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| From: | Presidency |
| To: | Delegations |
| Subject: | Proposal for a Regulation of the 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) - Presidency revised text |

Delegations will find in Annex the Presidency revised text on Articles 3, 44-74 and 83, as well as on Annex VII of the above-mentioned proposal.

Deletions are marked with ~~strike through~~ and additions are marked in **bold and underline** in comparison with the Commission proposal.

Draft

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)

(Text with EEA relevance)

*Article 3***Definitions**

(29) ‘conservation variety’ means a variety that is either:

(a) a landrace or variety that is:

- (i) traditionally grown ~~or locally newly bred~~ under specific local conditions in the Union, and adapted to those conditions; and
- ~~(b) (ii)~~ (ii) characterised by a ~~high level~~ reduced uniformity due to a certain level of genetic and phenotypical diversity between individual reproductive units, except in the case of vegetatively propagated material; and
- (iii) has an officially recognised description.

(b) a locally newly developed variety that is:

- (i) derived from participatory on-farm selection, and is developed for adaptation to local agro-climatic conditions and farming systems;

- (ii) 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; and
- (iii) has an officially recognised description.

(c) a reregistered variety for conservation purposes that:

- (i) was deleted or expired from the Union variety register for at least two years; and
- (ii) has an official description.

NEW (36) ‘standard sample’ means a sample of PRM of a variety that is kept by the competent authority, represents that variety, and is used as reference to check the varietal identity, purity and maintenance of the purpose of this Regulation.

CHAPTER IV VARIETY REGISTRATION

SECTION 1 VARIETY REGISTERS

Article 44

Establishment of national variety registers

1. Each Member State shall establish and publish, in electronic format, and shall keep updated a single national register of varieties **of cultivated species** (‘national variety register’) containing:
 - (a) all varieties registered pursuant to the procedure set out in Articles 55 ~~–to~~ 68;

(b) the conservation varieties referred to in Article 26 and registered pursuant to Article 53.

2. PRM belonging to a variety **that is** registered **in accordance with paragraph 1** in at least one national variety register may be produced and marketed in the Union, in accordance with this Regulation.

This paragraph shall apply without prejudice to Article 26(1) with regard to conservation varieties.

3. Following the establishment of their national variety registers, as well as following any of their updates, Member States shall **as soon as possible, but in any case within one month,** ~~immediately~~ notify them to the Commission for inclusion in the Union variety register referred to in Article 45.
4. ~~This Article, and Articles 45 to 74, may not apply to~~ **Member States may decide that** varieties which are ~~bred~~ **intended** solely as components of hybrid varieties: **and are not marketed as individual varieties are not required to be registered pursuant to this Article and Articles 45 to 74.**

Article 45

Establishment of a Union variety register

1. The Commission shall establish, publish, in an electronic format, and keep updated a single register of varieties **of cultivated species** ('the Union variety register').
2. The Union variety register shall include the varieties, registered in national variety registers and notified in accordance with Article 44.

The Union variety register may be accessible by an electronic portal **(EU Plant Variety Portal), which should also enable access to** ~~containing~~ other registers of plant varieties ~~rights,~~ **registers of** forest reproductive material or other plants **databases**.

3. [The Union variety register shall also contain the following varieties, which do not belong to paragraph 1 and 2:

- (a) nationally registered varieties that are not regulated under this Regulation;**
- (b) selected clones and polyclonal selections; and**
- (c) varieties, for which an application for registration has been submitted pursuant to Articles 55 to 68.]**

Article 46

Contents of the national and Union variety registers

1. The national variety registers and Union variety register shall contain all the elements set out in Annex VII, concerning the varieties referred to in Article 44(1), point (a).

In the case of the conservation varieties referred to in Article 44(1), point (b), those registers shall indicate at least a **link to** ~~brief summary of the~~ officially recognised description, ~~the initial region of their origin,~~ their denomination, and the **natural or legal** person that maintains them- **and where possible, the initial region of their origin.**

2. The Commission is ~~empowered to~~ **shall, as appropriate,** adopt a delegated act [in accordance with Article 75, in order to amend Annex VII] taking into account the technical and scientific developments, and on the basis of gained experience indicating the need of competent authorities or professional operators to obtain more precise information about the ~~registered~~ varieties **referred to in Article 44(1).**

SECTION 2 REQUIREMENTS FOR REGISTRATION OF VARIETIES

Article 47

Requirements for registration in national variety registers

1. Varieties shall be registered in a national variety register in accordance with Articles 55 to 68, only if:
 - (a) they have:
 - (i) an official description showing compliance with the requirements of distinctness, uniformity and stability set out in Articles 48, 49 and 50, ~~and fulfil the requirements for satisfactory value for sustainable cultivation and use, as set out in Article 52;~~ or
 - (ii) an officially recognised description pursuant to Article 53, if they are conservation varieties;
 - (aa) where applicable, they fulfil the requirements for satisfactory value for sustainable cultivation and use, as set out in Article 52;**
 - (b) they bear a denomination deemed suitable pursuant to Article 54;
 - (c) where the varieties contain or consist of genetically modified organisms, the organism is authorised for cultivation in the ~~respective~~ **relevant** Member State pursuant to Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) 1829/2003, or, where applicable, in the ~~respective~~ **relevant** Member State in accordance with Article 26b of Directive 2001/18/EC;

- (d) where the varieties contain or consist of a category 1 NGT plant as defined in Article 3 **point** (7)₂ 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;
- (e) where the varieties contain or consist of a category 2 NGT plant as defined in Article 3 **point** (8)₂ of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation), that plant has been authorised pursuant to Chapter III of that Regulation;
- (f) where the varieties are tolerant to herbicides, they are subject to cultivation conditions; **to avoid the development of herbicide resistance in weeds due to their use. The competent authorities shall determine the cultivation conditions for the territory of the Member State concerned;** ~~for the production of PRM and for any other purposes, 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;~~
- ~~(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.~~
- (h) they are maintained in the Union or in a third country for which an equivalence for maintenance has been recognised pursuant to Article 39(4).**

A variety **shall** ~~may~~ not be registered with both an official description and an officially recognised description.

2. The Commission shall adopt, by means of implementing acts, specific requirements concerning:
- (a) distinctness, uniformity and stability per genera ~~or~~ **and** species of varieties, as referred to in paragraph 1, point (a), based on the applicable ~~protocols~~ **guidelines** of the International Union for the Protection of new Varieties of Plants (UPOV), protocols established by the CPVO, or other relevant ~~technical and scientific evidence;~~ **national protocols;** and
 - (b) ~~specific requirements concerning the~~ distinctness, uniformity and stability per genera and species, as referred to in point (a), for organic varieties suitable for organic production, as defined in Article 3 of Regulation (EU) 2018/848, based on the applicable ~~protocols~~ **guidelines** established by UPOV or the **protocols established by the** CPVO, and in particular by adjusting the requirements concerning uniformity;

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

They shall adapt the respective requirements to the development, where applicable, of international standards, and the new scientific and technical knowledge.

Until the requirements referred to in point 2(b) **of this paragraph** are established, the assessment of uniformity of varieties suitable for organic production, other than the varieties referred to in Article 68(1), shall be carried out on the basis of off-types. For self-pollinating species, a population standard of 10 % and an acceptance probability of at least 90 % shall be applied. For open pollinated out-crossing species, a population standard of 20 % shall be applied and an acceptance probability of at least 80 % shall be applied. **Assessment of the distinctness and stability of the variety shall be carried out according to requirements set out in point (a) of this paragraph.**

3. ~~The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation with the minimum cultivation conditions to be adopted by the competent authorities pursuant to paragraphs 1(f) and (g), concerning:~~

~~(i) — measures in the field, including crop rotation;~~

~~(ii) — monitoring measures;~~

~~(iii) — the mode of notification of the conditions referred to in point (i) to the Commission and the other Member States;~~

~~(iv) — rules for reporting from professional operators to the competent authorities concerning the application of the conditions referred to in point (i);~~

~~(v) — the indication of the conditions referred to in point (i) in the national variety registers.~~

~~Those conditions shall be based on the latest scientific and technical knowledge.~~

4. [For the purpose of registering a variety in its national variety register, a competent authority ~~shall~~ **may** accept, without any further examination, an official description or an official examination of the requirements for value for sustainable cultivation and use, as referred to in paragraph 1, point ~~(a)~~(i) **(aa)**, which has been produced by a competent authority of another Member State **with similar agro-ecological conditions.**]

Article 48

Distinctness

1. For the purposes of the official description, referred to in Article 47(1), point (a), a variety shall be deemed to be distinct, if it is clearly distinguishable, by reference to the expression of the characteristics that results from a particular genotype or combination of genotypes, from any other variety whose existence ~~is commonly known~~ **is a matter of common knowledge [in the Union]** on the date of the submission of the application established in accordance with Article 58.
2. The existence of another variety, as referred to in paragraph 1, shall be deemed to be ~~commonly known~~, **a matter of common knowledge** if one or more of the following conditions are complied with:
 - (a) the variety is included in a national variety register **and the Union variety register, or the variety has been granted a plant variety right pursuant to Regulation (EC) No 2100/94 or pursuant to national rules;**
 - (b) an application for registration of the variety ~~or an application for granting a plant variety right in respect of that variety,~~ has been filed in the Union **accordance with Article 55 of this Regulation and is under examination;** ~~or~~
 - ~~(c) an official description of that variety exists in the Union, it is commonly known worldwide, or the technical examination has been conducted pursuant to Article 59.~~
 - (d) **an application for granting a plant variety right in respect of that variety has been submitted in accordance with Regulation (EC) No 2100/94 and is under examination.**

3. ~~Where paragraph 2, point (c) applies, the person(s) responsible for the technical examinations shall make available to the competent authorities the official description of the variety examined by them.~~

Article 49

Uniformity

For the purposes of the official description, **as referred to in Article 47(1), point (a)(i),** a variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its reproduction and type, it is sufficiently uniform in the expression of the characteristics included in the examination for distinctness, as well as in the expression of any other characteristics used for its official description.

Article 50

Stability

For the purposes of the official description, **as referred to in Article 47(1), point (a)(i),** a variety shall be deemed to be stable if the expression of the characteristics included in the examination for distinctness, as well as of any other characteristics used for the variety description, remains unchanged after repeated reproduction or, in the case of cycles of reproduction, at the end of each such cycle.

Article 51
Granted plant variety rights

1. If a variety has been granted a plant variety right pursuant to Article 62 of Regulation (EC) No 2100/1994 or pursuant to the legislation **national rules of a Member State**, that variety shall be deemed to be distinct, uniform, stable for the purposes of the official description **as referred to in Article 47(1), point (a)(i), of this Regulation** and to have a suitable denomination for the purposes of Article 47(1), point (b).
2. **In the case of a variety that has been granted a plant variety right pursuant to national rules, this Article shall apply only where the official description was produced on the basis of a technical examination carried out in such premises and under such working arrangements that have been found suitable pursuant to Article 60.**

Article 52
Value for sustainable cultivation and use

1. For the purposes of Article 47(1), point (e) **(aa)**, the value of a variety **belonging to the species listed in Annex I** 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 **an** ~~clear~~ improvement for the sustainable cultivation and the uses which can be made of the crops, ~~other plants~~ or the products derived therefrom.

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

- (a) yield, including yield stability and yield under low-input conditions;
- (b) tolerance/resistance to biotic stresses, including plant diseases caused by nematodes, fungi, bacteria, viruses, insects and other pests **different from those tested in the context of distinctness, uniformity and stability;**

- (c) tolerance/resistance to abiotic stresses, including adaptation to climate ~~ical~~ **change** conditions;
- (d) more efficient use of natural resources, such as water and nutrients;
- (e) reduced need for external inputs, such as plant protection products and fertilisers;
- (f) characteristics that enhance the sustainability of storage, processing and distribution;
- (g) quality or nutritional characteristics;
- (h) ability to be cultivated in association with other species or varieties during all or part of the development cycle.**

2. For the ~~pr~~urpose of paragraph 1, Member States may collaborate with other Member States with similar agro-ecological conditions. Those Member States may establish shared facilities for carrying out the examination for value for sustainable cultivation and use.

3. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by **establishing the minimum requirements for:**

- ~~(a) establishing the minimum requirements for carrying out the examination referred to under paragraph 1;~~
- (b) ~~establishing the methodologies for~~ assessing the characteristics listed under paragraph 1, points (a) to (g) **(h)**;
- (c) ~~establishing the standards for~~ the evaluation and the reporting of the results of the examination of the value for sustainable cultivation and use.

Those delegated acts shall adapt the **minimum** requirements, ~~methodologies and standards of~~ **referred to in** points (a) ~~b)~~ **to and** (c) to the applicable technical or scientific developments, and to any new Union policies or rules on sustainable agriculture.

Where ~~those~~ **no such** rules ~~are not yet~~ **have been** established, Member States may ~~adopt such rules for~~ **apply national rules to** their respective territories. They shall notify them to the Commission and to the other Member States. **Member States may maintain those national rules until Union rules have been established.**

~~The Commission may adopt, by means of implementing acts, a decision requesting a Member State to repeal or modify those rules, if they are deemed, on the basis of the available scientific and technical evidence, to be inappropriate for the examination of value for sustainable cultivation and use of a variety. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).~~

4. For the purposes of registration of organic varieties suitable for organic production as defined in Article 3, **point** (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.

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.

Article 53

Registration of conservation varieties

1. By way of derogation from Articles 48, 49, 50, 52, 55(2), ~~56~~, 57, and 59 to 65, a conservation variety shall be registered in a national variety register if it complies with the following conditions:
 - (a) it has an officially recognised description, specifying the characteristics that qualify it as a conservation variety, ~~in accordance with the definition in Article 3, point (29);~~
 - (b) it has an indication of its ~~initial~~ region(s) of origin, **except for varieties that had been initially registered on the basis of an official description;**
 - (c) it bears a denomination, complying with Article 54;
 - (d) it is maintained in the ~~Union~~ **region(s) of origin, except for varieties that had been initially registered on the basis of an official description;**

For the purpose of point (a), an official description that has been produced for the registration of that variety in the past shall be considered as an officially recognised description.
2. A conservation variety shall be registered in the national variety register upon application by a professional operator established in the Union. That application shall, **in addition of the requirements of Article 56,** include all the elements referred to in paragraph 1, ~~points (a) to (d)~~ **of this Article.**

The competent authority shall accept or reject the registration of a conservation variety, after checking its compliance with paragraph 1. **That check may include a growing trial of a maximum duration of growing cycle.**

3. A variety shall not be listed in the national variety register as conservation variety; if:
- (a) it is already listed in the Union variety register with an official description, pursuant to Article 44(1), point (a), or it was deleted from the Union variety register as a variety with an official description within the last 2 years, or within 2 years from the expiry of the period granted pursuant to Article 71(2); or
 - (b) it is protected by a Community plant variety right as provided for in Regulation (EC) No 2100/94, or by a national plant variety right, or an application for such a right is pending.
4. The officially recognised description referred to in paragraph 1, point (a), shall be based on ~~results of unofficial tests~~, knowledge gained from practical experience during cultivation, reproduction and use, or other information, in particular from the plant genetic resource authorities or from organisations recognised for this purpose by Member States. **[It shall contain the characteristics of the species presented in the technical questionnaires.]**
- [In the case of varieties that have been registered on the basis of an official description but are no longer registered in a national variety register, that official description shall be considered an officially recognised description for the purpose of their registration as conservation varieties pursuant to this Article.]**
- The Commission may, by means of implementing acts, specify the characteristics and information that that description should cover if appropriate for specific species. Such implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).
5. The person responsible for the maintenance of a conservation variety shall keep samples of it and, upon request, make them available to the competent authorities.

Suitability of variety denominations

1. For the purposes of Article 47(1), point (b), the denomination of a variety shall not be deemed suitable if:
 - (a) its use in the territory of the Union is precluded by the prior right of a third party;
 - (b) it may commonly cause its users difficulties as regards recognition or reproduction;
 - (c) it is identical to, or may be confused with, a variety denomination:
 - (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
 - (ii) under which material of another variety has been made available on the market in a Member State or in a Member of the International Union for the Protection of New Varieties of Plants;~~;~~

~~unless variety referred to in point (i) or (ii) no longer remains in existence and its denomination has acquired no special significance;~~
 - (d) it is identical to, or may be confused with, other designations which are commonly used for making available on the market goods or which have to be kept free pursuant to Union legislation;
 - (e) it is liable to give offence in one of the Member States or is contrary to the public order;
 - (f) it is liable to mislead or to cause confusion concerning the characteristics, the value or the identity of the variety, or the identity of the breeder.

2. Without prejudice to paragraph 1, if a variety is already registered in other national variety registers, the denomination shall be deemed suitable, only if it is identical to that appearing in those registers.

This paragraph shall not apply if:

- (a) the denomination is likely to mislead, **offend** or cause confusion concerning the relevant variety in one or more Member States; or
- (b) the rights of third parties impede the free use of that denomination in connection with the variety in question.

2a. In the case of conservation varieties referred to in Article 3, point (29)(a), one or more commonly used synonyms may also be indicated next to the denomination. In the case of conservation varieties referred to Article 3, point (29)(c), which had been registered on the basis of an official description but are no longer registered in a national variety register, the denomination which had been used for that registration shall be retained for the purposes of this Article.

- ~~3. 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 1 and 2, the applicant shall submit an application for a new denomination. The competent authority shall decide on that application upon consultation with CPVO.~~

~~The competent authority may permit the previous denomination to be used temporarily.~~

4. The Commission is empowered to adopt delegated acts in accordance with Article 75, supplementing this Regulation by setting out specific criteria concerning the suitability of variety denominations as regards:
- (a) their relation to trade marks;

- (b) their relation to geographical indications or designations of origin for agricultural products;
- (c) written consents of holders of prior rights to remove impediments to the suitability of a denomination;
- (d) determination of whether a denomination is misleading, **offensive** or confusing as referred to in paragraph 1, point (f); and
- (e) the use of a denomination in the form of a code-;
- (f) the definition of closely related species as referred to in paragraph 1, point (c)(i).**

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

Article 55

Submission of application

- 1.** Any ~~professional operator~~ **person** established in the Union may ~~electronically~~ 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 that~~ **the** application **referred to in paragraph 1** may be subject to a fee paid by the applicant, as established by the competent authority.]

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) a request for registration;~~
 - (b) the identification of the botanical taxon to which the variety belongs;
 - (ba) where applicable, an indication whether it is a conservation variety;**
 - (bb) where applicable, an indication whether it is an organic variety suitable for organic production;**
 - (c) where applicable, the registration number of the applicant, its name and address or, where appropriate, the names and addresses of the joint applicants, and the credentials of any procedural representative;
 - (d) **breeder's reference and/or** a proposed denomination, **and, in the case of conservation varieties, 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 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) a ~~the~~ description of the main characteristics of the variety, information on whether it is adapted only for particular seasons of the year, and, ~~if available,~~ **in the case of the variety to be registered on the basis of an official description a completed technical questionnaire;**
- (g) a description of the ~~procedure of variety maintenance~~ **propagation method;**
- (h) ~~the place of breeding of the variety and, if applicable, its particular~~ **in the case of conservation variety, the** region(s) of origin;
- (i) information on whether the variety is registered in another national variety register ~~in~~ and on whether it is known to the applicant that **and, where applicable, indication whether** an application for registration in ~~one of those registers is pending~~ **another national register, or for plant variety right pursuant to Regulation (EC) No 2100/94 or pursuant to national rules of a Member State, 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 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 the legislation~~ **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) ~~in case~~ **where** the variety contains or consists of a category 1 NGT as defined in Article 3, **point** (7), of Regulation (EU) .../... ~~of the European Parliament and of the Council~~²⁶ (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) ~~in case~~ **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(~~2~~**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.

²⁶ ~~Regulation (EU) .../... of the European Parliament and of the Council of (.....,).~~

Article 57

Formal examination of 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, ~~fully complying with the requirements laid down in Article 56,~~ is received by the competent authority of the respective Member State.
2. The competent authorities shall ~~immediately~~ send to 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

1. ~~Where, as a result of the formal examination, the application is found to comply with the requirements laid down in Article 56, a technical examination of the variety shall be carried out.~~

~~The technical examination shall be carried out by growing the variety, taking into account the intended use and conditions for cultivation of the variety. 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, as established pursuant to the implementing act referred to in Article 47(2) concerning distinctness, uniformity and stability.~~

~~The technical examination referred shall verify:~~

- ~~(a) — the compliance with the requirements for distinctness, uniformity and stability of the variety, as laid down in Articles 48 to 50;~~
 - ~~(b) — 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 (a)(ii).~~
2. ~~The technical examination referred to in paragraph 1 shall be carried out by the competent authorities in accordance with Article 60, unless the derogation referred to in Article 61(1) applies.~~
3. ~~In case a formal report on the distinctness, uniformity and stability of the variety, produced by CPVO or another competent authority, is already available, the competent authority shall take into consideration the conclusions of that report for the purposes of concluding the technical examination.~~
4. ~~The conduct of the technical examination referred to in paragraph 1 may be subject to a fee paid by the applicant, as established by the competent authority.~~

Article 59a
Technical examination of the DUS

- 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 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.**
- 3. Where an official 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 VSCU

- 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 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).**
- 2. The technical examination shall be carried out by growing the variety, taking into account the intended use conditions for cultivation of the variety, and the updated technical standards [which may include the biochemical and molecular techniques.] The technical examination will conclude with the adoption of an examination report.**
- 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 only after its premises and working arrangements, dedicated to this purpose, have been found suitable for carrying out this examination pursuant to an audit conducted by the CPVO ~~or the Commission~~.

~~On the basis of the audit referred to in the first subparagraph, the Commission may recommend to the competent authority, if appropriate, actions to ensure the suitability of the premises and organisation of the competent authorities. The Commission may carry out additional audits and, where applicable, recommend to the competent authorities corrective actions to ensure the suitability of their premises and organisation.~~

Article 61

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

1. By way of derogation from Article 59(2), 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, ~~or part of it, may be carried out by the applicant~~ if:
 - (a) that ~~applicant~~ person has 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, all [reference] varieties of the species concerned which are determined by the competent authority. All PRM for technical examination shall be provided by the competent authority.

2. Prior to granting the authorisation to carry out the technical examination on ~~breeders'~~ the premises of the person referred to in paragraph 1, the competent authority shall ~~audit~~ evaluate the premises, the resources and the organisational capacities of the ~~applicant~~ that person. That ~~audit~~ 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 ~~breeders'~~ 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 ~~audit~~ evaluation referred to in paragraph 2.]

4. On the basis of the ~~audit~~ **evaluation** referred to in paragraph 2, the competent authority may recommend to the ~~applicant~~ **person concerned**, if appropriate, actions to ensure the suitability of the person's **relevant** premises, ~~and~~ organisation of the examination **and compliance with the applicable methodology.**
5. The competent authority may carry out additional ~~audits~~ **evaluations** to the one referred to in paragraph 2 and, where applicable, recommend to the ~~applicant~~ **person concerned** to perform, within a specific period of time, corrective actions concerning ~~the~~ its premises and the working arrangements. In case the competent authority concludes, following that period, that the ~~applicant's~~ **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, ~~during~~ **for the purpose of** the technical examination provided for in Article 59, an examination of the genealogical components appears to be necessary, the results of that examination and the description of the genealogical **those** components shall be treated as confidential, if the applicant requests so. **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 of PRM 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, the competent authority shall communicate a draft of the examination report to the applicant and give the applicant an opportunity to provide comments within a reasonable time.**
2. After taking into account any **the** comments **of the applicant as referred to in paragraph 1** ~~on the provisional examination report and the provisional official description provided by the applicant~~, the competent authority shall issue a final examination report and a final official description on the distinctness, uniformity and stability of the variety and including a summary of the examination results on value for sustainable cultivation and use.
3. Competent authorities 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.

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,** ~~After the formal examination of the application provided for in Article 57, and~~ prior to the registration of a variety in a national variety register pursuant to Article 67~~;~~¹. **The competent authority shall consult the CPVO on the variety denomination proposed by the applicant.**
- 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, the applicant shall submit an application for a new denomination. The competent authority shall decide on that application upon 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), 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** ~~obligations~~ set out for it in Articles 55 to ~~64~~ **66**.
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. ~~The adoption of the decision referred to in paragraph 1 may be subject to a fee paid by the applicant, as established by the competent authority.~~

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 to 67, the competent authorities shall immediately register in their national variety registers all varieties officially accepted or registered before ... [*the date of **application** ~~the entry into force 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.

The starting point of the period of registration of those varieties, as referred to in Article 69(1), shall be the date on which they had been registered pursuant to the acts referred to in the first subparagraph.

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** ~~the entry into force 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.

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 of the last calendar year.**

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~~ **in Annex I. That period shall expire at the end of the last calendar year.**

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 a variety ~~iesy~~ 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. The registration of a variety may be subject to an annual fee paid by the applicant, as established by the competent authority.~~

Article 70

Procedure and conditions for registration renewal

1. Any person **with a legitimate interest** intending to renew the registration of a variety shall submit an application, ~~[no earlier than 42~~ **36** months], and no later than ~~6~~ **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 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 applicant has submitted sufficient evidence that~~ 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 59 to determine whether the variety is distinct, uniform and stable.

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 national variety registers

1. The competent authority of the respective Member State shall remove 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 Articles **[xxx]** 55, 59(4), 67(6) and 69(3);
 - (c) the person responsible for the variety maintenance, as referred to in 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) at the time of the application, false or fraudulent data were supplied 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.

2. ~~On request by the applicant, t~~The competent authority may allow that a variety removed from the national variety register in accordance with paragraph 1, point **(c) or (g)**, continues to be made available on the market **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.**

~~That request shall be submitted no later than the date of the expiration of the validity period of registration.~~

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.

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)** notified by the applicant to the competent authority. ~~The competent authority shall authorise that other person to carry out the maintenance of the variety, if that person proves its capacity for that task, and the competent authority shall withdraw that authorisation if that person is no longer capable for that.~~ The name and registration number of that **other** person shall be **recorded** notified by the applicant 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 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 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** ~~pre-basic, basic, certified and standard material, and the stages of production prior to pre-basic material.~~

A standard sample of the variety concerned shall be provided to the competent authority on request.

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 concerned. The frequency of those controls shall be based on the likelihood of non-compliance with paragraphs 1 to 3.
5. Where a competent authority finds that the person responsible for variety maintenance does not comply with paragraphs 1 to 3, it shall give that person appropriate time to take corrective action or request another person to carry out the variety maintenance. If no such action is taken within that time limit, the competent authority shall remove the variety from the national variety register in accordance with Article 71(1), point (d).
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 remove the variety from the national variety register in accordance with Article 71(1), point (d).
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(54). 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 the variety from the national variety register in accordance with Article 71(1), point (d).

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** ~~a file~~ on each variety registered in the national variety register, ~~containing~~ **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** ~~pursuant to Article 64(4).~~

In the case of an officially recognised description, the ~~file~~ **available relevant information** shall ~~only contain~~ **include** that description, ~~and~~ 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 **to other competent authorities for official purposes**.

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

- 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. ~~That~~ **Those** implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

Article 83
Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from ... *[36 months from the date of the entry into force of this Regulation]*.

However,

- (a) Article 40(4) shall apply from three days after the entry into force of this Regulation;
- (b) Article 52 shall apply from ... *[60 months from the date of the entry into force of this Regulation]* for the species listed in ~~Parts B and C~~ **column 2 [and vine]** of Annex I, **and from [120 months from the date of entry into force of this Regulation] for the species listed in columns 3 and 4 [except vine] of Annex I.**

It shall be binding in its entirety and directly applicable in all Member States.

ANNEX VII
CONTENTS OF THE NATIONAL AND UNION VARIETY REGISTERS AS REFERRED
TO IN ARTICLE 46

The national variety registers and the Union variety register shall contain all of the following elements, **where applicable**:

- (a) the **scientific** name of the genus or species to which the variety belongs, **and, in the case of national variety registers, its common name**;
- (b) the denomination **and breeder's reference** of the variety and, for varieties marketed before the entry into force of this Regulation, where applicable, other alternative denominations **[or synonyms]** used for that variety;
- (c) the name and, ~~where applicable,~~ the reference number, of the applicant; **and, where applicable, the name of the applicant's representative**;
- (ca) **the application number and application date**;
- (cb) **the status of the variety, including indication whether the variety is registered, its registration has expired, terminated due to other reasons, or surrendered by the applicant, or with an application pending for registration, or an application that has been withdrawn or rejected (the terminology will be adapted to the content of other articles)**;
- (d) the date of the registration of the variety and, ~~where applicable,~~ of the renewal of the registration; **and any change of its status according to point (cb)**;
- (e) the date of the end of validity of registration; **and, where applicable, the date of the end of extension pursuant to Article 71(2)**;

- (f) a reference to the link **containing the summary** of the file, where the official description of the variety, or, if applicable, the officially recognised description of the variety, can be found **retrieved from, without prejudice to the second paragraph of Article 65;**
- (g) in the case of **conservation** varieties with officially recognised description and, if appropriate **applicable**, an indication of the region(s), where the variety has historically been grown and to which it is naturally adapted ('region(s) of origin');
- (h) the name of the person, **address and the reference number of the professional operator** responsible for the maintenance of a **the** variety;
- (i) the name of the Member States having established the relevant national variety register(s);
- (j) the reference **number** under which the variety has been registered in the national variety register(s);
- (k) where applicable, the indication that the variety is an 'organic variety suitable for organic production'² **according to Regulation (EU) 2018/848;**
- (l) where applicable, the indication that the variety contains, or consists of, a genetically modified organism;
- (m) where applicable, the indication that the variety is a component variety of another registered variety;
- (n) where applicable, the indication that PRM belonging to the variety is only produced and marketed in rootstocks;
- ~~(o) where applicable, a reference to the link of the file, where the results of the examinations for value for sustainable cultivation and use, as referred to in Article 52, can be found;~~

- (p) where applicable, an indication of the reproduction method of the variety, including information on:
- (i) whether it is a hybrid or a synthetic variety; **or**
 - (ii) whether it is a vegetatively or seed propagated variety in case of species with both types of varieties;**
- (q) where applicable, the indication that the variety contains, or consists of a category 1 NGT plant within the meaning of Article 3(7) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation) and the identification number(s) referred to in Article 9(1), point (e) of [NGT Proposal] assigned to the category 1 NGT plant(s) it has been derived from;
- (r) where applicable, the indication that the variety contains, or consists of a category 2 NGT plant within the meaning of Article 3(8) of Regulation (EU) .../... (Office of Publications, please insert reference to NGT Regulation);
- (s) where applicable, indication that the variety is herbicide tolerant ~~and indication of the applicable cultivation conditions;~~
- (t) where applicable, indication that the variety has certain characteristics, other than the one referred to in point (s), ~~and indication of the applicable cultivation conditions;~~
- (u) types or uses of the variety, including winter or spring type, or industrial, or food or feed uses;**
- (v) where applicable, references of the patents or published patent applications covering the variety, on the basis of available information;**
- (w) where applicable, references to the granted plant variety rights;**

- (x) [in the case of selected clones, indication of denomination, maintainer, description and reference number];**
- (y) [in the case of polyclonal PRM, indication of denomination, (maintainer,) description, reference number and its composition].**
-