements:
~~(a) they do not belong to a variety for which plant variety rights have been granted either in accordance with Regulation (EU) 2100/94 or with the national rules on plant variety rights of the Member State of production;~~	AT (Drafting Suggestions): (a) they do not belong to a variety for which plant variety rights have been granted either in accordance with Regulation (EU) 2100/94 or with the national rules on plant variety rights of the Member State of production; ES (Drafting Suggestions): (a) they do not belong to a variety for which plant variety rights have been granted either in accordance with Regulation (EU) 2100/94 or with the national rules on plant variety rights of the Member State of production, **nor are they varieties for which plant breeders' rights have been applied for**.; ES (Comments): We know that breeder´s rights legislations applies anyway and besides this article, but it is better to make it clear here by a reference.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	Furthermore, we would like to prevent subsequent problems in the courts, so the exchange of varieties that do not yet have plant breeders' rights but have already been applied for should also be restricted. IT (Drafting Suggestions): (a) **they do** not ~~to~~ belong to a ~~to~~ variety for which plant variety rights have been granted **or applied for either** in accordance with Regulation (EU) 2100/94 **or with the national rules on plant variety rights of the Member State of production**; IT (Comments): Add "for which plant variety rights have been granted **or applied for"** NL (Drafting Suggestions): (a) they do not belong to a variety for which plant variety rights have been granted either in accordance with Regulation (EU) 2100/94 or with the national rules on plant variety rights of the Member State of production;
~~(b) they are limited to small quantities, defined by the competent authorities for specific species per year and per farmer;~~	AT (Drafting Suggestions):

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Revised Presidency text	Drafting Suggestions and Comments
	(b) they are limited to small quantities, defined by the competent authorities for specific species per year and per farmer; DE (Comments): We are still lacking the requirement that the farmer needs to keep records about the seed that was exchanged. Without this requirement, it makes no sense to define quantities. There is also no possibility to trace material in case of phytosanitary issues. Furthermore, the question arises, if an official control of farmers that make use of this derogation is possible in case of doubt as this was not indicated in the document WK 3501/2024 INIT on the links between PRM and OCR activities. ES (Drafting Suggestions): (b) they are limited to small quantities, defined by the competent authorities for specific species per year and per farmer; IT (Drafting Suggestions): (b) ~~to be~~ they **are** limited to small quantities, defined by the competent authorities for specific species per year and per farmer~~,~~**;** NL (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	~~(b) they are limited to small quantities, defined by the competent authorities for specific species per year and per farmer;~~
~~(ba) they are exchanged at a local level, defined by the competent authories, without using commercial intermediaries or public offer of marketing; and~~	AT (Drafting Suggestions): (ba) they are exchanged at a local level, defined by the competent authories, without using commercial intermediaries or public offer of marketing; and DE (Comments): We welcome the addition to clarify that the exchange is restricted to a local level. However, at the same time, we are worried that the competent authorities shall define the distribution range of such material. We wonder if the term “local level” might not be enough to ensure that PRM cannot be exchanged over long distances between member states but also not over long distances within the same member state. ES (Drafting Suggestions): (ba) they are exchanged at a local level, defined by the competent authories, without using commercial intermediaries or public offer of marketing; and

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	IT (Drafting Suggestions): **(ba) they are exchanged at a local level, defined by the competent authorities,** without using commercial intermediaries or public offer of marketing; and NL (Drafting Suggestions): (ba) they are exchanged ~~at a local level~~, ~~defined by the competent authories,~~ without using commercial intermediaries or public offer of marketing; and
~~(c) they are practically free from quality pests and any defects likely to impact their quality as seed.~~	AT (Drafting Suggestions): (c) they are practically free from quality pests and any defects likely to impact their quality as seed. DE (Comments): We understood from the Commission that the PRM requires a Plant Passport. We are wondering how the farmer can be made aware of this fact within the text of the proposal. ES (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(c) they are practically free from quality pests and any defects likely to impact their quality as seed. IT (Drafting Suggestions): (c) **they are** ~~to be~~ practically free from quality pests and any defects likely to impact their quality as seeds~~, and shall have satisfactory germination capacity~~. NL (Drafting Suggestions): ~~(~~c) they are practically free from quality pests and any defects likely to impact their quality as seed.
~~3. Member States shall notify to the Commission and the other Member States the defined limitation concerning small quantities per species defined in accordance with paragraph 2, point (b), and any subsequent changes to those quantities.~~	AT (Drafting Suggestions): 3. Member States shall notify to the Commission and the other Member States the defined limitation concerning small quantities per species defined in accordance with paragraph 2, point (b), and any subsequent changes to those quantities. ES (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	3. Member States shall notify to the Commission and the other Member States the **small quantities that they have defined as maximum** ~~**limitation concerning small quantities**~~ **per species, year and farmer as** defined in ~~**accordance with**~~ paragraph 2, point (b), and any subsequent changes to those quantities.] IT (Drafting Suggestions): 3. Member States shall ~~annually~~ notify to the Commission and the other Member States the ~~amounts~~ **defined limitation concerning small quantities** per species defined in accordance with paragraph 2, point (b)**, and any subsequent changes to those quantities**. NL (Drafting Suggestions): ~~3. Member States shall notify to the Commission and the other Member States the defined limitation concerning small quantities per species defined in accordance with paragraph 2, point (b), and any subsequent changes to those quantities.~~]

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

Article 32	AT (Drafting Suggestions): 1. By way of derogation from Articles 5, **~~24~~ 9a and ~~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 fulfilling the respective requirements, ~~other than varietal identity and varietal purity,~~ of Articles 7 or 8 for the categories of** ~~for the purposes of multiplication~~, pre-basic, basic, certified and standard seed or material belonging to a variety, **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 Article 44~~ **for the purpose of having sufficient stock available for further multiplication once the variety is registered**, if ~~all of~~ the following requirements are fulfilled: AT (Comments): Aditional proposal in paragraph 1 by AT: We suggest to delete the term: ", *other than varietal identity and varietal purity*". Even though there is no official description established by the competent authority yet at this stage, a field inspection can identify off-types.] EE

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Estonia agree with the addition of point (c) to paragraph 1a and to keep paragraph 2a.
PRM of varieties <u>under registration</u> ~~for which an application for registration has been submitted~~	CZ (Comments): Yes, Czechia agrees with the addition of point (c) to paragraph 1a. EL (Comments): Support NL (Comments): The Netherlands observes that this article has undergone numerous amendments, which makes it difficult to clearly assess the implications of these changes and to understand the rationale behind certain proposals. We have also made some comments and proposed amendments, which in our view further underline the need to reconsider the article in its entirety. We suggests that a revised version of this article be discussed within the Council Working Party.

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Revised Presidency text	Drafting Suggestions and Comments
	Netherlands agrees with the addition of point (c) to paragraph 1a. We would like to keep paragraph 2a and want to add vegetables to the latest wording. This is a very important point for the NL. In 32.2 we would like to add article 7 as well, otherwise it will not be possible to test and trails with seed and material of the caterogies pre-basic, basic and certified, during the period under registration and only multiplication is possible. PL (Comments): PL support all changes to the article
<u>1a. By way of derogation from Articles 5, 9a and 9b, and pursuant to the paragraphs below, a competent authority may authorise professional operators to produce and market PRM of a variety for which the competent authority has confirmed the successful submission of the application for variety registration in accordance with Article 58 for the following purposes:</u>	CY (Comments): Cyprus agrees with the addition of point (c) in paragraph 1 of this Article. The wording of paragraph 2a must be redrafted in order such a derogation to be authorised by the competent authority. In such a case paragraphs 3, 4 and 5 shall be amended accordingly in order paragraph 2a to be included. EL

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Support HU (Comments): Currently we use oringe label. As we kow these label do not give the authority for multiplication. What certification is required for further propagation, if the the currently used orange label is not suitable for propagation? SE (Drafting Suggestions): **1a.** ~~**By way of derogation from Articles 5, 9a and 9b, and pursuant to the paragraphs below, aA**~~ **competent authority may authorise professional operators to produce and market PRM of a variety for which the competent authority has confirmed the successful submission of the application for variety registration in accordance with Article 58 for the following purposes:** SE (Comments): The articles that the paragraph is indicating is not correct when it comes to c) and Sweden suggest a rewording to change this. The change needs to be followed with changes in paragraph 1. and 2. as well.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
[c) production and marketing of fruit plants and vine in accordance with paragraph 2a.]	AT (Drafting Suggestions): ~~**[c) production and marketing of fruit plants and vine in accordance with paragraph 2a.]**~~ AT (Comments): AT suggests the deletion of Article 32(1a) point (c) and paragraph 2a. PRM of fruit and vine shall only be produced and marketed after the registration is completed. It would be to risky to produce PRM of fruit and vine before variety registration taken into account the special conditions of permanent crops and the requirement to propagate virus-free material.] BE (Drafting Suggestions): ~~**[c) production and marketing of fruit plants and vine in accordance with paragraph 2a.]**~~ BE (Comments): Individual operators should not be authorised for this derogation. Paragraph 2a is a derogation without authorisation. DE (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

Revised Presidency text	Drafting Suggestions and Comments
	c) production and marketing of standard material of fruit plants and vine in accordance with paragraph 2a DE (Comments): We agree to the addition of c) with the small amendment of "standard material" that we see necessary to specify that paragraph 2a aims at the marketing of PRM . EL (Comments): Support ES (Drafting Suggestions): To be moved to aricle 5, parragraph 2. ES (Comments): We would like to move this part concerning fruit pants and vine to article 5, not here in article 32. And the reasons are very important: this is not a derogation, this should be another common form of commercialisation, without having to be subject to authorisation from the competent authority every time an applied variety of fruit or vine is to be marketed. This is currently how it works for fruit plants and has not caused any problems, and

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Revised Presidency text	Drafting Suggestions and Comments
	we want it to continue as it is. Authorisation to market each variety of fruit plant or vine that is applied for registration and wants to be placed on the market is a tremendous administrative burden for the competent authorities, which will have a significant impact on fruit plant producers. It can be moved to Article 5, in a new paragraph 2, as it is worded here but without requiring authorisation. Furthermore, failure to do so would have another very serious and unacceptable effect relating to Article 39 on imports from third countries. Paragraph 2 of that article prohibits the importation of PRM under the derogations of Article 32, but it is extremely important for the market for certain fruit species to be able to import standard category material from third countries from the moment of application for registration of the variety. Therefore, if we want to maintain the exclusion of equivalences and imports in Article 32, it is best to move this part on fruit plants and vines to Article 5, as a paragraph 2, which states that fruit plants and vines can be placed on the market as CAC category from the moment of application for registration. FI (Comments): Finland can accept this addition FR

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Les autorités françaises soutiennent ce point. Elles souhaitent absolument le maintien de la possibilité de commercialiser du matériel fruitier avant la fin de l'enregistrement de la variété. En effet, il est nécessaire d'autoriser la commercialisation des variétés de vignes et fruitiers en cours d'inscription au vu des délais d'enregistrement très longs : à titre d'exemple, les examens DHS fruitiers peuvent durer jusqu'à 8 à 10 ans. Courtesy translation: The French authorities support this point. They are absolutely in favour of maintaining the possibility of marketing fruit material before the final registration of the variety. Indeed, it is necessary to authorise the marketing of vine and fruit varieties in the process of being registered in view of the very long registration times: by way of example, fruit plant DUS tests can take up to 8 to 10 years. HU (Comments): We support this point. NL

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): This subparagraph is not necessary because the text is also contained in paragraph 2a). Moroever, it is unclear how this subparagraph relates to paragraph 2a). According to paragraph 2a) the application for variety registration is accepted and it is not yet confirmed whether the PRM complies with Article 8. In contrast, subparagraph c) only requires that the succesfull submission of the application is confirmed. Therefore, the referral to paragraph 2a) can create confusion. SI (Comments): We support this addition.
[2a. By way of derogation from Article 5, professional operators may produce and market standard material of fruit plants and vine belonging to a variety ~~not yet registered in a national variety register as referred to in Article 44~~ **for which an application for variety registration has been accepted pursuant to Article 58** before the PRM has been ~~certified~~ **confirmed** to comply with the requirements referred to in Article 8 concerning varietal identity and varietal purity, if all of the following requirements are fulfilled:	AT (Drafting Suggestions): ~~[2a. By way of derogation from Article 5, professional operators may produce and market standard material of fruit plants and vine belonging to a variety not yet registered in a national variety register as referred to in Article 44 for which an application for variety registration has been accepted pursuant to Article 58 before the PRM has been certified confirmed to comply with the requirements referred to in Article 8 concerning varietal identity and varietal purity, if all of the following requirements are fulfilled:~~

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	BE (Drafting Suggestions): By way of derogation from Article 5 **and Article 7**, professional operators may produce and market standard material of fruit plants and vine belonging to a variety ~~not yet registered in a national variety register as referred to in Article 44~~ **for which an application for variety registration has been accepted pursuant to Article 58** before the PRM has been ~~certified~~ **confirmed** to comply with the requirements referred to in Article 8 concerning varietal identity and varietal purity, if all of the following requirements are fulfilled: CY (Drafting Suggestions): 2a. By way of derogation from Article 5, a competent authority may authorise professional operators ~~may~~ to produce and market standard material of fruit plants and vine belonging to a variety ~~not yet registered in a national variety register as referred to in Article 44~~ **for which an application for variety registration has been accepted pursuant to Article 58** before the PRM has been ~~certified~~ **confirmed** to comply with the requirements referred to in Article 8 concerning varietal identity and varietal purity, if all of the following requirements are fulfilled: CZ

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Drafting Suggestions): [2a. By way of derogation from Article 5, professional operators may produce and market standard material of fruit plants and vine, **except vine rootstocks,** belonging to a variety ~~not yet registered in a national variety register as referred to in Article 44~~ **for which an application for variety registration has been accepted pursuant to Article 58** before the PRM has been ~~certified~~ **confirmed** to comply with the requirements referred to in Article 8 concerning varietal identity and varietal purity, if all of the following requirements are fulfilled: CZ (Comments): Yes, Czechia supports keeping paragraph 2a and proposes to modify the text so that this paragraph does not apply to vine rootstocks. DE (Drafting Suggestions): 2a. By way of derogation from Article 5, **a competent authority may authorise** professional operators ~~may~~ **to** produce and market standard material of fruit plants and vine belonging to a variety ~~not yet registered in a national variety register as referred to in Article 44~~ **for which an application for variety registration has been accepted pursuant to Article 58** before

Revised Presidency text	Drafting Suggestions and Comments
	the PRM has been ~~certified~~ **confirmed** to comply with the requirements referred to in Article 8 concerning varietal identity and varietal purity, if all of the following requirements are fulfilled: DE (Comments): We agree to keep Paragraph 2a in general but suggest to bring its content in line with the wording of Paragraph 1a, 1 and 2. Please be aware that the Paragraphs 3 to 5 of Art. 32 need to be amended accordingly by adding Paragraph 2a to the references (e.g. 3. In order to obtain the authorisation referred to in paragraphs 1**,** ~~and~~ 2 **and 2a**,…) EL (Comments): Support ES (Drafting Suggestions): To be moved to article 5, paragraph 2: 5.2. By way of derogation from **paragraph 1** ~~**Article 5**~~, professional operators may produce and market standard material of fruit plants and vine belonging to a variety ~~not yet registered in a national variety register as referred to in Article 44~~ **for which an application for variety registration**

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Revised Presidency text	Drafting Suggestions and Comments
	has been accepted pursuant to Article 58 before the PRM has been ~~certified~~ **confirmed** to comply with the requirements referred to in Article 8 concerning varietal identity and varietal purity, if all of the following requirements are fulfilled: NL (Drafting Suggestions): [2a. By way of derogation from Article 5, professional operators may produce and market standard material of vegetables, fruit plants and vine belonging to a variety ~~not yet registered in a national variety register as referred to in Article 44~~ **for which an application for variety registration has been accepted pursuant to Article 58** before the PRM has been ~~certified~~ **confirmed** to comply with the requirements referred to in Article 8 concerning varietal identity and varietal purity, if all of the following requirements are fulfilled: NL (Comments): Add vegetables in this article. If there is no support of adding vegetables here, there is a strong need to re-discuss paragraph 2 of this article 32 to bring it line with the current rules as described in 2004/842. For vegetable species, paragraph 2 is too strict and cannot be supported by the Netherlands.

Revised Presidency text	Drafting Suggestions and Comments
	We especially do not agree with part (a), where the marketing is limited to designated persons. Moreover we do not support the limitations in volume For reasons explained before, it is crucial for the growers of vegetables, to have timely access to new varieties especially if these varieties are resistant or tolerant against pests/diseases. This 'early marketing' principle contributes to sustainability goals of the EU. To allow the use of this seed only at designated operators will cause inequality in the market. It should also be noted that these new (not yet listed) varieties could be exported to 3rd countries without any delay and without limitations in volume. This would cause a disadvantage to EU growers compared to growers in – for instance – Morocco, who will be able to export the harvested fruits of these new varieties into the EU without limitations, whilst European growers would still be struggling with varieties that don't have these improved characteristics.. SE (Drafting Suggestions): [2a. By way of derogation from Article 5 **and according to 1a. c)**, professional operators may produce and market standard material of fruit plants and vine belonging to a variety ~~not yet registered in a national variety register as referred to in Article 44~~ **~~for which an application for variety~~**

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	~~**registration has been accepted pursuant to Article 58** before the PRM has been certified **confirmed** to comply with the requirements referred to in Article 8 concerning varietal identity and varietal purity,~~ if all of the following requirements are fulfilled: SE (Comments): As we propose changes to 1a. there is also a need to make changes to 1. and 2. as follows: 1. By way of derogation from Article**s** 5, ~~**24 9a and 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~~ and **according to 1a. a) PRM fulfilling the respective requirements, other than varietal identity and varietal purity**, **of Articles 7 or 8 for the categories of** ~~for the purposes of multiplication,~~ pre-basic, basic, certified and standard seed or material belonging to a variety**, can be produced and marketed** ~~**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 Article 44~~

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Revised Presidency text	Drafting Suggestions and Comments
	for the purpose of having sufficient stock available for further multiplication once the variety is registered, if ~~all of~~ the following requirements are fulfilled: … 2. By way of derogation from Articles 5, **6a,** ~~10-12, 15, 23~~ and ~~24~~ **~~25~~ 9b**, **and according to 1a. b)** ~~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 ~~**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 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: … SI

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): We support this addition.
(a) there is no risk that the marketing will lead to insufficient identification or quality of the marketed PRM;	AT (Drafting Suggestions): ~~(a) there is no risk that the marketing will lead to insufficient identification or quality of the marketed PRM;~~ EL (Comments): Support ES (Drafting Suggestions): (a) there is no risk that the marketing will lead to insufficient identification or quality of the marketed PRM;
(b) that PRM complies with the requirements pursuant to Article 8 concerning varietal identity and varietal purity, which shall be attested by the technical questionnaire provided by the professional operator;	AT (Drafting Suggestions): ~~(b) that PRM complies with the requirements pursuant to Article 8 concerning varietal identity and varietal purity, which shall be attested by the technical questionnaire provided by the professional operator;~~ EL (Comments):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	Support ES (Drafting Suggestions): (b) that PRM complies with the requirements pursuant to Article 8 concerning varietal identity and varietal purity, which shall be attested by the technical questionnaire provided by the professional operator; SE (Drafting Suggestions): (b) that PRM complies with the requirements pursuant to Article 8 concerning varietal identity and varietal purity, which shall be attested by the technical questionnaire provided by the professional operator; **and**
(c) that PRM bears a denomination deemed suitable pursuant to Article 54~~;~~ ~~and~~	AT (Drafting Suggestions): ~~(c) that PRM bears a denomination deemed suitable pursuant to Article 54; and~~ EL (Comments): Support ES (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(c) that PRM bears a denomination deemed suitable pursuant to Article 54~~; and~~ NL (Drafting Suggestions): that PRM bears a denomination deemed suitable pursuant to Article 54 **or a provisional designation;** NL (Comments): This is relevant when the procedure of registration is not yet finished, for example in the case of early marketing. Provisional designation (like number or code only) for those varieties that do not have a denomination yet.
~~(d) that PRM belongs to a variety for which an application has been submitted for registration in a national variety register pursuant to Article 55~~.	AT (Drafting Suggestions): ~~(d) that PRM belongs to a variety for which an application has been submitted for registration in a national variety register pursuant to Article 55.~~
That PRM shall not be produced and marketed anymore when a decision pursuant to Article 67 is adopted concerning the registration of the respective variety or if the application for registration of the respective variety is withdrawn **or rejected**.**]**	AT (Drafting Suggestions): ~~That PRM shall not be produced and marketed anymore when a decision pursuant to Article 67 is adopted concerning the registration of the respective~~

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

Revised Presidency text	Drafting Suggestions and Comments
	~~variety or if the application for registration of the respective variety is withdrawn **or rejected**.~~] CY (Drafting Suggestions): That authorization shall automatically expire ~~PRM shall not be produced and marketed anymore~~ 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 **or rejected**. DE (Drafting Suggestions): ~~That PRM shall not be produced and marketed anymore when a decision pursuant to Article 67 is adopted concerning the registration of the respective variety or if the application for registration of the respective variety is withdrawn or rejected~~ **That authorisation shall automatically expire when a decision pursuant to Article 67 is adopted.** DE (Comments): We agree to keep Paragraph 2a in general but suggest to bring its context in line with the wording of Paragraph 1a, 1 and 2. EL

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Support ES (Drafting Suggestions): ~~That PRM shall not be produced and marketed anymore when a decision pursuant to Article 67 is adopted concerning the registration of the respective variety or if the application for registration of the respective variety is withdrawn or rejected.~~] That PRM shall cease to be produced and marketed when a decision is taken in accordance with Article 67 concerning the registration of the variety concerned, if the decision is to withdraw or reject the application for registration of the variety concerned. ES (Comments): When the decision pursuant article 67 is succesful and the variety is registered, then the PRM should not be prevented to be produced or marketed. SE (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	~~That PRM shall not be produced and marketed anymore when a decision pursuant to Article 67 is adopted concerning the registration of the respective variety or if the application for registration of the respective variety is withdrawn~~ **~~or rejected~~** ~~.~~]
	That authorisation shall automatically expire when a decision pursuant to Article 67 (1) or (2) is adopted.
	SE (Comments): The wording needs to be more in line with paragraph 1. and 2.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Article 32a	AT (Comments): AT supports Article 32a.] FR (Comments): Les autorités françaises soutiennent l'article 32a précisant les exigences de production et de commercialisation des semences commerciales. Aujourd'hui, les semences commerciales ont des exigences équivalentes à celles des semences certifiées, à l'exception des exigences relatives à la variété. Les autorités françaises souhaitent maintenir le niveau d'exigence actuel et ne sont donc pas favorables à l'apposition d'étiquette opérateur sur les semences commerciales et au respect des exigences de l'annexe III pour leur production. Les autorités françaises demandent une étiquette officielle et le respect des exigences de l'annexe II. Courtesy translation: The French authorities support Article 32a specifying the requirements for the production and marketing of commercial seed. Currently, the requirements for commercial seed are equivalent to those for certified seed, with the exception of requirements relating to the variety. The French authorities wish to maintain the current level of requirements and are therefore not in favour of operator labelling of commercial seed and

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Revised Presidency text	Drafting Suggestions and Comments
	compliance with Annex III requirements for its production. The French authorities are calling for an official label and compliance with the requirements of Annex II.
[Requirements for the ~~P~~production and marketing of commercial seed	CY (Comments): Cyprus agrees with having this article on the production and marketing of commercial seed as commercial seed is not a category of PRM according Article 6 CZ (Comments): Yes, Czechia supports this article on commercial seed. We also agree with the latest changes to the article except for the paragraph 2, where we support keeping official label instead od operator's label, see below. DE (Comments): Germany was always in favor of providing the option for commercial seed. We always understood it as category but will accept a derogation as intended with this article as well. EE

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Estonia support article 32a. EL (Comments): Support ES (Comments): We are ok with this article, with one consideration regarding point 4. HU (Comments): Generally we support the article but the discussion about Annex I. has not yet been finished, so we suggest first to finish Annex I. because the articles related to it are incomprehensible without it. NL (Comments): The Netherlands agrees with an article on the production and marketing of commercial seed. This type of product is of importance for diverse mixtures that are important for sustainability of the agricultural sector. PL (Comments): PL support all changes to the article SE

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Sweden has several times earlier stated that we prefer to not add commercial seed but to reword the requirements for standard seed (in Article 8, which we have offered to propose if needed). However, we can accept this if a majority of MS are in favour. SI (Comments): We support this Article.
1. By way of derogation from Articles 5, **6, 6a, 7, 8,** ~~24~~ **9a** and ~~25~~ **9b,** seed of the genera or species included in column ~~7~~ **3** ~~IV~~ of Annex I may be produced and marketed as commercial seed if ~~the~~ **they comply with the** requirements referred to in **Annex III, with the exception of varietal aspects** ~~Article 7 are fulfilled with the exception of the requirement of varietal identity and varietal purity~~.	BE (Drafting Suggestions): 1. By way of derogation from Articles 5, **6, 6a, 7, 8,** ~~24~~ **9a** and ~~25~~ **9b,** seed of the genera or species included in column ~~7~~ **3** ~~IV~~ of Annex I may be produced and marketed as commercial seed if ~~the~~ **they comply with the** requirements referred to in **Article 8** ~~**Annex III**~~**, with the exception of varietal aspects** ~~Article 7 are fulfilled with the exception of the requirement of varietal identity and varietal purity~~ BE (Comments): We can agree to produce commercial seed according to standard seed quality. This means however that there should not be a derogation from article 8.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	DE (Drafting Suggestions): 1. By way of derogation from Articles 5, **6, 6a, 7, 8,** ~~24~~ **9a** and ~~25~~ **9b, in case of difficulties in the supply** of seed of **varieties of** the genera or species included in column ~~7~~ 3 ~~IV~~ of Annex I, **seed of those genera or species** may be produced and marketed as commercial seed if ~~the~~ **it** ~~they~~ **compliesy with the** requirements referred to in **Annex III, with the exception of varietal aspects** ~~Article 7 are fulfilled with the exception of the requirement of varietal identity and varietal purity~~. DE (Comments): However, we are missing a clear idea under what circumstances commercial seed can be marketed. Therefore, we suggest some amendments. The Member States saw commercial seed as option to market seed of genera or species that were newly added to Annex I and still have only a limited number of varieties available. From a German perspective, commercial seed is also providing a way of overcoming difficulties in seed supply caused by unfavourable climatic conditions or other unforeseen circumstances that severely **restrict access** to

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Revised Presidency text	Drafting Suggestions and Comments
	seed with **varietal identity**. This option is currently not addressed in Article 33. Article 33 refers only to "marketing of the categories of pre-basic, basic, certified or standard seed or material" that "belongs to a variety not included in a national variety register referred to in Article 44." and "complies with less stringent requirements than those the requirements referred to in Article 7(1) and (2) and Article 8(1) and (2).". If PRM that does not have varietal identity and does not comply with the categories needs to be marketed there needs to be another option to label it than referring to the categories pre-basic, basic, certified or standard. From our point of view this could be commercial seed. Hence, we suggest to link Art. 33 to Art. 32a by adding under Art. 33 a new paragraph: **6) By way of derogation from Art. 32a Paragraph 1 and in order to remove temporary difficulties in the general supply of seed or material that may occur in the Union due to adverse climatic conditions or other unforeseen circumstances, the Commission, by means of an implementing act, may authorise one or more Member States, for a specified period of time, to allow the marketing of commercial seed of all genera or species listed in Annex I.** EL

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

PUBLIC

Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Support FI (Comments): We can agree on the latest changes on this article and that the species for which one can produce commercial seed, will be indicated in annex I. FR (Drafting Suggestions): 1. By way of derogation from Articles 5, 6, 6a, 7, 8, ~~24~~ 9a and ~~25~~ 9b, seed of the genera or species included in column ~~7~~ 3 ~~[Y]~~ of Annex I may be produced and marketed as commercial seed if ~~the~~ they comply with the requirements referred to in Annex **~~III~~ II**, with the exception of varietal **aspects** ~~Article 7 are fulfilled with the exception of the requirement of varietal identity and varietal purity~~. FR (Comments): Les semences commerciales devraient être produites selon les exigences de l'annexe II. Courtesy translation:

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Revised Presidency text	Drafting Suggestions and Comments
	Commercial seed should be produced in accordance with the requirements of Annex II. HR (Comments): WE agree with its latest wording. NL (Drafting Suggestions): 1. By way of derogation from Articles 5, **6, 6a, 7, 8,** 24 **9a** and 25 **9b,** seed of the genera or species included in column 7 **3 [Y]** of Annex I may be produced and marketed as commercial seed if the **they comply with the** requirements referred to in **Annex II ~~III~~, with the exception of varietal aspects** Article 7 are fulfilled with the exception of the requirement of varietal identity and varietal purity. NL (Comments): Commercial seeds can only be used for agricultural species. Therefore they have to comply with the requirements of Annex II. And they should be able to get an official label and not an operators label. All requirements need to be met, and they get an official inspection by the CA.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
~~2. By way of derogation from Article 5, seed of the genera or species newly added to Annex I via a delegated act pursuant to Article 2(3) and for which fewer than [30 varieties] are registered in the Register of Community Plant Variety Rights pursuant to Regulation (EU) 2100/94 when the delegated act enters into force may also be produced and marketed as commercial seed~~.	EL (Comments): Support NL (Drafting Suggestions): 2. By way of derogation from Article 5, seed of the genera or species newly added to Annex I via a delegated act pursuant to Article 2(3) and for which fewer than [30 varieties] are registered in the Register of Community Plant Variety Rights pursuant to Regulation (EU) 2100/94 when the delegated act enters into force may also be produced and marketed as commercial seed.
~~When seed of the genera or species newly added to Annex I may be produced and marketed as commercial seed pursuant to this paragraph, the Commission shall indicate column 7 of Annex I for these species or genera when adopting the delegated act referred to in the first subparagraph.~~	EL (Comments): Support NL (Drafting Suggestions): When seed of the genera or species newly added to Annex I may be produced and marketed as commercial seed pursuant to this paragraph, the Commission shall indicate column **3** ~~7~~ of Annex I for these species or genera when adopting the delegated act referred to in the first subparagraph.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
3. The Commission is empowered in accordance with Article 75 to adopt delegated acts, amending Annex I**,** ~~to the breeding and economic developments of the~~ **by adding** genera ~~and~~ **or** species **to,** ~~in that Annex by adding~~ or removing genera or species from**,** column ~~7~~ **3 [V]** of that Annex.	EL (Comments): Support NL (Comments): We wonder why there is a special empowerment to the CIE in this article, while the Commission also has the empowerment to amend Annex I in article 2 (3). Also, the empowerment in article 2 (3) is much more specified than in this paragraph. We suggest that the empowerment in this article (32a paragraph 3) will be deleted or that the conditions for amendment set out in article 2(3) be incorporated here.
Those delegated acts shall take into account the breeding and economic developments concerning the production and marketing of PRM of the respective genera or species.	EL (Comments): Support
~~The delegated act shall add genera or species to column 7 of Annex I if they fulfil at least one of the two following elements:~~	EL (Comments): Support NL

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Drafting Suggestions): The delegated act shall add genera or species to column 7 of Annex I if they fulfil at least one of the two following elements: NL (Comments): Criteria are necessary to be able to determine of a species or genera should be on the list of commercial seed or not. Therefore the earlier proposed criteria are the best to follow.
~~(a) the number of varieties registered in the Union variety register pursuant to Article 45 does not meet the needs of the operators concerned;~~	EL (Comments): Support NL (Drafting Suggestions): (a) the number of varieties registered in the Union variety register pursuant to Article 45 does not meet the needs of the operators concerned;
~~(b) the value of the genera or species mainly lies within multifaceted purposes that extend beyond traditional food and feed production.~~	EL (Comments): Support NL (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(b) the value of the genera or species mainly lies within multifaceted purposes that extend beyond traditional food and feed production.
~~The delegated act referred to in the first subparagraph shall remove genera or species from column 7 of Annex I if they no longer fulfil both of the elements set out in the second subparagraph.~~	EL (Comments): Support NL (Drafting Suggestions): The delegated act referred to in the first subparagraph shall remove genera or species from column 7 of Annex I if they no longer fulfil both of the elements set out in the second subparagraph~~.~~
4. Seed~~s~~ referred to in paragraph 1 ~~and 2~~ shall be accompanied by an ~~official~~ **operator's** label ~~pursuant to Article 15,~~ with the indication 'Commercial seed'.	AT (Drafting Suggestions): 4. Seed~~s~~ referred to in paragraph 1 ~~and 2~~ shall be accompanied by an official ~~**operator's**~~ label ~~pursuant to Article 15,~~ with the indication 'Commercial seed'.] AT (Comments): AT does not want to change to operator´s label, but wants to keep offical labels for commercial seed.] CY

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Cyprus supports commercial seed to be accompanied by an operator's label CZ (Drafting Suggestions): 4. Seed~~s~~ referred to in paragraph 1 ~~and 2~~ shall be accompanied by an **official** ~~**operator's**~~ label ~~pursuant to Article 15,~~ with the indication 'Commercial seed'. CZ (Comments): Czechia supports the previous version of this paragraph prepared by Belgian Presidency – it means commercial seed shall be accompanied by an official label, as it is today according to the directives 1966/401/EEC and 2002/57/EC. EL (Comments): Support ES (Comments): Nowadays it is an official label as normally they are species that can be only marketed in certified categories. We would prefer to keep official label. If official label is not kept, then we would like to add a sentence to introduce an

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Revised Presidency text	Drafting Suggestions and Comments
	obligation to declare to the competent authorities the quantities to be marketed under each commercial label. The reason for this is that we want to know the quantity of seeds in stock for certain species, because in the current context of crisis and certain geopolitical situations, it is well known that it is necessary to know and sometimes communicate to the COM itself information about seed stocks, production areas, yields, etc. It is not currently mandatory for fodder crops, but in the future it may be necessary to know the seeds that are available and will be produced for other species. With operator labelling, it will be more complicated if the regulation does not require to officially report quantities. With official label we know production areas and yields before the seed is on the market. FR (Drafting Suggestions): 4. Seed~~s~~ referred to in paragraph 1 shall be accompanied by an **official** ~~operator's~~ label, with the indication 'Commercial seed'. **Such labels shall not include any variety denomination.** FR (Comments):

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Revised Presidency text	Drafting Suggestions and Comments
	L'étiquette utilisée devrait être une étiquette officielle. Il devrait être ajouté que l'étiquette ne peut pas faire mention d'un nom de variété. Courtesy translation: The label used should be an official label. It should be added that the label may not mention a variety name. HU (Comments): We support the original text with the "**official label"**. Currently we use brown labels in case of field crops and yellow in case of vegetable which are under the supervision of the authority. NL (Drafting Suggestions): 4. Seed~~s~~ referred to in paragraph 1 ~~and 2~~ shall be accompanied by an **official** ~~**operator's**~~ label **pursuant to Article 15,** with the indication 'Commercial seed'.
5. The Commission may, by means of implementing acts, adopt rules concerning size, form, colour and content of the operator's label. Those	BE (Comments):

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Revised Presidency text	Drafting Suggestions and Comments
implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).]	BE supports the idea that adopting rules on the operator's label should only concern the content and the color of the label. EL (Comments): Support NL (Drafting Suggestions): **5. The Commission may, by means of implementing acts, adopt rules concerning size, form, colour and content of the official ~~operator's~~ label. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).]**
Article 36a	CY (Comments): Cyprus supports the inclusion of Article 36a to the proposed Regulation. This article give the possibility to MS to be exempted from the certification of species not cultivated or cannot be cultivated to their territory due to agro-climatic conditions CZ (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	~~***Article 36a***~~ EE (Comments): Estonia support added new article 36a EL (Comments): Support ES (Drafting Suggestions): ~~***Article 36a***~~ FI (Comments): In the meeting when this article was discussed, majority of the MS were not in favor of adding this derogation. Finland considers that if this derogation is included, it should be more clearly stated, that MS that uses it, needs first the permission in the form of implementing act (point 2). Similar type of authorization is written e.g. in art 33 and that could be used as an example. We consider also that marketing should be also included, not only production. FR (Comments):

Revised Presidency text	Drafting Suggestions and Comments
	Les autorités françaises ne sont pas favorables à cet article, compte tenu du fait que la liste des nouvelles espèces couvertes par le règlement est très limitée. Cet article aurait été utile dans le cas où des espèces plus mineures avaient été ajoutées. Si cet article devait être maintenu, il faut s'assurer que la dérogation est accordée par la Commission et est ré-évaluée régulièrement afin d'éviter toute dérive. Il faut également éviter toute confusion avec les étiquettes UE et internationales (telles que les étiquettes OCDE). Courtesy translation: The French authorities are not in favour of this article, given that the list of new species covered by the regulation is very limited. This article would have been useful if more minor species had been added. If this article is retained, we must ensure that the derogation is granted by the Commission and is regularly re-evaluated to avoid any drift. Confusion with EU and international labels (such as OECD labels) must also be avoided. SE (Drafting Suggestions): ~~*Article 36a*~~

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
[Derogation from the production rules for certain species	AT (Drafting Suggestions): ~~**[Derogation from the production rules for certain species**~~ AT (Comments): AT is against introducing Article 36a, as it runs counter to the principle of the single market. We therefore support a short and concise list in Annex I, which fulfills the criteria in Article 2(3) with no derogations.] BE (Comments): BE does not agree with this provision. It defies one of the main goals of this regulation: harmonization. This will necessitate intra EU border controls, something we do not agree with. An interesting derogation might be that competent authorities should not provide VSCUs for all possible species. But this cannot hinder our unified market in any way. CZ (Drafting Suggestions): ~~**[Derogation from the production rules for certain species**~~ CZ

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): No, Czechia does not support the addition of this article to the proposal. The possibility of introducing national requirements instead of common European requirements will lead to difficulties in trading on the EU single market. Furthermore, Czechia does not consider the proposed requirement, that reproductive material produced in accordance with the national requirements of a particular Member State (i.e. deviating from the requirements of the EU Regulation) may only be placed on the market in the territory of that Member State, to be realistic, as in practice seeds are commonly transported throughout the EU. Czechia prefers the option of the shortest possible list of species in Annex I, for which the same common European rules will apply throughout the EU and Member States will have the option of imposing additional or stricter requirements for certification on their territory in accordance with Article 36, as is currently the case. The free movement throughout the Union of PRM meeting the common European rules will not be affected in any way by any stricter certification requirements of any EU country. DE (Comments): Germany is in favour of this article.

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Revised Presidency text	Drafting Suggestions and Comments
	EL (Comments): Support ES (Drafting Suggestions): [~~Derogation from the production rules for certain species~~ ES (Comments): We are totally opposed to this article, as it creates significant inequalities between Member States that could seriously affect the common market. If a species is included in Annex I, it is because it is of economic importance to the EU market as a whole, i.e. to all countries. If there are countries that do not produce that species due to their agroclimatic conditions, then they will not produce reproductive material for that species and will not have any problems, as this regulation will not apply to them. If, by chance, they were to start producing PRM of those species, then they would have to follow the same rules as the other Member States, otherwise they would be producing at an advantage, without equal conditions, and that PRM could reach other Member States that do require the rules, with the consequent harm to their producers. There are many formulas in the current proposal for not having to follow the strict certification rules if desired (PRM for non-professional

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Revised Presidency text	Drafting Suggestions and Comments
	users, conservation varieties, PRM from conservation networks, etc.). These could be used by countries that only want to produce PRM for end users or for conservation purposes, without damaging the common market in the professional sector. FI (Drafting Suggestions): **[Derogation from the production and marketing rules for certain species** FI (Comments): Marketing should be included HR (Comments): We do not support the addition of this article to the proposal. HU (Comments): We support this article. IT (Comments): We understand the rationale behind the derogation introduced in this Article, particularly to provide flexibility in cases where cultivation is economically

Revised Presidency text	Drafting Suggestions and Comments
	negligible or administratively burdensome due to agro-climatic conditions. However, we believe the provision should be strengthened as follows: - A requirement should be introduced for transparent and documented notification to the Commission and other Member States when such derogations are granted. - The consultation with professional operators should be formalized and completed prior to the request, with clear documentation supporting the request. - A periodic review mechanism should be foreseen to ensure that temporary derogations do not become permanent by default. We strongly recommend that all derogations be granted exclusively by means of implementing acts, subject to the examination procedure under Article 76(2). This ensures a harmonized and transparent approach across all Member States NL (Comments): The NL understands the intention of this article, but has doubts regarding the practical implementation and about paragraph 2. We question whether the proposed empowerment of the Commission is compatible with the provisions of other treaties. Also we have some questions about this paragraph. We can

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Revised Presidency text	Drafting Suggestions and Comments
	support an article on this subject, however, the article will first need to be further improved. See our suggestions. PL (Comments): Pl support ne article SE (Drafting Suggestions): [~~Derogation from the production rules for certain species~~ SE (Comments): Sweden is not in favour of this article and would like to see it deleted. Sweden is not convinced the article is needed and believe it could potentially disrupt the internal market. When farmers begin to grow a new species in a country they do not immediately start to cultivate it on a large scale. Furthermore, seed or propagation material is in general not produced until there is at least some experience and knowledge among farmers, operators and authorities about the species. There is also nothing in the regulation that prohibits a Member State from seeking help from another if there is a lack of expertise nationally. Thus, when the first request about production and certification of a new species, it can use the European network and ask expert colleagues. SI (Comments):

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	We can support this Article.
1. 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:	AT (Drafting Suggestions): ~~**1. 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:**~~ BE (Drafting Suggestions): ~~**1. 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:**~~ CZ (Drafting Suggestions): ~~**1. 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**~~

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	~~consultations with the professional operators concerned, that the following conditions are fulfilled:~~ EL (Comments): Support ES (Drafting Suggestions): ~~1. 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:~~ FI (Drafting Suggestions): ~~1~~2.. Those implementing acts may authorise Member States to use the derogation in paragraph 1 only if the following conditions are fullfilled: ~~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~~

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Revised Presidency text	Drafting Suggestions and Comments
	~~**professional operators concerned, that the following conditions are fulfilled:**~~ FI (Comments): We consider that this point should be point 2. FR (Drafting Suggestions): 1. By way of derogation from Articles 5 to 22, **a Member State may be authorised to produce** PRM ~~**may 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: FR (Comments): Le texte n'est pas clair sur le fait que l'Etat membre doit être autorisé par la Commission selon la procédure du paragraphe 2. Courtesy translation: The text is not clear on the fact that the Member State must be authorised by the Commission in accordance with the procedure set out in paragraph 2. IT

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Drafting Suggestions): **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 formal and documented consultations with the professional operators concerned, that the following conditions are fulfilled:** SE (Drafting Suggestions): ~~1. 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:~~
a) 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	AT (Drafting Suggestions): ~~a) 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~~ BE (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	~~a) 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~~ CZ (Drafting Suggestions): ~~a) 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~~ EL (Comments): Support ES (Drafting Suggestions): ~~a) 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~~ NL (Comments): What if the species is ‘’insignificant’’ in Member State A, but significant in Member State B? How does that combine with the principle of the single market? Could marketing from Member State B to Member State A be

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Revised Presidency text	Drafting Suggestions and Comments
	possible with a lable that marketing of that lot is for the territory of Member State A only? SE (Drafting Suggestions): ~~a) 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~~
b) 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.	AT (Drafting Suggestions): ~~**b) 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.**~~ BE (Drafting Suggestions): ~~**b) 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.**~~ CZ (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	~~b) 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.~~ EL (Comments): Support ES (Drafting Suggestions): ~~b) 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.~~ ES (Comments): This could be misused, as of course, the certification and control of the production of PRM is an administrative burden for all Member States SE (Drafting Suggestions): ~~b) 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.~~

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
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.	AT (Drafting Suggestions): ~~**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.**~~ BE (Drafting Suggestions): ~~**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.**~~ CZ (Drafting Suggestions): ~~**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.**~~ EL (Comments): Support ES (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	~~**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.**~~ FR (Drafting Suggestions): 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 **and which must not bear any similarity to recognized European or international labels**. FR (Comments): Les autorités françaises souhaitent apporter une précision afin que l'étiquetage prévu ici ne puisse pas être confondu avec l'étiquetage déjà utilisé au niveau UE ou international. Courtesy translation: The French authorities wish to clarify this point so that the labelling provided for here cannot be confused with the labelling already used at EU or international level. SE (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	~~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.~~
2. The Commission may, by means of implementing acts, temporarily 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.	AT (Drafting Suggestions): ~~**2. The Commission may, by means of implementing acts, temporarily 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.**~~ BE (Drafting Suggestions): ~~**2. The Commission may, by means of implementing acts, temporarily 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.**~~ CZ (Drafting Suggestions): ~~**2. The Commission may, by means of implementing acts, temporarily allow PRM belonging to certain species listed in Annex I to**~~

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Revised Presidency text	Drafting Suggestions and Comments
	~~**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.**~~ EL (Comments): Support ES (Drafting Suggestions): ~~**2. The Commission may, by means of implementing acts, temporarily 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.**~~ ES (Comments): This are different cases than in parragraph 1? Is parragraph 1 linked to the approval of a Commission implementing act? It is not precisely mentioned here. FI (Drafting Suggestions): ~~2~~ **2** ~~1.~~ **The Commission may, by means of implementing acts, temporarily allow PRM belonging to certain species listed in Annex I to**

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Revised Presidency text	Drafting Suggestions and Comments
	be produced and marketed in a Member State without being subject to the rules of Articles 5 to 22 ~~as referred to in paragraph 1 of this Article~~. FI (Comments): We find it more clearer, if this article would start by this point. FR (Drafting Suggestions): . **Following the request referred to in paragraph 1 of this Article,** The Commission may, by means of implementing acts, temporarily 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. FR (Comments): Le texte n'est pas clair sur le fait que cette décision est prise à la suite de la demande du paragraphe 1. Courtesy translation:

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Revised Presidency text	Drafting Suggestions and Comments
	The text is unclear as to whether this decision is taken in response to a request under paragraph 1. IT (Drafting Suggestions): **The Commission shall, by means of implementing acts, temporarily 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**. NL (Comments): It is not possible to derogate from the PRM Regulation in an implementing regulation. This is in conflict with Article 291 of the Treaty on the Functioning of the European Union (TFEU). Therefore, these rules should be included in a delegated regulation. Article 290 TFEU requires that the 'objectives, content, scope and duration of the delegation of power shall be explicitly defined'. This is not the case in the proposed tekst. The phrasing is too broad.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	Is the proposal that the PRM allowed by the Commission may only be produced in a Member State, or may they also be marketed in this Member State and/or other Member States? SE (Drafting Suggestions): ~~2. The Commission may, by means of implementing acts, temporarily 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).]	AT (Drafting Suggestions): ~~**Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).]**~~ BE (Drafting Suggestions): ~~**Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).]**~~ CZ (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	~~**Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).]**~~ EL (Comments): Support ES (Drafting Suggestions): ~~**Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).]**~~ SE (Drafting Suggestions): ~~**Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).]**~~
	IT (Drafting Suggestions): **The derogation shall be periodically reviewed and may be suspended or revoked if the conditions under paragraph 1 are no longer met.**

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
Article 39	
Imports on the basis of Union equivalence	EE (Comments): Estonia supprt the addition and has drafting suggestion on the text. EL (Comments): Support FI (Comments): According to definitions, marketing covers all imports, not only import by professional operators. Therefore, it seems, that all requirements must be fulfilled in imports for private use also, we would like to inquire that is this right interpretation. NL (Comments): NL do support the adition of the second subparagraph. We have some adjustments of the article. PL

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Pl support addition of 1a
1a. …	EE (Drafting Suggestions): 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 is accompanied by a label pursuant to Article 40(2aa) and the identity of the seed is ensured; (b) 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 in the EU to the competent authority;

Consultation on non-concluded elements – PRM

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	(d) that seed has been multplied under bilateral contract which has been provided upon request of the competent authority before import of that seed. - The EU professional operator shall provide upon request of the competent authority, information on the conditions under which the multiplication took place, the place of processing, the varieties to which the seed belong. **Member States may impose regulatory requirements for the import of such seed.** EL (Comments): Support ES (Drafting Suggestions): 1.a.b) it is marketed only up to the **authorised** place(s) of processing without further marketing; ES (Comments): We would like to introduce that the seeds as grown can only be sent from the border to some authorised places of processing, in order to know in wich

Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	places they are going to be processed, in order to be able to plan possible checks in advance.
[The ~~EU~~ professional operator responsible for the imported PRM shall provide upon request of the competent authority, information on the conditions under which the multiplication took place, the place of processing, and the varieties to which the seed belongs.]	AT (Comments): AT supports this new addition to ensure a level playing field of operators in the EU and in third countries.] BE (Drafting Suggestions): **The ~~EU~~ professional operator responsible for the imported PRM shall provide upon request of the competent authority, information on the conditions under which the multiplication took place, the place of processing, and the varieties to which the seed belongs. If this information raises doubts on whether the seed can comply with EU-rules, the competent authority will impose corrective actions or prohibit the further processing and marketing of the seed.]** BE (Comments):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

Revised Presidency text	Drafting Suggestions and Comments
	Ok with the possibility to ask this information but when the information shows that the imported seed as grown is not produced in circumstances that are equivalent to EU rules, the competent authority should be able to react. CY (Comments): Cyprus supports the wording of the second subparagraph of paragraph 1. CZ (Comments): Yes, Czechia supports the addition of the second subparagraph to paragraph 1a. DE (Drafting Suggestions): [~~(c)~~ **1ab. PRM may only be imported from third countries if the import of that seed has been notified in advance by the professional operator in the EU to the competent authority.** ~~**The EU professional operator responsible for the imported PRM shall provide upon request of the competent authority, information on the conditions under which the multiplication took place, the place of processing, and the varieties to which the seed belongs.**~~] DE

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Consultation on non-concluded elements – PRM

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Para 1a deals only with "seed as grown". However, from our point of view the requirement of letter (c) applies to all kind of PRM being imported. Hence, we would like to suggest to put this requirement into an additional paragraph. We suggest to place the sentence "The professional operator responsible for the imported PRM…" under Art. 40a "Information provided for PRM imported from third countries". Again this sentence applies to all PRM imported. EL (Comments): Support ES (Drafting Suggestions): **[The EU professional operator responsible for the imported PRM shall provide upon request of the competent authority, information on the conditions under which the multiplication took place, the place of**

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Revised Presidency text	Drafting Suggestions and Comments
	processing, the quantities of seeds as grown imported, and the varieties to which the seed belongs.] ES (Comments): It should be an EU proffesional operator, so based in an EU country at least. It is very important to have the information about the quantities in order to check if the balance of seeds received, processed and marketed makes sense. Also in case of any phytosanitary problem, it is needed. We want to clarify, that nowadays, this information is mandatory to declare with imports from third countries. FI (Comments): We can agree that this type of information would be available upon request. FR (Comments): Les autorités françaises soutiennent l'ajout de ce paragraphe obligeant l'opérateur professionnel importateur à mettre à disposition sur demande de l'autorité compétente les informations relatives à la variété, aux conditions de multiplication et au lieu de traitement des semences importées.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	Courtesy translation: The French authorities support the addition of this paragraph obliging the importing professional operator to make available, at the request of the competent authority, information relating to the variety, conditions of propagation and place of treatment of imported seed. HU (Comments): We support the this paragraph. IT (Drafting Suggestions): **The EU professional operator responsible for the imported PRM shall keep, at the premises of the undertaking, all relevant information on the conditions under which the multiplication took place, the place of processing, and the varieties to which the seed belongs. Such information shall be made available to the competent authority upon request.** IT (Comments): We support the paragraph; however, we believe it is necessary to reinforce it by clarifying that the relevant information should be kept and stored by the operator at all times, regardless of whether it is requested by the competent

Revised Presidency text	Drafting Suggestions and Comments
	authority. This would ensure a clearer and more uniform regulation, avoiding discretionary interpretation and allowing for more efficient controls. LV (Drafting Suggestions): **The ~~EU~~ professional operator responsible for the imported PRM shall provide, upon request of the competent authority, information on the conditions under which the multiplication took place, the place of processing, and the varieties to which the seed belongs.] Upon request of the competent authority professional operator submit to the competent authority contract on seed multiplication.** LV (Comments): We suggest to add, that competent authority is able to ask for multiplication contract. NL (Drafting Suggestions): **The ~~EU~~ professional operator responsible for the imported seed as grown ~~PRM~~ shall provide upon request of the competent authority, information on the ~~conditions~~ arrangements under which the**

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Revised Presidency text	Drafting Suggestions and Comments
	multiplication/production took place, the place of processing in the EU, and the varieties to which the seed belongs NL (Comments): This is applicable for the import of seeds as grown, not for all PRM. We want to make sure that the option for seed is grown should be limited to operators whose production of seeds is based on contracts between operator in the EU and the producer in the 3rd country. It should be production of their own varieties. The wording 'conditions' seems to refer to production conditions, whereas we mean the contractical conditions for multiplication. Therefore we need to change the wording. SE (Drafting Suggestions): **The ~~EU~~ professional operator responsible for the imported ~~PRM seed~~ shall, ~~provide~~ upon request of the competent authority, provide information on the conditions under which the multiplication took place, the place of processing, and the varieties to which the seed belongs.]** SE

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Sweden can approve of this addition. Sweden suggest a slight change of wording to make the paragraph easier to read and understand for the operator. We are in favour of the paragraph. We would like for it to say "seed" instead of "PRM" in order not to cause confusion for the reader as "seed" is used in the first sentence of paragraph 1a. SI (Comments): We support the addition.
Article 40a	AT (Comments): AT supports the addition of Article 40a.] EE (Comments): Estonia supprt the addition. FR (Comments): Les autorités françaises soutiennent cet article, notamment pour la bonne application des règles de réemballage, mais sont défavorables au point 3a qui paraît constituer une surcharge administrative inutile.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	Courtesy translation: The French authorities support this article, in particular for the proper application of the repackaging rules, but are opposed to point 3a, which appears to constitute an unnecessary administrative burden.
[Information provided for PRM imported from third countries	BE (Comments): OK for a new article, but than the numbering should be adapted CY (Comments): Cyprus supports the addition of new Article 40a. Information to be provided for PRM imported from third countries must be included in a different article for clarity purposes. CZ (Comments): Yes, Czechia supports the addition of this article. EL (Comments): Support HU (Comments):

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Revised Presidency text	Drafting Suggestions and Comments
	We support this article. NL (Comments): This article was not in depth discussed under the Polish Presidency due to time constraints. The discussion on the OCR still needs to take place. We consider it important that these references can only be meaningfully discussed once the debate on the OCR has progressed further. At the same time, we remain supportive of the use of a single system, for which IMSOC is considered highly suitable. PL (Comments): Pl support new article SE (Comments): Sweden sees no reason with this article as it is logical for the PRM to have the same requirements as the PHR. However, our experience with IMSOC is that the information provided lacks certain information such as variety denomination that is needed according to PRM. Thus, we assume that this will be adjusted before the regulation enters into force.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
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.**	BE (Drafting Suggestions): 1. ~~The professional operator responsible for the imported ….~~ BE (Comments): Numbering of the paragraph DE (Drafting Suggestions): 3. ~~The professional operator responsible for the imported~~ PRM **may only bey imported into the Union after the electronic notification is delivered**~~,~~ ~~shall~~ ~~inform~~ **by the professional 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.** DE (Comments): Please check the numbering of the paragraphs, if Art. 40a remains. Editorial changes

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Revised Presidency text	Drafting Suggestions and Comments
	Would it be possible to refer to the delegated act (COMMISSION DELEGATED REGULATION (EU) 2024/2104.) directly instead of using the "detour" through Regulation (EU) 2017/625? EL (Comments): Support ES (Drafting Suggestions): 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

Revised Presidency text	Drafting Suggestions and Comments
	of Regulation (EU) 2017/625, **or through any other national system as long as the information is transferred to IMSOC**. **The rules of the delegated act referred to in Article 45(4) of Regulation (EU) 2017/625 shall apply accordingly.** ES (Comments): We are ok with this article, but we would like to add something to clarify that other national applications in use can continue to be used, even if the data is transferred to IMSOC. FI (Drafting Suggestions): 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.**~~ FI (Comments):

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

Revised Presidency text	Drafting Suggestions and Comments
	We are not sure are these precise references to OCR really needed (art 45), since they would be applicaple anyway. We prefer to delete the second reference. References to OCR should probaply be checked after the discussions about OCR are finished (still not yet completed). To be noted: according to OCR, IMSOC notifications are **done by operators, not only professional operators.** SE (Drafting Suggestions): ~~3~~1. ~~The professional operator responsible for the imported~~ PRM **may only b~~ve~~ 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.** SE (Comments): Numbering and spelling SI

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Comments): We can support this wording.
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.	BE (Drafting Suggestions): **2. In addition to the information pursuant to paragraph …..** BE (Comments): Numbering of the paragraph DE (Drafting Suggestions): **The ~~EU~~ professional operator responsible for the imported PRM shall provide upon request of the competent authority, information on the conditions under which the multiplication took place in the third country, the place of processing in the third country or in the EU, and the varieties to which the seed belongs.** **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.]** DE

Revised Presidency text	Drafting Suggestions and Comments
	(Comments): Following our suggestion on Art. 39 1a. We also suggest the two small amendments for clarification purposes. EL (Comments): Support FI (Drafting Suggestions): ~~**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.**~~ FI (Comments): We find that this point is not necessary, because these details are already included in the OCR. FR

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Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	(Drafting Suggestions): ~~**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 (c), of Regulation (EU) 2017/625 about the arrival of the consignment.**~~ FR (Comments): Les autorités françaises s'opposent au fait que l'opérateur prévienne l'autorité compétente de destination. Il faut éviter la surcharge administrative et donc permettre de communiquer automatiquement cette information via le système IMSOC (TRACE). Il est déjà possible de renseigner le lieu de destination finale sur les documents sanitaires communs d'entrée, en précisant l'importateur et le destinataire final. Courtesy translation: The French authorities are opposed to the operator notifying the competent authority of destination. There is a need to avoid administrative overload and therefore to allow this information to be communicated automatically via the IMSOC system (TRACE). It is already possible to enter the place of final destination on the common health entry documents, specifying the importer and the final consignee.

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	NL (Comments): We wonder why this refference tot Article 44 (3) point e of Regulation 2017/625 is neccesary, given that the Regulation has already entered into force pursuant to Article 3? SE (Drafting Suggestions): ~~3a~~2. **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.** SE (Comments): Numbering
~~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~~.	EL (Comments): Support SE (Drafting Suggestions):

Consultation on non-concluded elements – PRM

From: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LV, NL, PL, SE, SI

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Revised Presidency text	Drafting Suggestions and Comments
	43. 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. SE (Comments): Numbering Why should the CA of the PRM Regulation not take advantage of the IT systems already available? Or not have an IT system at all for information exchange between MS. Sweden thinks this in general would make it easier for the CA. However, this paragraph should probably be in Article 40.
~~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.~~ 1	EL (Comments): Support