



Council of the European Union
General Secretariat

Brussels, 16 July 2025

WK 9921/2025 INIT

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MEETING DOCUMENT

From:	Presidency
To:	Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials)
Subject:	Meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials; PRM) on 1 and 2 September 2025 - Presidency Steering Note

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 Steering Note regarding the proposed changes in the proposal on the production and marketing of plant reproductive material in the Union.

PRESIDENCY STEERING NOTE

Meeting of the Working party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials) on 1-2 September 2025.

Date: 16 July 2025

Plant Reproductive Material (PRM)

The Presidency has prepared this steering note to guide the discussions at the upcoming meeting of the Working Party concerning its revised text on Articles 44-46 including ANNEX VII, Articles 48-74 and, if times allows, Article 3(29), 3(29b) and Article 26, of the proposal on the production and marketing of plant reproductive material in the Union.

The Danish Agricultural
and Fisheries Agency
Nyropsgade 30
1780 Copenhagen V

The revised text on Articles 44-54 and Annex VII can be found in document 8964/2025 INIT. The revised text on Articles 3(29)-(29b), 26, and 55-74, can be found in document 9894/2025.

Article 44 paragraph 1, point (b)

This paragraph is deleted, as registration of conservation varieties is included in point (a) of this Article.

Article 45 Establishment of a Union variety register, paragraph 2a

The proposed changes are intended to make a clear distinction between variety registers and other registers, and the EU plant variety portal, as the EU Plant variety portal display variety information from various registers.

Article 46 Contents of the national and Union variety registers, and Annex VII Annex VII is proposed to be set up in table format. This is to clarify which information a national variety register must contain, which information the Union variety register contains and whether the information in question also applies to conservation varieties. In addition, a few points in the annex have been changed to correspond to the information in Articles 47 and 56.

Article 53 Registration of conservation varieties

This Article is proposed to be deleted, as mentioned at the Working Party meeting in July. Paragraph 1 is partly moved to Articles 47 and 56. Article 53(1), subparagraph 2, is moved to Article 47. Paragraph 2 is included in Article 56.

Paragraphs 3 and 4 are moved to Article 47.
Paragraph 5 is deleted, as it is covered by Article 72(3).

Article 55 Submission of application

The last sentence of paragraph 1 is deleted. It is Member States' competence to decide the means of submission of application.

The second paragraph is deleted and the text is proposed to be moved to the new Article 78a regarding fees that will be discussed at the Working Party meeting in October.

Article 56 Content of the application for registration of a variety

The changes are mostly editorial to make the content of the application correspond to the information required in Annex VII on the content of the national and Union register.

Article 59a Technical examination of distinctness, uniformity and stability

It is added that the provisions of this article do not apply to conservation varieties. This was previously specified in Article 53, which has now been deleted.

Article 59b Technical examination of the value for sustainable cultivation and use

It is added that the provisions of this article do not apply to conservation varieties.

The chronology and the wording of the article is suggested to be aligned with Article 59a. In paragraph 3, the last sentence regarding the possibility for Member States to collaborate regarding VSCU examinations is deleted, as it is already covered by Article 52(2).

Article 60 Audit of the competent authority's premises

A new subparagraph is suggested to be added to specify that examination offices in Member States that are already accredited by the CPVO are considered suitable to perform DUS-examinations without applying the first subparagraph.

Article 62 Additional rules on technical examination

This article was deleted by the Hungarian Presidency.

Article 64 Provisional examination report and provisional official description

This article was deleted by the Hungarian Presidency.

Article 65 Examination report and final official description

Changes are suggested to clearly indicate that VSCU-examination is performed only for some species.

NEW Article 65a Examination of conservation varieties

The article is suggested to be added to specify the requirements concerning examination of

conservation varieties. It is specified how the competent authority shall examine the variety and recognise the description, hence making it an officially recognised description.

Article 66 Examination of the denomination of a variety

It is clarified that the competent authority shall take a decision on the variety denomination. Furthermore, it is clarified that the decision shall be taken based on facts available to the competent authority at the time of the proposal for the denomination.

Article 67 Decision on the registration of a variety in the national variety register

It is suggested to add as a basis for the decision on registration, that a person responsible for the maintenance of the variety is established.

Paragraph 5 is modified to accommodate the fact that national administrative rules will apply in case of appeals.

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

To make the reading of the article more coherent, paragraph 2 is suggested to be included in paragraph 1.

In paragraph 1a, it is added that the beginning of the registration period for vine varieties is the date of application of the PRM Regulation, as varieties of vine do not have a limited registration period under the current directive.

A new paragraph 3 is suggested to be added to ensure transitional provisions for varieties where the examination of a variety has begun prior to the date of application of the PRM Regulation.

NEW Article 68a Varieties of species registered pursuant to national rules

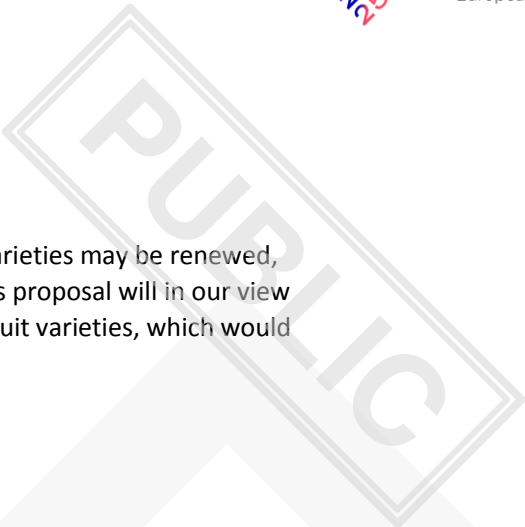
This new article was added to ensure transitional provisions for species that are registered according to national rules, because they are not covered by the Directives, but will become covered by the newly added species in Annex I.

Article 69 Period of registration

Paragraph 2a is suggested to be deleted. This means that conservation varieties will be subject to the same period of registration as all other varieties. The registration period for conservation varieties can, as for other varieties, be renewed for further periods.

Article 70 Procedure and conditions for renewal of registration

A new paragraph 3a is suggested to be added. The handling of the commonly known fruit varieties has been discussed on several occasions, including in connection with the definition of conservation varieties. Our suggestion is to add a derogation in this article,



with the result, that the registration of commonly known fruit varieties may be renewed, without fulfilling the requirements concerning maintenance. This proposal will in our view solve the challenges with already registered commonly known fruit varieties, which would otherwise not be able to be renewed.

Parapgraph 4 is deleted on request by Member States.

Article 71 Termination of variety registration

“Removal” is suggested to be changed to “Termination”, as varieties are not removed from the national or Union registers, but they change status. This is also clarified in the new paragraph 4, providing for varieties to remain in the registers but with the indication of their status in line with the content of Annex VII.

It is also suggested to add a new point (h) in paragraph 1, where the applicant can request the termination of a variety registration (surrender).

Article 72 Variety maintenance.

Paragraph 3 is suggested to be divided into two paragraphs. The new paragraph 3a contains provisions on the maintainer providing standard samples. It is specified that in case of vegetatively reproduced varieties, the maintainer may demonstrate that they have living plants of that variety. As a consequence, the second subparagraph of paragraph 1 is suggested to be deleted.

Article 73 Documentation on the national variety registers

Article 73 is suggested to be deleted, as the provisions of this article is considered to be covered by national administrative rules.

Article 74 Standard samples of the registered varieties

It is suggested to add to this article, that the competent authority, in case of vegetatively reproduced varieties, may keep living plants of that variety instead of a standard sample. This is in line with the change regarding standard sample in Article 72.

Article 3, point (29), Definition of “Conservation variety”

It is proposed to delete point (b) of the definition. It is stated in Article 47(1a), point (b), that a variety shall not be listed in the national variety register if the registration was terminated pursuant to Article 71 within the last 2 years.

Article 3, point (29a), Definition of “Commonly known fruit varieties”

The definition is suggested to be deleted. With the addition in Article 70 concerning renewal of the period of registration, this definition is superfluous because the concerned varieties follow directly from the addition in Article 70. The addition to Article 70 will in our

view solve the challenges regarding these types of varieties making it unnecessary to define them further.

Article 3, point (29b), Definition of “Local amateur variety”

It is suggested to change the name of these types of varieties to “local amateur variety”.

Furthermore, it is clearly specified that the variety has to be newly bred.

It is the intention that these local amateur varieties shall be subject to the same provisions and derogations as conservation varieties. So, if the proposed changes to the definitions are accepted, local amateur varieties will be added throughout the text whenever conservation varieties are mentioned.

Article 26 PRM belonging to conservation varieties or local amateur varieties

Some editorial changes are made as a consequence of the proposed changes to the definitions in Article 3(29) and (29b).

Furthermore, the wording of paragraph 3 is aligned with the corresponding subparagraph of Article 28(1).