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INFORMATION

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 - Comments from DE on Article 43

Delegations will find in the annex comments from Germany on the second paragraph of Article 43 as in document WK 8964/2025 REV1 .

Request for reevaluation of the last sub-paragraph of Article 43 in one of the upcoming meetings

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During the last meeting at 8th July 2025 also Article 43 was discussed.

According to the Presidency Flash the textual basis for the discussion was the revised text of the Belgian Presidency (document 11303/2024).

Under the Belgian Presidency the wording "**Once a year, professional operators shall submit to the competent authority a declaration concerning the quantities per species of standard seed and material they produced for the purpose of its marketing in the Union."** was included into the text. Written comments were allowed. PL and ES welcomed the new wording, while FI, NL, CZ and DE rejected it on the grounds that it would increase administrative burdens (WK 10809/2024).

The Danish Presidency deleted the new wording. The steering note of the Danish Presidency did not indicate this deletion specifically and therefore we did not anticipate any in depth discussion or re-evaluation on this point. Thus, we could not prepare our colleague that was still present in the meeting for such a special discussion.

In addition, several Member States had already left the meeting when this item was discussed, due to their travel arrangements.

Therefore, we are surprised that the Presidency came to the conclusion that a majority of Member States wanted to keep the last sub-paragraph of article 43. To our knowledge there were only 4 member states (FR, PL, HU, BE) that clearly voted for keeping the last sub-paragraph of article 43 whereas NL, EL and SE argued for a somewhat milder form of such kind of declaration, without specifying quantities.

In our view, this does not constitute a clear majority of Member States. In combination with the results of the written statements, this indicates to us that we need to hold an in-depth discussion at the meeting attended by all Member States in order to reach a clear conclusion.

Therefore, we would like to ask the Presidency to facilitate in one of the next Working Party meetings another discussion on the last sub-paragraph of Article 43 in regards to the wording mentioned above in order to allow all Member States to react accordingly and to find a more concise conclusion.

Our position concerning the last sub-paragraph of Article 43 is as follows:

We strongly argue for a deletion of the last sub-paragraph of Article 43.

The gathered information at a given date a year is meaningless as Standard PRM is constantly moving and thus its allocation needs to be constantly adapted to the situation at hand.

It is not necessary to maintain this requirement in the PRM to facilitate controls. The registration of the professional operator in the PHR register, which includes the address of premises and the species handled, allows for transparency and controls and therefore should be sufficient.

Some Member States argued that this kind of data should be necessary to get an overview of the market of Standard PRM in the EU. However, Standard PRM concerns basically PRM of species that are not known as staple food. Hence, we do not see the need to monitor that market closely and certainly do not see that this should be a task within the PRM-Legislation.