



06/03/2024

AMENDMENTS: 61

Christophe Clergeau

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)

Proposal for a regulation COM(2023)0414 - C9-0236/2023 – 2023/0227(COD)

COMPROMISE AMENDMENTS

1 - 2 - 3 - 4 - 5 - 6 - 7

**ALTERNATIVE COMPROMISE
AMENDMENTS**

1 - 2 - 3 - 4 - 5

COMPROMISE AMENDMENT 1

Scope + farmers own use / exchange in kind + Art 30

S&D, V-ALE, ID, Left

If adopted, CA ACA 1, 1, 97, 2, 98, 3, 99, 4, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 6, 111, 7, 8, 133, 136, 139, 17, 18, 34, 35, 194, 195, 196, 36, 197, 37, 38, 199, 200, 39, 40 and 202 fall

CA 1 Scope + farmers own use / exchange in kind + Art 30

Proposal for a regulation
Recital 36 a (new)

Text proposed by the Commission

Amendment

(36 a) The Regulation should strive for the 'One Health Approach' as an integrated, unifying approach that aims to sustainably balance and optimise the health of people, animals, plants and ecosystems. It recognises that the health of humans, domestic and wild animals, plants, and the wider environment including ecosystems are closely interlinked and inter-dependent;

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Regulation lays down rules for the production *and marketing in the Union* of plant reproductive material ('PRM'), and in particular requirements for the production of PRM in the field and other

This Regulation lays down rules for the production of plant reproductive material ('PRM') *with a view to its marketing as PRM in the Union*, and in particular requirements for the production of PRM in

sites, categories of material, *identity* and quality requirements, certification, labelling, packaging, imports, professional operators and the registration of varieties.

the field and other sites, categories of material, *identity* and quality requirements, certification, labelling, packaging, imports, professional operators and the registration of varieties.

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM S&D 2

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The requirements concerning production of PRM shall apply only to production with a view to its marketing.

Amendment

The requirements concerning production of PRM shall apply only to production with a view to its marketing *as PRM in the EU*.

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM S&D 3

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) to ensure quality and diversity of choice for PRM, and its availability for professional operators and final users;

Amendment

(a) to ensure quality and diversity of choice for PRM, and its availability for professional operators, *farmers* and final users;

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM S&D 4

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) to ensure ***a equal*** conditions for the competition of the professional operators across the Union and the functioning of the internal market in PRM;

(b) to ensure ***appropriate*** conditions for the competition of the professional operators across the Union and the functioning of the internal market in PRM;

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

**AM 101 S&D, 103 Greens, 104 Renew
Proposal for a regulation
Article 2 – paragraph 2 – point e**

Text proposed by the Commission

Amendment

(e) to contribute to sustainable ***agricultural production***, adapted to current and future projected climatic conditions;

(e) to contribute to sustainable ***and productive food systems***, adapted to ***diverse climatic and soil conditions***, for current and future projected climatic conditions;

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

**AM 106 S&D = 107 EPP
Proposal for a regulation
Article 2 – paragraph 2 – point f**

Text proposed by the Commission

Amendment

(f) to contribute to food security

(f) to contribute to food security ***and food sovereignty***;

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 7 S&D
Proposal for a regulation
Article 2 – paragraph 4 – point e

Text proposed by the Commission

(e) PRM *used solely* for official testing, breeding, inspections, exhibitions or scientific purposes.

Amendment

(e) PRM *sold or transferred in any other way, whether free of charge or not*, for official testing, breeding, inspections, exhibitions or scientific purposes, *including for on-farm research and for activities carried out in the framework of the dynamic conservation of genetic resources*;

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 8 S&D
Proposal for a regulation
Article 2 – paragraph 4 – point e a (new)

Text proposed by the Commission

(e a) PRM produced by farmers for their own use;

Amendment

Or. en

Amendment 14
Marlene Mortler

CA 1 Scope + farmers own use / exchange in kind + Art 30

Proposal for a regulation
Article 3 – paragraph 1 – point 35 a (new)

Text proposed by the Commission

(35 a) Plant breeding means activities and practices involved in developing new plant varieties and their selection prior to application for registration;

Amendment

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

Proposal for a regulation

Article 5 – paragraph 1 – point e

Text proposed by the Commission

(e) as **seed** exchanged **in kind** between farmers in accordance with Article 30;

Amendment

(e) as **PRM** exchanged between farmers in accordance with Article 30;

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 18 S&D

Proposal for a regulation

Article 6 – paragraph 2 – point d

Text proposed by the Commission

(d) as **seed** exchanged **in kind** between farmers in accordance with Article 30;

Amendment

(d) as **PRM** exchanged between farmers in accordance with Article 30;

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 34 S&D, 193 Greens

Proposal for a regulation

Article 30 – title

Text proposed by the Commission

Seed exchanged **in kind** between farmers

Amendment

PRM exchanged between farmers

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 35 S&D, 194 Greens

Proposal for a regulation

Article 30 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from Articles 5 - 25, farmers may exchange *seeds* in kind, if such *seeds* *fulfill* all of the following conditions:

Amendment

1. By way of derogation from Articles 5 - 25, farmers may exchange **PRM** in kind **or for monetary compensation covering direct costs incurred**, if such **PRM** *fulfils* all of the following conditions:

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 36

Proposal for a regulation

Article 30 – paragraph 1 – point 3

Text proposed by the Commission

(3) are not subject to a service contract conducted by the respective farmer with a professional operator performing *seed* production; and

Amendment

(3) are not subject to a service contract for **multiplication** conducted by the respective farmer with a professional operator performing **PRM** production; and

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 37 S&D

Proposal for a regulation

Article 30 – paragraph 1 – point 4

Text proposed by the Commission

(4) the *seed* is used for dynamic management of farmer's own *seed* for the purpose of contributing to agro-diversity.

Amendment

(4) the **PRM** is used for dynamic management of farmer's own **PRM** for the purpose of contributing to agro-diversity.

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 38 S&D, 198 Greens

Proposal for a regulation

Article 30 – paragraph 2 – introductory part

Text proposed by the Commission

2. Such *seeds* shall fulfil all of the following requirements:

Amendment

2. Such **PRM** shall fulfil all of the following requirements:

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 199 Greens

Proposal for a regulation

Article 30 – paragraph 2 – point a

Text proposed by the Commission

(a) not to belong to a to variety for which plant variety rights have been granted in accordance with Regulation (EU) 2100/94;

Amendment

(a) not to belong to a to variety for which plant variety rights have been granted in accordance with Regulation (EU) 2100/94 **and where the right is still in force**;

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 39 S&D

Proposal for a regulation

Article 30 – paragraph 2 – point b

Text proposed by the Commission

(b) to be limited to small quantities, defined by the competent authorities for specific species per year **and per farmer**, without using commercial intermediaries or public offer of marketing; and

Amendment

(b) to be limited to small quantities defined by the competent authorities **sufficient to meet the own needs of a farmer** for specific species per year, without using commercial intermediaries or public offer of marketing; and

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 40 S&D, 201 Greens
Proposal for a regulation
Article 30 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) to be practically free from quality pests and any defects likely to impact their quality as *seeds, and shall have satisfactory germination capacity.*

(c) to be practically free from quality pests and any defects likely to impact their quality as **PRM**.

Or. en

CA 1 Scope + farmers own use / exchange in kind + Art 30

AM 202 Greens
Proposal for a regulation
Article 30 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall annually notify to the Commission and the other Member States the amounts per species defined in accordance with paragraph 2, point (b).

deleted

Or. en

COMPROMISE AMENDMENT 2 - Heterogeneous material :

S&D, V-ALE, ID, Left

If adopted, ACA 2, 124, 12, 142, 143, 176, 23, 24, 25, 186, 26, 27, 84, 261, 262 and 95 fall

CA 2 Heterogeneous material

AM 24 S&D

Proposal for a regulation

Recital 38 a (new)

Text proposed by the Commission

Amendment

(38 a) Heterogeneous material should not consist of a GMO or a category 1 or category 2 NGT plant as defined in Regulation (EU).../...

Or. en

CA 2 Heterogeneous material

AM Left 96

Proposal for a regulation

Recital 64

Text proposed by the Commission

Amendment

(64) Regulation (EU) 2018/848 should be amended to align the definitions of 'plant reproductive material' and 'heterogeneous material' with the definitions provided for by this Regulation. Moreover, the empowerment for the Commission to adopt specific provisions for the marketing of PRM of organic heterogeneous material should be excluded from Regulation (EU) 2018/848, as all rules concerning the production and marketing of PRM should be set out in this Regulation for reasons of legal clarity.

deleted

Or. en

CA 2 Heterogeneous material

Article 27 – paragraph 1 -

Text proposed by the Commission

1. By way of derogation from Article 5, PRM of heterogeneous material may be produced and marketed within the Union without belonging to a variety. The heterogeneous material shall be notified to and register by the competent authority prior to its production and/or marketing, in accordance with the requirements set out in Annex VI.

Amendment

1. By way of derogation from Article 5, PRM of heterogeneous material may be produced and marketed within the Union without belonging to a variety. The heterogeneous material shall be notified to and register by the competent authority prior to its production and/or marketing, in accordance with the requirements set out in Annex VI.

CA 2 Heterogeneous material

AM 186 S&D

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Those amendments shall be ***adopted*** in order to adapt to the development of the respective technical and scientific evidence, and the international standards, and to follow up on the experience gained by the application of this Article concerning all ***or certain genera or species only***.

Amendment

Those amendments shall be ***developed in consultation with respective multi actor stakeholders involved in heterogeneous material*** in order to adapt to the development of the respective technical and scientific evidence, and the international standards, and to follow up on the experience gained by the application of this Article concerning all species.

Or. en

CA 2 Heterogeneous material

AM 187 S&D

Proposal for a regulation

Article 27 – paragraph 4

Text proposed by the Commission

4. Any professional operator producing and/or intending to market PRM of heterogeneous material shall submit a notification to the competent authority prior to marketing. If no further information is requested by the national competent authority within ***a time determined by the competent authority***, the PRM of heterogeneous material may be marketed.

Amendment

4. Any professional operator producing and/or intending to market PRM of heterogeneous material shall submit a notification to the competent authority prior to marketing. If no further information is requested by the national competent authority within ***three months***, the PRM of heterogeneous material may be marketed.

Or. en

CA 2 Heterogeneous material

AM 27

Proposal for a regulation

Article 27 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Heterogeneous material as notified pursuant to paragraph 1, shall be registered by the competent authorities in a dedicated register ('heterogeneous material register').

Amendment

Heterogeneous material as notified pursuant to paragraph 1, shall be registered by the competent authorities in a dedicated register ('heterogeneous material register').
Registration shall be free of charge.

CA 2 Heterogeneous material

Proposal for a regulation

Article 81

Regulation (EU) 2018/848

Article 3, 13 and Annex II

Text proposed by the Commission

Article 81

Amendment of Regulation (EU) 2018/848

Regulation (EU) 2018/848 is amended as follows:

Amendment

deleted

(1) Article 3 is amended as follows:

(a) point (17) is replaced by the following:

‘

(17)

‘plant reproductive material’ means plant reproductive material as defined in Article 3(1) of Regulation (EU) .../... of the European Parliament and Council(*)+;’;

(*) Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). [footnote that will be in that regulation goes here]

[+ OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.]

’

(b) point (18) is replaced by the following:

‘

(18)

‘organic heterogeneous material’ means heterogeneous material as defined in Article 3(27) of Regulation (EU) .../...(*)++, produced in accordance with this Regulation;’

(*) Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). [footnote that will be in that regulation goes here]

[++ OJ: Please insert in the text the number of this Regulation.]

’

(2) Article 13 is deleted.

(3) The second paragraph of Point 1.8.4. of Part I of Annex II to Regulation

(EU) 2018/848 is replaced by the following: “ All multiplication practices, except plant tissue cultures, cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material, shall be carried out under certified organic management”.

Or. en

CA 2 Heterogeneous material

Proposal for a regulation
Annex VI – Part B – point 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) Heterogeneous material must not be derived from parental material covered by patents nor be protected by patents.

Or. en

COMPROMISE AMENDMENT 3 - Conservation

S&D, V-ALE, ID, Left

If adopted, CA ACA 3, 100, 5, 112, 113, 114, 9, 16, 137, 181, 21, 22, 183, 184, 188, 30, 31, 32, 192, 33, 240, 75, 76, 241, 242, 243, 77, 78, 79, 80 and 82 fall

Article 2 – paragraph 2 – point d - AM 5 S&D

Text proposed by the Commission

(d) to contribute to conservation and sustainable use of plant genetic resources and agro-biodiversity;

Amendment

(d) to contribute to *the dynamic* conservation and sustainable use of plant genetic resources and agro-biodiversity;

Or. en

CA 3 Conservation

AM 16 S&D, 140 Greens, 137 S&D

Proposal for a regulation

Article 3 – paragraph 1 – point 35 b (new)

Text proposed by the Commission

Amendment

(35 b) ‘dynamic conservation of plant genetic resources’ means activities carried out by gene banks, community seed banks and other organisations and networks, as well as their members and individual seed savers, implying transfers of PRM in both formal and informal ways, whether or not for consideration and seeking to contribute to the long-term conservation and enrichment of plant genetic diversity.

Or. en

CA 3 Conservation

AM 181 S&D

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) it is not covered by an intellectual property right limiting its use for conservation purposes.

Or. en

CA 3 Conservation

AM 183 S&D
Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. By way of derogation from Article 20, PRM belonging to a conservation variety registered in a national variety register referred to in Article 44(1), point (b), may be produced and marketed in the Union as standard seed or material, if it complies with all the requirements concerning standard seed and material for the respective species, as referred to in Article 8.

1. By way of derogation from Article 20, PRM ***of all genera or species listed in Annex I*** belonging to a conservation variety registered in a national variety register referred to in Article 44(1), point (b), may be produced and marketed in the Union as standard seed or material, if it complies with all the requirements concerning standard seed and material for the respective species, as referred to in Article 8.

Or. en

CA 3 Conservation

AM 184 S&D
Proposal for a regulation
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. A variety of conservation, its parts and/or its genetic components may not be covered by an intellectual property right limiting its use for conservation, research, breeding and/or training, including on-farm participatory research and breeding.

CA 3 Conservation

Proposal for a regulation

Article 29 – title

Text proposed by the Commission

PRM marketed *to* and between *gene banks*, organisations and networks

Amendment

PRM marketed *by, to, within* and between organisations and networks *dedicated to the dynamic conservation and sustainable use of plant genetic resources*

Or. en

CA 3 Conservation

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By way of derogation from Articles 5 to 25, PRM may be marketed *to*, or between, *gene banks*, organisations and networks *with a statutory objective, or an objective official notified to the competent authority, to conserve* plant genetic resources, whereby any of the activities are carried out for non-profit purposes.

Amendment

By way of derogation from Articles 5 to 25, PRM may be marketed *by, to, within*, or between organisations and networks, *including farmers, dedicated to the dynamic conservation and sustainable use of* plant genetic resources whereby any of the activities are carried out for non-profit purposes.

Or. en

CA 3 Conservation

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

It can be marketed as well from those *gene banks*, organisations and networks to

Amendment

It can be marketed as well from those *conservation* organisations and networks

persons who carry out conservation of that PRM as final consumers, *for non-profit* purposes.

or their members to persons who carry out *dynamic* conservation of that PRM as final consumers, *or for professional farming* purposes.

Or. en

CA 3 Conservation

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 3 – introductory part

Text proposed by the Commission

Amendment

In the cases provided for in the first and the second subparagraphs, *PRM* shall fulfil the *following requirements*:

In the cases provided for in the first and the second subparagraphs, *conservation organisations and networks* shall *not* fulfil the *obligations under Article 41 to 43, and PRM shall be listed in a register kept by those conservation organisations and networks with a basic description of that PRM.*

Or. en

CA 3 Conservation

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 3 – point a

Text proposed by the Commission

Amendment

(a) *be listed in a register kept by those gene banks, organisations and networks with an appropriate description of that PRM;*

deleted

Or. en

CA 3 Conservation

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 3 – point b

Text proposed by the Commission

Amendment

(b) be conserved by those gene banks, organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and *deleted*

Or. en

CA 3 Conservation

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 3 – point c

Text proposed by the Commission

Amendment

(c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material, and have satisfactory vigour and dimensions in respect of its usefulness as PRM, and, in the case of seeds, have satisfactory germination capacity. *deleted*

Or. en

CA 3 Conservation

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. *The gene banks, organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species* *deleted*

concerned.

Or. en

CA 3 Conservation

AM 76 S&D

Proposal for a regulation

Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The competent authority shall accept or reject the registration of a conservation variety, after checking its compliance with paragraph 1.

The competent authority shall accept or reject the registration of a conservation variety, after checking its compliance with paragraph 1. ***It shall inform the applicant of its decision, stating, where applicable, the grounds for refusal.***

Or. en

CA 3 Conservation

AM 77 S&D

Proposal for a regulation

Article 54 – paragraph 1 – point c – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) under which another variety of the same or of a closely related species is entered in a national variety register or in the Union variety register; or

(i) under which another variety of the same or of a closely related species is entered in a national variety register or in the Union variety register, ***in a commercial catalogue of a professional operator, or in documentation that is publicly available or has been submitted to the competent authority by a natural or legal person involved in the dynamic conservation or sustainable use of plant genetic resources and crop biodiversity;*** or

Or. en

CA 3 Conservation

AM 82 S&D
Proposal for a regulation
Article 69 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, that period of registration shall be 30 years for varieties of species of fruit plants and vine propagating material, as listed respectively in Parts C and D of Annex I.

Amendment

However, that period of registration shall be 30 years for ***conservation varieties and*** varieties of species of fruit plants and vine propagating material, as listed respectively in Parts C and D of Annex I.

Or. en

COMPROMISE AMENDMENT 4 - VSCU Article 52

S&D, V-ALE, ID, Left

If adopted, ACA 4, 223, 224, 225, 226, 227, 65, 66, 228, 229, 230, 231, 232, 67, 233, 234, 68, 69, 70, 235, 71, 72, 236, 73 and 237 fall

AM 223 Renew modified
Proposal for a regulation
Article 52 – title

Text proposed by the Commission

Amendment

Value for sustainable cultivation and use

Value for sustainable **and productive** cultivation and use

Or. en

CA 4: VSCU Article 52

AM 65 S&D- 226 Renew- 227 Renew
Proposal for a regulation
Article 52 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

For the purposes of Article 47(1), point (c), the value of a variety for sustainable cultivation and use of a variety shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, offer a clear improvement for the sustainable cultivation and the uses which can be made of the crops, other plants or the products derived therefrom.

For the purposes of Article 47(1), point (c), the value of a variety for sustainable **and productive** cultivation and use of a variety shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, **are superior and** offer a clear improvement, **in at least one of the existing agricultural production systems**, for the sustainable **and productive** cultivation and the uses which can be made of the crops, other plants or the products derived therefrom.

Or. en

CA 4: VSCU Article 52

AM 66 S&D = AM228

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

The characteristics referred to in the first subparagraph **are** the following, as appropriate for the species, regions, agro-ecological conditions and uses concerned:

Amendment

The characteristics referred to in the first subparagraph **shall be tested in different agricultural production systems, inter alia conventional, organic, agro-ecological, regenerative, conservation, integrated management using minimal fertilisers and irrigation. The characteristics may encompass** the following as appropriate for the species, regions, agro-ecological conditions and uses concerned:

Or. en

CA 4: VSCU Article 52

AM 231 EPP, 232 ECR, 233 Renew, 67 S&D

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point f

Text proposed by the Commission

(f) characteristics that **enhance the sustainability of storage, processing and** distribution;

Amendment

(f) characteristics that **strengthen sustainability and productivity across the whole agrifood value chain, including harvest, storage, distribution and processing or other relevant characteristics;**

Or. en

CA 4: VSCU Article 52

AM 68 S&D

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(g a) preservation of traditional and

cultural heritage.

Or. en

CA 4: VSCU Article 52

AM 234 EPP

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point g b (new)

Text proposed by the Commission

Amendment

(g b) would strengthen the economic, ecological and social sustainability of a regional area, impacting positively on the conservation and preservation of the traditional landscape;

Or. en

CA 4: VSCU Article 52

AM 69 S&D modified

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point g c (new)

Text proposed by the Commission

Amendment

(g c) enhancement of the sustainability of the agricultural production systems in an ecosystem-based approach that takes into account all interactions with the environment concerned.

Or. en

CA 4: VSCU Article 52

AM 71 S&D modified

Proposal for a regulation

Article 52 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *The examination of the value for sustainable and productive cultivation and use shall remain voluntary for species listed in Parts B and C of Annex I.*

Or. en

CA 4: VSCU Article 52

**Proposal for a regulation
Article 52 – paragraph 2 b (new)**

Text proposed by the Commission

Amendment

2 b. *The examination of the value for sustainable and productive cultivation and use must not lead to the exclusion of varieties that would reduce the diversity of the species cultivated.*

Or. en

CA 4: VSCU Article 52

**AM 237 Greens modified
Proposal for a regulation
Article 52 – paragraph 4 – subparagraph 1**

Text proposed by the Commission

Amendment

For the purposes of registration of organic varieties suitable for organic production as defined in Article 3(19) of Regulation (EU) 2018/848, the examination of the value for sustainable cultivation and use shall be conducted under organic conditions, in accordance with that Regulation, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 thereof and Part I of Annex II to that Regulation.

In order to obtain information about the resilience of the PRM, the examination of the value for sustainable and productive cultivation and use may also be conducted under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs, or under organic conditions in accordance with Regulation (EU) 2018/848, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 and Part I of Annex II.

COMPROMISE AMENDMENT 5 - Register (Article 47)

S&D, V-ALE, ID, Left

If adopted, CA ACA 5, 211, 212, 213, 214, 215, 216, 217, 218, 63, 219, 220, 64 and 221 fall

**Proposal for a regulation
Recital 45 a (new)**

Text proposed by the Commission

Amendment

(45 a) PRM belonging to a variety registered in at least one national variety register may be produced and marketed in the Union, in accordance with this Regulation unless it consists of a plant concerned by an opt-out option taken by a Member State pursuant to Article 26b of the GMO Directive 2001/18/EC of the European Parliament and of the Council.

Or. en

CA 5 : Register Article 47

**Proposal for a regulation
Article 47 – paragraph 1 – subparagraph 1 – point d**

Text proposed by the Commission

Amendment

(d) where the varieties contain or consist of a category 1 NGT plant as defined in Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), that plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of that Regulation or is progeny of such plants;

(d) where the varieties contain or consist of a category 1 NGT plant as defined in Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), that plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of that Regulation or is progeny of such plants. ***Member States shall ensure that information for NGT products is available in the register for enabling a detection method;***

Or. en

CA 5 : Register Article 47

AM 63 S&D, 214 Renew, 218 EPP

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for *the* production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration, to avoid the development of herbicide resistance in weeds due to their use;

Amendment

(f) where the varieties are tolerant to herbicides ***including as a result of genetic modification and consist of a genetically modified organism or a category 2 NGT plant***, they are subject to cultivation ***and monitoring*** conditions for production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration, to avoid the development of herbicide resistance in weeds due to their use;

Or. en

CA 5 : Register Article 47

AM 64 S&D, 215 Renew

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for their registration, to avoid those particular undesirable agronomic effects, such as the

Amendment

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable agronomic effects ***although demonstrating a favourable agronomic and ecological balance***, they are subject to cultivation ***and monitoring*** conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for their

development of resistance of pests to the respective varieties or undesirable effects on pollinators.

registration, to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators *or on wild growing plants of the same family as the respective variety.*

Or. en

CA 5 : Register Article 47
AM 221 Greens **modified**
Proposal for a regulation
Article 47 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Any Member State may withdraw in duly justified circumstances from the register a variety in all or in part of its territory or to lay down appropriate conditions for cultivating that variety where it is established that the cultivation of the variety could be harmful for the sanitary quality of other varieties or species or for health or the environment.

Or. en

COMPROMISE AMENDMENT 6 - VSCU testing Article 52(4) Subparagraph 2

S&D, V-ALE, ID, Left

If adopted, 238, 74 and 239 fall

74 SD - 238 Greens modified - 239 EPP

Proposal for a regulation

Article 52 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs.

Amendment

Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out **by professional operators involved in organic farming or by organic farmers under in-conversion or** low-input conditions and with only the absolutely necessary treatments with pesticides and other external inputs **for the completion of the examination. Where applicable, Member States must report annually to the Commission on the reasons implying those treatments as well as on the commitments taken to enable this transition in the future.**

Proposal for a regulation

Article 52 – paragraph 4a (new)

Text proposed by the Commission

Amendment

4a. Competent authorities shall consider to include testing of conventional seed under low input conditions, organic in-conversion, or organic conditions.

COMPROMISE AMENDMENT 7 - Patents - Amendment of Directive 98/44/EC

S&D, Left

If adopted, 260, 85, 86, 87 and 88 fall

Proposal for a regulation

Article 81 a (new)

Present text

2. A process for *the production* of plants or animals is essentially biological if it *consists entirely of natural phenomena* such as crossing *or* selection.

2. Biological material which is isolated from its natural environment or produced by means of a technical process may be the subject of an invention *even if* it previously occurred in nature.

2. Inventions which concern plants or animals shall be patentable if the technical feasibility of the invention is not confined to a particular plant or animal variety.

Article 81a

Amendment of Directive 98/44/EC

Directive 98/44/EC is modified as follows:

(1) In Article 2, paragraph 2 is replaced by:

*"2. A process for **breeding** of plants or animals is essentially biological, if it **implies conventional breeding techniques** such as crossing, selection, **non-targeted mutagenesis or naturally occurring, random genetic variations.**"*

(2) In Article 3, paragraph 2 is replaced by:

*"2. Biological material which is isolated from its natural environment or produced by means of a technical process may be the subject of an invention **except where** it previously occurred in nature"*

(3) In Article 4, paragraph 2 is replaced by:

*"2. Inventions which concern plants or animals shall be patentable if the technical feasibility of the invention is not confined to a particular plant or animal variety. **However, the patent shall not produce any effect when the invention applies to a variety.**"*

(4) In Article 12, paragraph 3 is amended as follows:

‘3. Applicants for the licences referred to in paragraphs 1 and 2 must demonstrate that:

(a) they have applied unsuccessfully to the holder of the patent or of the plant variety right to obtain a contractual licence;

(b) the plant variety or the invention constitutes *significant* technical progress of *considerable* economic interest compared with the invention claimed in the patent or the protected plant variety.’

‘3. Applicants for the licences referred to in paragraphs 1 and 2 must demonstrate that:

(a) they have applied unsuccessfully to the holder of the patent or of the plant variety right to obtain a contractual licence;

(b) the plant variety or the invention constitutes technical progress of *significant* economic *or environmental* interest compared with the invention claimed in the patent or the protected plant variety.’

Alternative Compromise Amendments

ALTERNATIVE COMPROMISE AMENDMENT ACA 1

Scope + farmers own use / exchange in kind + Art 30

EPP, RE, ECR

If adopted, 1, 97, 2, 98, 3, 99, 4, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 6, 111, 7, 112, 8, 136, 139, 17, 18, 34, 35, 194, 195, 196, 36, 197, 37, 38, 199, 200, 39, 40 and 202 fall

Compromise amendment replacing Amendment(s): Alternat. CA 1

Proposal for a regulation

Recital 36 a (new)

Text proposed by the Commission

Amendment

(36 a) The Regulation should strive for the 'One Health Approach' as an integrated, unifying approach that aims to sustainably balance and optimise the health of people, animals, plants and ecosystems. It recognises that the health of humans, domestic and wild animals, plants, and the wider environment including ecosystems are closely interlinked and inter-dependent.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 1

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Regulation lays down rules for the production **and marketing in the Union** of plant reproductive material ('PRM'), and in particular requirements for the

This Regulation lays down rules for the production of plant reproductive material ('PRM') **with a view to its marketing as PRM in the Union**, and in particular

production of PRM in the field and other sites, categories of material, *identity* and quality requirements, certification, labelling, packaging, imports, professional operators and the registration of varieties.

requirements for the production of PRM in the field and other sites, categories of material, *identity* and quality requirements, certification, labelling, packaging, imports, professional operators and the registration of varieties.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 1

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The requirements concerning production of PRM shall apply only to production with a view to its marketing.

Amendment

The requirements concerning production of PRM shall apply only to production with a view to its marketing *as PRM in the EU*.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 1

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) to ensure quality and diversity of choice for PRM, and its availability for professional operators and final users;

Amendment

(a) to ensure quality and diversity of choice for PRM, and its availability for professional operators, *farmers* and final users;

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 1

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) to ensure *a* equal conditions for the

Amendment

(b) to ensure equal conditions for the

competition of the professional operators across the Union and the functioning of the internal market in PRM;

competition of the professional operators across the Union and the functioning of the internal market in PRM;

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 1

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) to contribute to sustainable **agricultural production**, adapted to current and future projected climatic conditions;

(e) to contribute to sustainable **and productive food systems**, adapted to **diverse climatic and soil conditions, for** current and future projected climatic conditions;

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 1

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) to contribute to food security

(f) to contribute to food security **and open strategic autonomy**.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 1

Proposal for a regulation

Article 3 – paragraph 1 – point 35 a (new)

Text proposed by the Commission

Amendment

(35 a) Plant breeding means activities and practices involved in developing new plant varieties and their selection prior to

Compromise amendment replacing Amendment(s): Alternat. CA 1

Article 5 – paragraph 1 – point e

Text proposed by the Commission

(e) as seed exchanged in kind between farmers in accordance with Article 30;

Unchanged text included in the compromise

(e) as seed exchanged in kind between farmers in accordance with Article 30;

Compromise amendment replacing Amendment(s): Alternat. CA 1

Article 6 – paragraph 2 – point d

Text proposed by the Commission

(d) as seed exchanged in kind between farmers in accordance with Article 30;

Unchanged text included in the compromise

(d) as seed exchanged in kind between farmers in accordance with Article 30;

Compromise amendment replacing Amendment(s): Alternat. CA 1

Article 30 – title -

Text proposed by the Commission

Seed exchanged in kind between farmers

Unchanged text included in the compromise

Seed exchanged in kind between farmers

Compromise amendment replacing Amendment(s): Alternat. CA 1

Article 30 – paragraph 1 – introductory part

Text proposed by the Commission

Unchanged text included in the compromise

1. By way of derogation from Articles 5 - 25, farmers may exchange seeds in kind, if such seeds fulfil all of the following conditions:

1. By way of derogation from Articles 5 - 25, farmers may exchange seeds in kind, if such seeds fulfil all of the following conditions:

Compromise amendment replacing Amendment(s): Alternat. CA 1

Article 30 – paragraph 1 – point 3

Text proposed by the Commission

(3) are not subject to a service contract conducted by the respective farmer with a professional operator performing seed production; and

Unchanged text included in the compromise

(3) are not subject to a service contract conducted by the respective farmer with a professional operator performing seed production; and

Compromise amendment replacing Amendment(s): Alternat. CA 1

Article 30 – paragraph 1 – point 4

Text proposed by the Commission

(4) the seed is used for dynamic management of farmer's own seed for the purpose of contributing to agro-diversity.

Unchanged text included in the compromise

(4) the seed is used for dynamic management of farmer's own seed for the purpose of contributing to agro-diversity.

Compromise amendment replacing Amendment(s): Alternat. CA 1

Article 30 – paragraph 2 – introductory part

Text proposed by the Commission

2. Such seeds shall fulfil all of the following requirements:

Unchanged text included in the compromise

2. Such seeds shall fulfil all of the following requirements:

Compromise amendment replacing Amendment(s): Alternat. CA 1

Article 30 – paragraph 2 – point a

Text proposed by the Commission

Unchanged text included in the compromise

(a) not to belong to a variety for which plant variety rights have been granted in accordance with Regulation (EU) 2100/94;

(a) not to belong to a variety for which plant variety rights have been granted in accordance with Regulation (EU) 2100/94

Compromise amendment replacing Amendment(s): Alternat. CA 1

Article 30 – paragraph 2 – point b

Text proposed by the Commission

(b) to be limited to small quantities, defined by the competent authorities for specific species per year and per farmer, without using commercial intermediaries or public offer of marketing; and

Unchanged text included in the compromise

(b) to be limited to small quantities, defined by the competent authorities for specific species per year and per farmer, without using commercial intermediaries or public offer of marketing; and

Compromise amendment replacing Amendment(s): Alternat. CA 1

Proposal for a regulation

Article 30 – paragraph 2 – point c

Text proposed by the Commission

(c) to be practically free from quality *pests* and any defects likely to impact their quality as seeds, and shall have satisfactory germination capacity.

Amendment

(c) to be practically free from *pests affecting the* quality and any defects likely to impact their quality as seeds, and shall have satisfactory germination capacity.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 1

Article 30 – paragraph 3

Text proposed by the Commission

3. Member States shall annually notify to the Commission and the other Member States the amounts per species defined in accordance with paragraph 2, point (b).

Unchanged text included in the compromise

3. Member States shall annually notify to the Commission and the other Member States the amounts per species defined in accordance with paragraph 2, point (b).

ALTERNATIVE COMPROMISE AMENDMENT ACA 2 - Heterogeneous material :

EPP, RE, ECR

If adopted, 124, 12, 142, 143, 176, 23, 24, 25, 186, 26, 27, 84, 261, 262 and 95 fall

Compromise amendment replacing Amendment(s): Alternat.CA 2

Proposal for a regulation

Recital 64

Text proposed by the Commission

Amendment

(64) Regulation (EU) 2018/848 should be amended to align the definitions of ‘plant reproductive material’ and ‘heterogeneous material’ with the definitions provided for by this Regulation. Moreover, the empowerment for the Commission to adopt specific provisions for the marketing of PRM of organic heterogeneous material should be excluded from Regulation (EU) 2018/848, as all rules concerning the production and marketing of PRM should be set out in this Regulation for reasons of legal clarity.

deleted

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 2

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Those amendments shall be **adopted** in order to adapt to the development of the respective technical and scientific evidence, and the international standards, and to follow up on the experience gained by the application of this Article concerning all **or certain genera or species only**.

Those amendments shall be **developed in consultation with respective multi actor stakeholders involved in heterogeneous material** in order to adapt to the development of the respective technical and scientific evidence, and the international standards, and to follow up on the experience gained by the application of this Article concerning all species.

Compromise amendment replacing Amendment(s): Alternat. CA 2

Proposal for a regulation

Article 27 – paragraph 4

Text proposed by the Commission

4. Any professional operator producing and/or intending to market PRM of heterogeneous material shall submit a notification to the competent authority prior to marketing. If no further information is requested by the national competent authority within ***a time determined by the competent authority***, the PRM of heterogeneous material may be marketed.

Amendment

4. Any professional operator producing and/or intending to market PRM of heterogeneous material shall submit a notification to the competent authority prior to marketing. If no further information is requested by the national competent authority within ***three months***, the PRM of heterogeneous material may be marketed.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 2

Proposal for a regulation

Article 27 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Heterogeneous material as notified pursuant to paragraph 1, shall be registered by the competent authorities in a dedicated register ('heterogeneous material register').

Amendment

Heterogeneous material as notified pursuant to paragraph 1, shall be registered by the competent authorities in a dedicated register ('heterogeneous material register'). ***The registration shall be free of charge to the professional operator.***

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 2

Proposal for a regulation

Article 81

Regulation (EU) 2018/848

Article 3 – paragraph 13

Article 81

deleted

Amendment of Regulation (EU) 2018/848

Regulation (EU) 2018/848 is amended as follows:

(1) Article 3 is amended as follows:

(a) point (17) is replaced by the following:

‘

(17)

‘plant reproductive material’ means plant reproductive material as defined in Article 3(1) of Regulation (EU) .../... of the European Parliament and Council(*)+;’;

(*) Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). [footnote that will be in that regulation goes here]

[+ OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.]

’

(b) point (18) is replaced by the following:

‘

(18)

‘organic heterogeneous material’ means heterogeneous material as defined in Article 3(27) of Regulation (EU) .../...(*)++ , produced in accordance with this Regulation;’

(*) Regulation (EU) .../... of the European Parliament and of the Council (OJ ..., p...). [footnote that will be in

that regulation goes here]

[++ OJ: Please insert in the text the number of this Regulation.]

,

(2) Article 13 is deleted.

(3) The second paragraph of Point 1.8.4. of Part I of Annex II to Regulation (EU) 2018/848 is replaced by the following: “ All multiplication practices, except plant tissue cultures, cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material, shall be carried out under certified organic management”.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 2

Proposal for a regulation

Annex VI – Part B – point 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) Heterogeneous material must not be derived from parental material covered by patents nor be protected by patents.

Or. en

ALTERNATIVE COMPROMISE AMENDMENT ACA 3 - Conservation

EPP, RE, ECR

If adopted, 100, 5, 112, 113, 114, 9, 16, 137, 181, 21, 22, 183, 184, 188, 30, 31, 32, 192, 33, 240, 75, 76, 241, 242, 243, 77, 78, 79, 80 and 82 fall

Compromise amendment replacing Amendment(s): Alternat. CA 3

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) to contribute to conservation and sustainable use of plant genetic resources and agro-biodiversity;

(d) to contribute to ***the dynamic*** conservation and sustainable use of plant genetic resources and agro-biodiversity;

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 3

Proposal for a regulation

Article 3 – paragraph 1 – point 35 b (new)

Text proposed by the Commission

Amendment

(35 b) ‘dynamic conservation of plant genetic resources’ means activities carried out by gene banks, community seed banks and other organisations and networks, as well as their members and individual seed savers, implying transfers of PRM in both formal and informal ways, whether or not for consideration and seeking to contribute to the long-term conservation and enrichment of plant genetic diversity.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 3

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) it is not covered by an intellectual property right limiting its use for conservation purposes.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 3

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. By way of derogation from Article 20, PRM belonging to a conservation variety registered in a national variety register referred to in Article 44(1), point (b), may be produced and marketed in the Union as standard seed or material, if it complies with all the requirements concerning standard seed and material for the respective species, as referred to in Article 8.

1. By way of derogation from Article 20, PRM ***of all genera or species listed in Annex I*** belonging to a conservation variety registered in a national variety register referred to in Article 44(1), point (b), may be produced and marketed in the Union as standard seed or material, if it complies with all the requirements concerning standard seed and material for the respective species, as referred to in Article 8.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 3

Proposal for a regulation
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. A variety of conservation, its parts and/or its genetic components may not be covered by an intellectual property right limiting its use for conservation, research, breeding and/or training, including on-farm participatory research and breeding.

Or. en

Proposal for a regulation

Article 29

Text proposed by the Commission

1. By way of derogation from Articles 5 to 25, PRM may be marketed to, or between, gene banks, organisations and networks with a statutory objective, or an objective official notified to the competent authority, to conserve plant genetic resources, whereby any of the activities are carried out for non-profit purposes.

It can be marketed as well from those gene banks, organisations and networks to persons who carry out conservation of that PRM as final consumers, for non-profit purposes.

In the cases provided for in the first and the second subparagraphs, PRM shall fulfil the following requirements:

(a) be listed in a register kept by those gene banks, organisations and networks with an appropriate description of that PRM;
(b) be conserved by those gene banks, organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and
(c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material, and have satisfactory vigour and dimensions in respect of its usefulness as PRM, and, in the case of seeds, have satisfactory germination capacity.

2. The gene banks, organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species concerned.

Unchanged text included in the compromise

1. By way of derogation from Articles 5 to 25, PRM may be marketed to, or between, gene banks, organisations and networks with a statutory objective, or an objective official notified to the competent authority, to conserve plant genetic resources, whereby any of the activities are carried out for non-profit purposes.

It can be marketed as well from those gene banks, organisations and networks to persons who carry out conservation of that PRM as final consumers, for non-profit purposes.

In the cases provided for in the first and the second subparagraphs, PRM shall fulfil the following requirements:

(a) be listed in a register kept by those gene banks, organisations and networks with an appropriate description of that PRM;
(b) be conserved by those gene banks, organisations and networks, and samples of that PRM be made available by them to the competent authorities upon request; and
(c) be practically free from quality pests and any defects likely to impair its quality as a reproductive material, and have satisfactory vigour and dimensions in respect of its usefulness as PRM, and, in the case of seeds, have satisfactory germination capacity.

2. The gene banks, organisations and networks shall notify the competent authority of the use of the derogation referred to in paragraph 1 and the species concerned.

Proposal for a regulation

Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The competent authority shall accept or reject the registration of a conservation variety, after checking its compliance with paragraph 1.

Amendment

The competent authority shall accept or reject the registration of a conservation variety, after checking its compliance with paragraph 1. ***It shall inform the applicant of its decision, stating, where applicable, the grounds for refusal.***

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 3

Proposal for a regulation

Article 54 – paragraph 1 – point c – paragraph 1 – point i - AM 77 S&D

Text proposed by the Commission

(i) under which another variety of the same or of a closely related species is entered in a national variety register or in the Union variety register; or

Unchanged text included in the compromise

(i) under which another variety of the same or of a closely related species is entered in a national variety register or in the Union variety register; or

Proposal for a regulation

Article 69 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, that period of registration shall be 30 years for varieties of species of fruit plants and vine propagating material, as listed respectively in Parts C and D of Annex I.

Amendment

However, that period of registration shall be 30 years for ***conservation varieties and*** varieties of species of fruit plants and vine propagating material, as listed respectively in Parts C and D of Annex I.

Or. en

ALTERNATIVE COMPROMISE AMENDMENT ACA 4 - VSCU Article 52

EPP, RE, ECR

If adopted, 223, 224, 225, 226, 227, 65, 66, 228, 229, 230, 231, 232, 67, 233, 234, 68, 69, 70, 235, 71, 72, 236, 73, 237, CA 6 VSCU testing, 238, 74 and 239 fall

Compromise amendment replacing Amendment(s): Alternat CA 4

Proposal for a regulation

Article 52 – title

Text proposed by the Commission

Amendment

Value for sustainable cultivation and use

Value for sustainable **and productive** cultivation and use

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 4

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

For the purposes of Article 47(1), point (c), the value of a variety for sustainable cultivation and use of a variety shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, offer a clear improvement for the sustainable cultivation and the uses which can be made of the crops, other plants or the products derived therefrom.

For the purposes of Article 47(1), point (c), the value of a variety for sustainable **and productive** cultivation and use of a variety shall be considered as satisfactory if, compared to other varieties of the same species registered in the national variety register of the respective Member State, its characteristics, taken as a whole, offer a clear improvement for the sustainable **and productive** cultivation and the uses which can be made of the crops, other plants or the products derived therefrom.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 4

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

The characteristics referred to in the first subparagraph are the following, as appropriate for the species, regions, agro-ecological conditions and uses concerned:

Unchanged text included in the compromise

The characteristics referred to in the first subparagraph are the following, as appropriate for the species, regions, agro-ecological conditions and uses concerned:

Compromise amendment replacing Amendment(s): Alternat. CA 4

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point f

Text proposed by the Commission

(f) characteristics that *enhance the sustainability of storage, processing and distribution*;

Amendment

(f) characteristics that *strengthen sustainability and productivity across the whole agrifood value chain, including harvest, storage, distribution and processing or other relevant characteristics*;

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 4

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(g a) enhancement of the sustainability of the agricultural production systems that takes into account interactions with the environment concerned.

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 4

Proposal for a regulation

Article 52 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *The examination of the value for sustainable and productive cultivation and use shall remain voluntary for species listed in Parts B and C of Annex I.*

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 4

Proposal for a regulation
Article 52 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. *The examination of the value for sustainable and productive cultivation and use must not lead to the exclusion of varieties that would reduce the diversity of the species cultivated.*

Or. en

Compromise amendment replacing Amendment(s): Alternat. CA 4

Proposal for a regulation
Article 52 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

For the purposes of registration of organic varieties suitable for organic production as defined in Article 3(19) of Regulation (EU) 2018/848, the examination of the value for sustainable cultivation and use shall be conducted under organic conditions, in accordance with that Regulation, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 thereof and Part I of Annex II to that Regulation.

In order to obtain information about the resilience of the PRM, the examination of the value for sustainable and productive cultivation and use may also be conducted under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs, or under organic conditions in accordance with Regulation (EU) 2018/848, and in particular Article 5, points (d), (e), (f) and (g), and Article 12 and Part I of Annex II.

Compromise amendment replacing Amendment(s): Alternat. CA 4

Proposal for a regulation

Article 52 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs.

Unchanged text included in the compromise

Where competent authorities are not able to carry out an examination under organic conditions, or the examination of certain characteristics, including disease susceptibility, testing may be carried out under low-input conditions and with only the absolutely necessary for the completion of the testing treatments with pesticides and other external inputs.

ALTERNATIVE COMPROMISE AMENDMENT ACA 5 - Register Article 47

EPP, RE, ECR

If adopted, 211, 212, 213, 214, 215, 216, 217, 218, 63, 219, 220, 64 and 221 fall

Compromise amendment replacing Amendment(s): Alternat. CA 5

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Unchanged text included in the compromise

(d) where the varieties contain or consist of a category 1 NGT plant as defined in Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), that plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of that Regulation or is progeny of such plants;

(d) where the varieties contain or consist of a category 1 NGT plant as defined in Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation ...), that plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of that Regulation or is progeny of such plants;

Compromise amendment replacing Amendment(s): Alternat. CA 5

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

Unchanged text included in the compromise

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration, to avoid the development of herbicide resistance in weeds due to their use;

(f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions for the production of PRM and for any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for registration, to avoid the development of herbicide resistance in weeds due to their use;

Compromise amendment replacing Amendment(s): Alternat. CA 5

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – point

Text proposed by the Commission

(g) where the varieties have particular characteristics other than the ones referred to in point (f) that may lead to undesirable agronomic effects, they are subject to cultivation conditions for the production of PRM and any other purpose, adopted pursuant to paragraph 3 or, in the case they have not been adopted, as adopted by the competent authorities responsible for their registration, to avoid those particular undesirable agronomic effects, such as the development of resistance of pests to the respective varieties or undesirable effects on pollinators.

Unchanged text included in the compromise

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Compromise amendment replacing Amendment(s): Alternat. CA 5

Proposal for a regulation

Article 47 – paragraph 3 – subparagraph 1 – point ii

Text proposed by the Commission

(ii) monitoring measures;

Unchanged text included in the compromise

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