



Council of the European Union
General Secretariat

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

Brussels, 15 July 2025

WK 9894/2025 INIT

LIMITE

**AGRI
AGRILEG
SEMENCES
PHYTOSAN
FORETS**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	Meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 1 and 2 September 2025 - Meeting document on agenda item 1

In view of the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 1 and 2 September 2025, delegations will find in the annex the Presidency's drafting suggestions on Article 3(29), (29a), (29b) and Article 26, as well as on Articles 55 to 74 of the proposal on the production and marketing of plant reproductive material in the Union.

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the production and marketing of plant reproductive material in the Union, amending
Regulations (EU) 2016/2031, 2017/625 and 2018/848 of the European Parliament and of the
Council, and repealing Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/53/EC,
2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC (Regulation
on plant reproductive material)**

**Danish Presidency's drafting suggestions on Article 3(29), (29a), (29b),
and Article 26, as well as on Articles 55 to 74, in view of the meeting of
the Working Party on Genetic Resources and Innovation in
Agriculture (Seeds, Propagating and Planting Materials; PRM) on 1
and 2 September 2025**

Article 3

Definitions

{(29) 'conservation variety' means a variety that:

(a) [...]

(i) is traditionally grown under specific local conditions in the Union, and adapted to those conditions; ~~and~~

(ii) **may be** is characterised by reduced uniformity due to a certain level of genetic and phenotypical diversity between individual reproductive units, except in the case of vegetatively propagated ~~material~~ **varieties**; ~~or~~

(iii) [...]

~~(b) was deleted or expired from the Union variety register for at least two years and is adapted to specific local conditions.]~~

~~(29a) ‘commonly known fruit variety’ means a variety that is commonly known within the meaning of Directive 2008/90/EC and is still marketed at the date of application of this Regulation;~~

{(29b) ‘a new local **amateur** variety (amateur variety)’ means a variety **of fruit or vegetable species** that is:

(i) ~~a variety of fruit and vegetable species;~~

(a) newly bred;

(ii) ~~b~~ **b** new, locally bred, and adapted to local agro-climatic conditions and farming systems;

(iii) ~~c~~ **c** characterised by reduced uniformity due to a certain level of genetic and phenotypic diversity between individual reproductive units, except in the case of ~~species that are~~ vegetatively propagated **varieties**; and

(iv) [...]

(v) ~~d~~ **d** is intended for non-professional users.

(c) [...]

Article 26

PRM belonging to conservation varieties or local amateur varieties

1. By way of derogation from Articles 6a and 9b, PRM belonging to a conservation variety **or a local amateur variety** registered in a national variety register referred to in Article 44 ~~(1), point (b),~~ may only be produced and marketed in the Union ~~as standard seed or material, if it complies~~ **in compliance** with all the requirements ~~concerning standard seed and material for the respective species, as referred to in Article 8.~~
2. PRM referred to in paragraph 1 shall be accompanied by an operator’s label as referred to in Article 16, with the indication ‘Conservation **variety**’ or ‘**Local amateur** variety’, **as applicable.**
3. A professional operator who uses this derogation shall **annually** notify this activity, **as well as the quantities produced and marketed, to the competent authority** in accordance with ~~Article 43, last subparagraph~~ **the instructions of that authority with regard to the genera and species concerned.**

SECTION 3
PROCEDURE FOR REGISTRATION OF VARIETIES IN THE NATIONAL VARIETY
REGISTERS

Article 55

Submission of application

1. Any **natural or legal** person established in the Union may submit to the competent authority an application for registration of a variety in the national variety register. ~~That application may be submitted electronically or in physical form.~~
2. ~~[The submission of the application referred to in paragraph 1 may be subject to a fee paid by the applicant, as established by the competent authority.]~~

Article 56

Contents of the application for registration of a variety

1. The application for registration of a variety in a national variety register shall consist of at least the following:
- (a) [...]
 - (b) ~~the identification of the botanical taxon~~ **the scientific name of the genus or species** to which the variety belongs;
 - (ba) ~~where applicable,~~ an indication whether it is:
 - (i) a conservation variety;
 - (bb) **(ii)** ~~where applicable,~~ an indication whether it is an organic variety suitable for organic production;
 - (bc) ~~an indication whether the variety is~~
 - (iii)** **a component variety of another registered variety;**
 - (iv)** **a hybrid variety; or**
 - (v)** **a synthetic variety;**
 - (bd)** **an indication whether the PRM belonging to the variety is to be produced and marketed only as rootstocks;**

- (c) ~~where applicable, the registration number of the applicant, its **the** name and address **of the applicant** or, where appropriate **applicable**, the names and addresses of the joint applicants, and the credentials of any procedural representative;~~
- (ca) where applicable, the official registration number, as referred to in Article 41b, of the applicant(s) if they are professional operator(s);**
- (d) ~~**the proposed denomination or the** breeder's reference and/or a proposed denomination, and, in the case of conservation varieties, **where applicable**, one or more commonly used synonyms, where applicable;~~
- (e) the name and address of the person responsible for the variety maintenance, and, ~~where applicable, the **official** registration number of that person, with an indication of the case where the applicant is a different person than the professional operator responsible for the maintenance;~~
- (f) the description of the main characteristics of the variety **and its propagation method** ~~information on whether it is adapted only for particular seasons of the year, and in the case of the variety to be registered on the basis of an official description a completed technical questionnaire **included, as applicable, in protocols established by the CPVO, or other relevant guidelines of** the International Union for the Protection of new Varieties of Plants (UPOV);, **or other national protocols, and information on whether it is adapted only for particular seasons of the year;**~~
- ~~(g) a description of the propagation method;~~
- (h) in the case of conservation varieties, **an indication of** the region(s) of origin **where the variety has historically been grown (region(s) of origin) and, if applicable, to which it is naturally adapted, except for varieties that have been initially registered on the basis of an official description;**
- (i) information on whether the variety is **has been** registered in another national variety register and, ~~where applicable, indication whether **or** an application for registration in another national register **has been submitted;**~~
- (ia) information on whether the variety has been granted plant variety rights pursuant to Regulation (EC) No 2100/94, or pursuant to national rules of a Member State, or an application for plant variety rights has been submitted;**

(ib) in the case of an application concerning varieties with a granted plant variety right pursuant to Regulation (EC) No 2100/94 or pursuant to national rules of a Member State, the proof that the variety is protected by such right, with the corresponding official description or the proof that the respective application for granting that right has been submitted and is still under examination;

- (j) where the variety contains or consists of a genetically modified organism, evidence that the genetically modified organism in question is authorised for cultivation in the Union, in accordance with Directive 2001/18/EC or Regulation (EC) No 1829/2003, or, where applicable, in the ~~respective~~ Member State **concerned** in accordance with Article 26b of Directive 2001/18/EC;
- ~~(k) where the application concerns conservation varieties, information related to the production of an officially recognised description of the variety, a proof of that description and any document or publication supporting it;~~
- ~~(l) in the case of an application concerning varieties with a granted plant variety right pursuant to Regulation (EC) No 2100/94 or pursuant to national rules of a Member State, the proof that the variety is protected by such right, with the corresponding official description or the proof that the respective application for granting that right has been submitted and is still under examination;~~
- (m) where the variety contains or consists of a category 1 NGT as defined in Article 3, point (7), of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation), evidence that the plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of that Regulation or is progeny of such plant(s);
- (n) where the variety contains or consists of a category 2 NGT plant as defined in Article 3, point (8), of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation), indication of that fact;
- ~~(o) the intended use or conditions of cultivation, if applicable pursuant to Article 47(1), of the variety;~~

- (p) in the case of varieties tolerant to herbicides, an indication of that fact, and an indication of the required growing conditions to which they are subjected for the purposes of producing PRM and for all other purposes, in order to avoid the development of resistance to herbicides in weeds and other species.
2. The application for registration of a variety in a national variety register shall be accompanied by a sample ~~to be used for the examination of that variety~~. The competent authority of the respective Member State shall set a deadline for the submission of that sample and specify its quality and quantity.

Article 57

Formal examination of the application

1. The competent authority of the respective Member State shall register and examine each application referred to in Article 55 in order to establish whether it complies with the requirements laid down in Article 56.
2. If the application does not comply with the requirements laid down in Article 56, the competent authority shall give the applicant a possibility to rectify the application accordingly within a given time. If the application does not meet these requirements by the expiry of that given time, the competent authority shall reject the application and terminate the variety registration.

Article 58

Date of ~~{valid}~~ application for registration

1. The date of the submission of the application for registration shall be the date on which the application is received by the competent authority of the respective Member State.
2. The competent authorities shall ~~send to~~ **inform** the applicant ~~a confirmation~~ of the successful submission of the application, ~~including information on the date of that submission~~.

Article 59

Technical examination of the variety

[...]

Article 59a

Technical examination of ~~DUS~~ distinctness, uniformity and stability

1. Where, as a result of the formal examination, the application is found to comply with the requirements referred to in Article 56, a technical examination of the variety, **except for conservation varieties**, shall be carried out to verify its compliance with the requirements of distinctness, uniformity and stability ~~of the variety~~, as laid down in Articles 48, 49 and 50.
2. The technical examination shall be carried out by growing the variety, taking into account the intended use and conditions for cultivation of the variety. The technical examination will conclude with the adoption of an examination report and a final official description.
- 2a. The technical examination shall be carried out by the competent authority in accordance with Article 60.**
3. Where an ~~official~~ **examination** report on the distinctness, uniformity and stability of the variety, produced by the CPVO or another competent authority ~~found suitable for that purpose~~ in accordance with Article 60, is already available, the competent authority may take into consideration the results of that report for the purposes of concluding the technical examination.
- ~~4. The technical examination shall be carried out by the competent authorities in accordance with Article 60.~~
5. In reference to the examination of requirements laid down in Articles 48, 49 and 50 other means, including the use of bio-molecular techniques, may be used as a supplementary tool, as appropriate for the purposes of the technical examination, the species concerned or the characteristics to be checked.

Article 59b

Technical examination of the VSCU value for sustainable cultivation and use

1. Where, as a result of the formal examination, the application is found to comply with the requirements referred to in Article 56, a technical examination of the variety, **except for conservation varieties**, shall be carried out in order to verify whether the variety has value for sustainable cultivation and use, in accordance with Article 52, in the case of the varieties referred to in Article 47(1), point (aa)**(i)**.
2. The technical examination shall be carried out by growing the variety, taking into account the intended use **and** conditions for cultivation of the variety, ~~and the updated technical standards [which may include the biochemical and molecular techniques.]~~ The technical examination ~~will~~ **shall be** concluded **d** with the adoption of an examination report.
 - 2a. The technical examination shall be carried out by the competent authority or by the natural or legal person referred to in Article 61(1).**
 - 2b. Other means, including bio-molecular techniques, may be used as a supplementary tool, as appropriate for the purposes of the technical examination, the species concerned or the characteristics to be checked.**
3. ~~The technical examination shall be carried out by the competent authorities or by professional operators under the supervision of competent authorities in accordance with Article 61(1).~~

~~Member States may collaborate with each other and establish shared facilities for carrying out those examination.~~

Article 60

Audit of the competent authority's premises

The competent authority of the respective Member State may carry out the technical examination as regards compliance with the requirements for distinctness, uniformity and stability referred to in Articles 48, 49 and to 50 **pursuant to Article 59a** only after its premises and working arrangements, dedicated to this purpose, have been found suitable **by the CPVO** for carrying out this examination pursuant to an audit ~~conducted by the CPVO~~ **taking place within specific periods, depending on the genera or species concerned.**

Competent offices in a Member State that have been found suitable by the CPVO for certain genera or species, in accordance with Article 55(1) of Regulation (EC) No 2100/94 concerning the designation of examination offices, shall be considered suitable for carrying out the examination of the respective genera or species for the purposes of this Article.

Article 61

Authorisation to carry out technical examination ~~for~~ of the value for sustainable cultivation and use

1. By way of derogation from Article 59~~b~~(~~2~~ **3**), the competent authority may allow any natural or legal person or persons to carry out the technical examination of whether the variety has a satisfactory value for sustainable cultivation and use, in accordance with Article 52 if:
 - (a) ~~that~~ **the** person **or persons** ~~has~~ **have** been authorised by the competent authority of the respective Member State;
 - (b) the examination is carried out under the official supervision and guidance of the competent authority concerned; **and**
 - (c) the examination is carried out in the premises dedicated to that purpose.

~~That or those persons shall include, in the growing trials,~~ **The examination shall include** all [reference] varieties of the species concerned which are determined by the competent authority. All ~~PRM~~ **reference varieties** for ~~technical~~ examination shall be provided by the competent authority.

2. Prior to granting the authorisation to carry out the technical examination on the premises of the person **or persons** referred to in paragraph 1, the competent authority shall evaluate the premises, the resources and the organisational capacities of ~~the~~ **those** persons. That evaluation shall verify whether the premises, the laboratory facilities, the organisation and the carrying out of the growing trials are suitable for realising the technical examination on those premises ~~as regards compliance with the requirements of a value for sustainable cultivation and use referred to in Article 52.~~
3. {The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by setting out the rules concerning the evaluation referred to in paragraph 2.}

4. On the basis of the evaluation referred to in paragraph 2, the competent authority may recommend to the person concerned, if appropriate, actions to ensure the suitability of the person's relevant premises, organisation of the examination and compliance with the applicable methodology.
5. The competent authority may carry out additional evaluations to the one referred to in paragraph 2 and, where applicable, recommend to the person concerned to perform, within a specific period of time, corrective actions concerning its premises and the working arrangements. In case the competent authority concludes, following that period, that the relevant premises and working arrangements are not suitable, it may withdraw or modify the authorisation referred to in paragraph 1, point (a).

Article 62

~~[Additional rules on technical examination~~

- ~~1. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing the requirements on the technical examination laid down in Article 59. Those delegated acts may concern:~~
 - ~~(a) qualification, training and activities of staff of the competent authority or of the applicant, for the purposes of the technical examination referred to in Article 61;~~
 - ~~(b) the necessary equipment, including laboratories for testing, necessary to carry out the technical examination;~~
 - ~~(c) the establishment of a variety reference collection to compare the examined variety with other varieties to assess distinctness, and the storage management of such reference collection;~~
 - ~~(d) the establishment of quality management systems, including record of activities and protocols or guidelines, to be used for the technical examination;~~
 - ~~(e) the carrying out of growing trials and laboratory tests for particular genera or species, including bio-molecular techniques.~~

~~Those delegated acts adapt to the available international technical and scientific protocols.~~

- ~~2. Where no requirements have been adopted pursuant to paragraph 1, technical examinations shall be carried out in accordance with national protocols as regards the elements referred in paragraph 1, points (a)–(e).]~~

Article 63

Confidentiality

1. Where, for the purpose of the technical examination provided for in Article 59~~a~~, an examination of the genealogical components appears to be necessary, the results of that examination and the description of those components shall be treated as confidential. The confidential treatment of this information is without prejudice to the possibility for competent authorities to exchange information among each other or with the European Commission.
2. In the case of varieties intended exclusively for the production of ~~[agricultural]~~ raw materials for industrial purposes, certain elements of the technical examination and the intended uses of those varieties, whose public disclosure may affect the competitive position of the applicant, shall be treated as confidential, if that applicant requests so.
3. This Article shall apply without prejudice to Article 8 of Regulation (EU) 2017/625.

Article 64

~~[Provisional examination report and provisional official description]~~

- ~~1. Following the technical examination provided for in Article 59, the competent authority shall produce a provisional examination report, as to the compliance with the distinctness, uniformity and stability requirements, and the characteristics of value for sustainable cultivation and use, as applicable, as referred to in Articles 48, 49, 50 and 52, and shall issue a provisional official description of the variety on the basis of that report.~~
- ~~2. The provisional examination report may refer to findings of other examination reports, produced on the relevant variety, by the competent authority concerned, other competent authorities or the CPVO.~~
- ~~3. The competent authority shall communicate the provisional examination report and the provisional official description of the variety to the applicant. The applicant may comment on these documents within 15 calendar days.~~

4. ~~Where the competent authority does not consider that the provisional examination report constitutes a sufficient basis for a decision on the registration of the variety, it shall request from the applicant additional information, examinations or other actions, as appropriate, to ensure compliance of the variety with the requirements concerning distinctness, uniformity, stability and value for sustainable cultivation and/or use, as set out respectively in Articles 48, 49, 50 and 52.]~~

Article 65

Examination report and final official description

1. Following the technical examination provided for in Article 59 **a and, where applicable, Article 59b**, the competent authority shall communicate a draft of the **respective** examination report to the applicant and give the applicant an opportunity to provide comments within a reasonable time.
2. After taking into account the comments of the applicant as referred to in paragraph 1, the competent authority shall issue:
 - (a)** a final examination report and a final official description on the distinctness, uniformity and stability of the variety ~~and including;~~ **and**
 - (b)** ~~where applicable, a summary of the examination results~~ **a final examination report** on **the** value for sustainable cultivation and use.
3. ~~The C~~ **competent authority** shall, on reasoned request, make available the examination reports and the official description to third parties, subject to national or Union law on data protection and to rules on confidentiality.

NEW Article 65a

Examination of conservation varieties

The competent authority shall examine the compliance of the proposed description of a conservation variety with the requirements of Article 47(1), point (a)(ii).

That examination may include a growing trial of a maximum duration of one growing cycle.

If that compliance is established, the competent authority shall officially recognise the respective description.

Article 66

Examination of the denomination of a variety

1. ~~Where the denomination has not been proposed as referred to in Article 56(1), point (d), it may be proposed at a later stage at a reasonable time, p~~Prior to the registration of a variety in a national variety register pursuant to Article 67, the competent authority shall **take a decision on the variety denomination after consulting** the CPVO on the variety denomination proposed by the applicant. **That decision shall determine the suitability of the denomination on the basis of the facts applicable at the time of the proposal for that denomination. Where the denomination has not been proposed as referred to in Article 56(1), point (d), it may be proposed by the applicant at a later stage and at a reasonable time.**
2. The CPVO shall submit to the competent authority a recommendation on the suitability of the variety denomination proposed by the applicant, in accordance with Article 54. The competent authority shall inform the applicant on that recommendation.
3. If the CPVO gives a negative recommendation on the suitability of the variety denomination, the competent authority shall give the applicant a possibility to propose a new denomination within a reasonable time.
4. Where, after the registration of a variety, it is established by the competent authority that at the time of the registration the denomination of the variety was not suitable within the meaning of ~~paragraphs 2 and 3~~ **Article 54**, the applicant shall submit an application for a new denomination. The competent authority shall decide on that application ~~upon~~ **following** consultation with the CPVO.

{The competent authority may allow the previous denomination to be used temporarily.}

Article 67

Decision on the registration of a variety in the national variety register

1. If, on the basis of the procedure set out in Articles 55 to 66, it is concluded that the variety complies with the requirements set out in Article 47(1), **and a person is available for the variety maintenance in accordance with Article 72**, the competent authority of the respective Member State shall decide to register the variety in the national variety register.

2. The competent authority shall adopt a decision refusing registration in the national variety register, if:
 - (a) it establishes that the respective requirements set out in Article 47(1) are not fulfilled;
or
 - (b) the applicant has failed to comply with any of the applicable requirements set out for it in Articles 55 to 66; **or**
 - (c) there is no person responsible for the variety maintenance in accordance with Article 72.**
3. Decisions refusing the registration of a variety in the national variety register shall state the reasons justifying such refusal.
4. The competent authority shall communicate to the applicant the decision referred to in paragraphs 1 and 2.
5. The decisions referred to in paragraph 1 and 2 may be appealed against, in accordance with the administrative rules of the Member State concerned. ~~Any appeal against a decision referred to in paragraph 1 shall have a suspensory effect on the registration of the respective variety.~~
6. [...]

Article 68

Varieties registered pursuant to Directives 68/193/EEC, 2002/53/EC, 2002/55/EC and 2008/90/EC

1. By way of derogation from Articles 54 ~~54~~ **55** to 67, the competent authorities shall immediately register in their national variety registers all varieties officially accepted or registered before ... [*the date of application of this Regulation*], in the catalogues, lists or registers established by their Member States pursuant to Article 5 of Directive 68/193/EEC, Article 3 of Directive 2002/53/EC, Article 3(2) of Directive 2002/55/EC and Article 7(4) of Directive 2008/90/EC, without applying the registration procedure set out by those Articles.

Varieties accepted in accordance with Article 3 of Directive 2008/62/EC and Article 3(1) of Directive 2009/145/EC before... [OJ, please, insert the date of application of this

Regulation] shall be immediately registered in the national variety registers as conservation varieties provided with an officially recognised description without applying the registration procedure set out by that Article.

- 1a.** ~~The starting point of t~~**The beginning of the** period of registration of those varieties, ~~as referred to in Article 69(1), shall,~~ **without prejudice to Article 69(1),** be the date on which they had been ~~were~~ registered pursuant to the acts **Directives** referred to in the first subparagraph **1 of this Article. For varieties of vine, the beginning of the period of registration shall be ... [the date of application of this Regulation].**
- ~~2.~~ By way of derogation from Article 53, varieties accepted in accordance with Article 3 of Directive 2008/62/EC and Article 3(1) of Directive 2009/145/EC before... *[OJ, please, insert the date of application of this Regulation]* shall be immediately registered in the national variety registers as conservation varieties provided with an officially recognised description without applying the registration procedure set out by that Article.
- 2a.** **Technical examinations within the meaning of Articles 59a and 59b, started prior to the date of application of this Regulation, shall be completed in accordance with the relevant Directives referred to in paragraph 1 of this Article. The decision on variety registration shall be taken in accordance with Article 67 of this Regulation.**

NEW Article 68a

Varieties of species registered pursuant to national rules

By way of derogation from Articles 55 to 67, varieties of species listed in Annex I, which were not covered by the Directives referred to in Article 68(1) and are registered in a national variety register pursuant to national rules before [the date of application of this Regulation], shall be immediately registered in the relevant national variety registers without applying the rules set out in those Articles.

SECTION 4

REGISTRATION PERIOD AND VARIETY MAINTENANCE

Article 69

Period of registration

1. The period of registration of a variety in a national variety register ('period of registration') shall be 10 years. That period shall expire ~~at the end~~ **on 31 December** of the last calendar year **of the period of registration**.

However, ~~that~~ **the** period of registration shall be 30 years for varieties of **genera and** species of fruit plants and vine ~~propagating material~~, as listed in Annex I, **including the** **respective conservation varieties**. That period shall expire ~~at the end~~ **on 31 December** of the last calendar year **of the period of registration**.

In the case of varieties consisting of, or containing, a genetically modified organism, the period of registration shall be limited to the period for which that genetically modified organism is authorised for cultivation pursuant to Directive 2001/18/EC or Regulation (EC) No 1829/2003.

~~{~~In the case of varieties consisting of, or containing, a category 2 NGT plant as defined in Article 3(8), of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), the period of registration shall be limited to the period for which that plant is authorised pursuant to that Regulation.~~}~~

2. The period of registration of a variety in a national variety register may be renewed for a further period of 10 years, or respectively 30 years, in accordance with the procedure and the conditions laid down in Article 70.

In the case of varieties consisting of, or containing, a genetically modified organism, the renewal of the period of registration shall be limited to the period for which that genetically modified organism is authorised for cultivation pursuant to Directive 2001/18/EC or Regulation (EC) No 1829/2003.

~~{~~In the case of varieties consisting of, or containing, a category 2 NGT plant as defined in Article 3(8), of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), the renewal of the period of registration shall be limited to the period for which that plant is authorised pursuant to that Regulation.~~}~~

~~[2a. By way of derogation from paragraphs 1 and 2, the period of registration of conservation varieties in the national variety register shall be unlimited.]~~

3. [...]

Article 70

Procedure and conditions for renewal of registration renewal

1. Any person with a legitimate interest intending to renew the registration of a variety shall submit an application, ~~[no earlier than 36 months]~~, and no later than 24 months, before the expiration of the period of registration as referred to in Article 69(1).
2. The application shall be submitted ~~electronically or in physical form. It shall be~~ **to the competent authority** accompanied by evidence showing that the conditions set out in paragraph 3 are fulfilled.
3. The renewal of the registration of a variety in a national variety register may only be granted, if:
 - (a) the variety continues to comply with the ~~respective~~ requirements of Article 47(1);
and
 - (b) ~~the competent authority of the respective Member State has established that there is a~~ person responsible for the variety maintenance in accordance with Article 72.

In the case of the varieties referred to in Article 47(1), point (a)(i), the competent authority may conduct a technical examination in accordance with Article ~~59a~~ **59a** to determine whether the variety is distinct, uniform and stable, **if evidence exists suggesting that such an examination is needed.**

3a. By way of derogation from paragraph 3, the period of registration of commonly known fruit varieties within the meaning of Article 7(2), point (c), of Directive 2008/90/EC, that are still registered after ... [the date of application of this Regulation], may be renewed without fulfilling the requirements of Article 72 of this Regulation, provided that they still have an officially recognised description in accordance with that Directive.

~~4. [The competent authority may, on its own initiative, renew the registration of a variety, if it is still in large demand by the professional operators and farmers concerned, or it should be~~

~~retained in the interest of conserving plant genetic resources. In that case, the competent authority shall ensure that the variety is maintained in accordance with Article 72.]~~

Article 71

Removal from Termination of national variety registers registration

1. The competent authority of the respective Member State shall ~~remove~~ **terminate the registration of** a variety ~~from the national variety register~~, if any of the following applies:
 - (a) it concludes, on the basis of any new evidence, that the requirements for registration, as set out in Article 47(1) are no longer fulfilled;
 - (b) the applicant does not pay any of the fees that the competent authority has established in accordance with Article ~~[78a]~~;
 - (c) **the variety is no longer maintained pursuant to the requirements in Article 72, or** the person responsible for the variety maintenance, as referred to in **that** Article ~~72~~, so requests, or that person has ceased to maintain the variety and no other person has become responsible for its maintenance;
 - ~~(d) the variety is no longer maintained pursuant to requirements of Article 72;~~
 - ~~(e) the variety is maintained in a third country, which has not provided assistance on the controls of that maintenance pursuant to Article 72(7);~~
 - (f) **it has been found that** at the time of the application, false or fraudulent data ~~were~~ **had been supplied submitted** on the basis of which the registration was decided;
 - (g) no application for renewal has been submitted by the deadline referred to in Article 70(1) and the ~~validity~~ period of registration referred to in Article 69(1) has expired;
 - (ga) the applicant has requested the termination of the registration (surrender) [and the competent authority has given the opportunity to any interested person to apply for the continuation of that registration].**
2. The competent authority may allow that a variety, **the registration of which has been terminated** ~~removed from the national variety register~~ in accordance with paragraph 1, point (c), ~~or~~ (g) **or (h)**, is marketed until 30 June of the third year following the removal from the register. Such decision shall be indicated in the national variety register.

~~3. Following its removal from a national variety register, as referred to in paragraph 1, the variety concerned shall be immediately removed from the Union variety register, if it is not registered in any other national variety register.~~

3a. Following the termination of its registration, the variety shall remain in the national and the Union variety register with an indication of its status, as referred to in point (cb) of Annex VII.

Article 72

Variety maintenance

1. Varieties registered in a national variety register shall be maintained by the applicant or by any other person in the Union, or in a third country that has been subject to the implementing act referred to in Article 39(4) ("**maintainer**"). The name and ~~registration number~~ **address** of that other person shall be recorded ~~to~~ by the competent authority of the Member State. That other person may be accepted by the competent authority as a maintainer of that variety, if that other person ~~supplies a sample complying with the standard sample referred to in Article 74 and~~ is able to demonstrate the capability to carry out ~~that~~ **the** maintenance.

~~[In the case of varieties of fruit plants and vine, the provision of such sample shall not be required.]~~

2. Variety maintenance shall take place in accordance with accepted practices concerning, as appropriate, genera, species or particular types of varieties.

3. ~~The persons referred to in paragraph 1~~ **maintainer** shall keep records concerning the variety maintenance. It shall at all times be possible for the competent authority to check the variety maintenance from those records. Those records shall also cover all the relevant stages of production of PRM, including the relevant categories.

3a. A standard sample of the variety concerned shall be provided **by the maintainer** to the competent authority on request. **In the case of vegetatively reproduced varieties, instead of a standard sample, the maintainer may demonstrate that it has living plants of that variety for the appropriate checks and maintenance.**

4. The competent authority shall carry out controls on the manner in which the variety maintenance is carried out and may, to this purpose, take samples of the varieties **variety**

concerned. The frequency of those controls shall be based on the likelihood of non-compliance with paragraphs 1 to 3.

5. Where a **the** competent authority finds that the ~~person responsible for variety maintenance does not comply~~ **is not maintained in accordance** with paragraphs 1 to 3, it shall give ~~that~~ **the person maintainer** appropriate time to take corrective action or request another person to carry out ~~the~~ **that** variety maintenance. If no such action is taken within that time limit, the competent authority shall ~~remove~~ **terminate** the **registration of the** variety ~~from the national variety register~~ in accordance with Article 71(1), point (~~d~~ **c**).
6. Where variety maintenance takes place in a Member State other than the Member State in whose national variety register the variety has been registered, the competent authorities of the two Member States concerned shall assist each other in the controls on variety maintenance. If no such assistance is provided within a reasonable period of time, or if it is concluded that the variety maintenance is not carried out in accordance with this Article, the respective competent authority shall **request the maintainer to take corrective actions. If the corrective actions are not taken within reasonable time, the competent authority shall** ~~remove~~ **terminate** the **registration of the** variety ~~from the national variety register~~ in accordance with Article 71(1), point (~~d~~ **c**).
7. Where variety maintenance takes place in a third country, the competent authorities of the Member State, in whose national variety register the variety has been registered, shall request the third country's authorities' assistance in the controls on variety maintenance, if such a maintenance has been subject to the recognition of equivalence referred to in Article 39(4). If no such assistance is provided within a reasonable period of time, or if it is concluded that the variety maintenance is not carried out in accordance with this Article, the respective competent authority shall request the maintainer to take corrective actions. If the corrective actions are not taken within reasonable time, the competent authority shall ~~remove~~ **terminate** the **registration of the** variety ~~from the national variety register~~ in accordance with Article 71(1), point (~~d~~ **c**).

SECTION 5

~~KEEPING OF DOCUMENTATION AND SAMPLES~~

Article 73

~~Documentation on the national variety registers~~

~~The competent authority of the respective Member State shall keep available all relevant information on each variety registered in the national variety register, including:~~

- ~~(a) the official description or the officially recognised description of the variety;~~
- ~~(b) the examination report on distinctness, uniformity and stability as well as on the value of sustainable cultivation and use; and~~
- ~~(c) any complementary examination report or information concerning the variety.~~

~~In the case of an officially recognised description, the available relevant information shall include that description, the documents supporting it and any other decisions regarding the variety.~~

Article 74

Standard samples of the registered varieties

1. The competent authorities shall keep standard samples of the varieties registered in the national variety registers and make them accessible to any third party with a legitimate interest upon request **and** to other competent authorities for official purposes.

~~[This paragraph shall not apply to varieties of fruit plants and vine.]~~

In the case of vegetatively reproduced varieties, instead of a standard sample, the competent authority may keep living plants of that variety.

2. The Commission may, by means of implementing acts, specify the size of those standard samples, the rules for their replacement, in the case where the quantity of the original standard sample is too limited or it is no longer adequate due to its use in other examinations, and their submission to other competent authorities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).
