Revision of plant and forest reproductive material legislation

Public consultation
Revision of the plant and forest reproductive material legislation

Introduction

Plant reproductive material (PRM) including seeds, young plants and plant cuttings, are plants and all parts of plants capable of, and intended for, producing entire plants for any purpose such as food, industrial uses, forestry or decoration (ornamental). The PRM legislation has successfully ensured the identity, performance, quality and health of PRM, as well as fostered a competitive PRM industry, contributing to food security in EU. Seed and other PRM constitute the very beginning of the agri-food production chain. Conservation of traditional varieties and breeding of new plant varieties contribute to the diversity of PRM that will in turn contribute to the diversity of food available on the market. For example, breeding can result in plant varieties producing strawberries in early spring, or in late summer. Likewise, plant varieties can respond to consumer preferences, for example potatoes of different sizes, textures and colours.

Forest reproductive material (FRM) is a particular type of PRM, namely forest seeds and plants, which constitutes the starting point for the creation of new forests and the reforestation of existing forests. Ensuring diversity within tree species and producing high quality seeds and other FRM are essential for the beneficial functions of EU forests, for example, recreational activities, providing timber and contributing to the mitigation of climate change. The legislation on FRM has been developed as a very particular part of the PRM legislation, with its own basic concepts and approaches that significantly differ from the other PRM sectors.

The Commission informed stakeholders and the public about its plans to change the legislation on plant and forest reproductive material through the publication of an inception impact assessment on the [Have your say page](https://haveyoursay.ec.europa.eu/). An overview of the EU legislation under review is provided [here](https://www.europa.europa.eu).

The EU legislation on PRM is based on two pillars: certification of PRM to be marketed and registration of the varieties of that PRM, and these pillars will remain as such. The revision does not concern GMOs (including products of new genomic techniques (NGTs)), Community plant variety rights (CPVR) or patents. They all remain separately regulated.
For the purpose of this questionnaire plant reproductive material (PRM) will refer to everything including seeds and forest reproductive material (FRM). When so needed, special reference to FRM will be made.

**About you**

**Background information**

* First name
  
  Cloé

* Surname
  
  Mathurin

* Email (this won't be published)
  
  cloe@eurovia.org

You are welcome to answer the questionnaire in one of the 24 official languages of the EU. Please let us know in which language you are replying.

* Language of my contribution
  
  - Bulgarian
  - Croatian
  - Czech
  - Danish
  - Dutch
  - English
  - Estonian
  - Finnish
  - French
  - German
  - Greek
  - Hungarian
  - Irish
  - Italian
  - Latvian
  - Lithuanian
  - Maltese
I am giving my contribution as
- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

Please specify if you answered “other” above

255 character(s) maximum

If you are replying on behalf of a company or business organisation/association, what is its type of activity?
- Breeding
- Maintaining
- Production including growing and/or multiplication of plant and/or forest reproductive material
- Storage, collection, dispatching and/or processing of plant and/or forest reproductive material
- Farming/farmers’ or horticultural association
- Forest management or forest owners/managers’ association
- Nature protection and restoration
☐ Retail/retailers’ organisations (e.g. garden centres)
☐ Transport
☐ Other supply chain operations (e.g. trade, wholesale and related organisations)
☐ Other

Please specify if you answered “other” above

255 character(s) maximum

* Organisation size
  ☐ Micro (1 to 9 employees)
  ☐ Small (10 to 49 employees)
  ☐ Medium (50 to 249 employees)
  ☐ Large (250 or more)

* How many companies/members etc. does your organisation represent?
  ☐ 1 to 9 companies/members
  ☐ 10 to 49 companies/members
  ☐ 50 to 249 companies/members
  ☐ 250 or more
  ☐ Not applicable

* Country of origin

  Please add your country of origin, or that of your organisation.

  ☐ Afghanistan
  ☐ Åland Islands
  ☐ Albania
  ☐ Algeria
  ☐ American Samoa
  ☐ Andorra
  ☐ Angola
  ☐ Anguilla
  ☐ Antigua and Barbuda
  ☐ Argentina
  ☐ Armenia
  ☐ Aruba
  ☐ Australia
  ☐ Austria
  ☐ Azerbaijan
  ☐ Bahrain
  ☐ Bangladesh
  ☐ Barbados
  ☐ Belarus
  ☐ Belgium
  ☐ Belize
  ☐ Benin
  ☐ Bermuda
  ☐ Bhutan
  ☐ Bolivia
  ☐ Bosnia and Herzegovina
  ☐ Botswana
  ☐ Brazil
  ☐ Brunei Darussalam
  ☐ Bulgaria
  ☐ Burkina Faso
  ☐ Burundi
  ☐ Cambodia
  ☐ Cameroon
  ☐ Cape Verde
  ☐ Cayman Islands
  ☐ Central African Republic
  ☐ Chad
  ☐ Chile
  ☐ China
  ☐ Christmas Island
  ☐ Colombia
  ☐ Comoros
  ☐ Congo, Democratic Republic of the
  ☐ Congo, Republic of the
  ☐ Cook Islands
  ☐ Costa Rica
  ☐ Croatia
  ☐ Cuba
  ☐ Cyprus
  ☐ Czech Republic
  ☐ Denmark
  ☐ Djibouti
  ☐ Dominica
  ☐ Dominican Republic
  ☐ Ecuador
  ☐ Egypt
  ☐ El Salvador
  ☐ Equatorial Guinea
  ☐ Eritrea
  ☐ Estonia
  ☐ Ethiopia
  ☐ Fiji
  ☐ Finland
  ☐ France
  ☐ French Guiana
  ☐ French Polynesia
  ☐French Southern Territories
  ☐ Gabon
  ☐ Gambia
  ☐ Georgia
  ☐ Germany
  ☐ Ghana
  ☐ Gibraltar
  ☐ Greece
  ☐ Grenada
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  ☐ Guadeloupe
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  ☐ Guernsey
  ☐ Guinea
  ☐ Guinea-Bissau
  ☐ Guyana
  ☐ Haiti
  ☐ Honduras
  ☐ Hong Kong
  ☐ Hungary
  ☐ Iceland
  ☐ India
  ☐ Indonesia
  ☐ Iran (Islamic Republic of)
  ☐ Iraq
  ☐ Ireland
  ☐ Isle of Man
  ☐ Israel
  ☐ Italy
  ☐ Jamaica
  ☐ Japan
  ☐ Jersey
  ☐ Jordan
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  ☐ Kiribati
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  ☐ Kuwait
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  ☐ Latvia
  ☐ Lebanon
  ☐ Lesotho
  ☐ Liberia
  ☐ Liechtenstein
  ☐ Lithuania
  ☐ Luxembourg
  ☐ Macau
  ☐ Madagascar
  ☐ Malawi
  ☐ Malaysia
  ☐ Malta
  ☐ Marshall Islands
  ☐ Martinique
  ☐ Mauritania
  ☐ Mauritius
  ☐ Mayotte
  ☐ Mexico
  ☐ Micronesia ( Fed. St.)
  ☐ Moldova
  ☐ Monaco
  ☐ Mongolia
  ☐ Montenegro
  ☐ Montserrat
  ☐ Morocco
  ☐ Mozambique
  ☐ Myanmar
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  ☐ Palau
  ☐ Panama
  ☐ Papua New Guinea
  ☐ Paraguay
  ☐ Peru
  ☐ Philippines
  ☐ Pitcairn
  ☐ Poland
  ☐ Portugal
  ☐ Puerto Rico
  ☐ Qatar
  ☐ Reunion
  ☐ Romania
  ☐ Russian Federation
  ☐ Rwanda
  ☐ Samoa
  ☐ San Marino
  ☐ Sao Tome and Principe
  ☐ Saudi Arabia
  ☐ Senegal
  ☐ Seychelles
  ☐ Sierra Leone
  ☐ Singapore
  ☐ Slovak Republic
  ☐ Slovenia
  ☐ Solomon Islands
  ☐ Somalia
  ☐ South Africa
  ☐ South Georgia and the South Sandwich Islands
  ☐ South Sudan
  ☐ Spain
  ☐ Sri Lanka
  ☐ St. Kitts and Nevis
  ☐ St. Lucia
  ☐ St. Vincent and the Grenadines
  ☐ St. Pierre and Miquelon
  ☐ Suriname
  ☐ Sweden
  ☐ Switzerland
  ☐ Syria
  ☐ Taiwan
  ☐ Tanzania
  ☐ Thailand
  ☐ Timor-Leste
  ☐ Togo
  ☐ Tokelau
  ☐ Tonga
  ☐ Tropical Islands Resort
  ☐ Trinidad and Tobago
  ☐ Tunisia
  ☐ Turkey
  ☐ Turkmenistan
  ☐ Tuvalu
  ☐ Ukraine
  ☐ United Arab Emirates
  ☐ United Kingdom
  ☐ United States
  ☐ United States Minor Outlying Islands
  ☐ Uruguay
  ☐ Uzbekistan
  ☐ Vanuatu
  ☐ Venezuela
  ☐ Vietnam
  ☐ Virgin Islands
  ☐ Wallis and Futuna
  ☐ Western Sahara
  ☐ Yemen
  ☐ Zambia
  ☐ Zimbabwe
  ☐ Saint Martin
  ☐ Saint Pierre and Miquelon
  ☐ Saint Vincent and the Grenadines
  ☐ Samoa
  ☐ San Marino
  ☐ São Tomé and Príncipe
  ☐ Saudi Arabia
  ☐ Senegal
  ☐ Sao Tome and Principe
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  ☐ Wallis and Futuna
  ☐ Western Sahara
  ☐ Yemen
  ☐ Zambia
  ☐ Zimbabwe
Curaçao  Laos  Rwanda  Western Sahara
Cyprus  Latvia  Saint Barthélemy  Yemen
Czechia  Lebanon  Saint Helena  Zambia
Democratic Republic of the Congo  Lesotho  Saint Kitts and Nevis  Zimbabwe
Denmark  Liberia  Saint Lucia

Organisation name

255 character(s) maximum

European Coordination Via Campesina (ECVC)

Transparency register number

255 character(s) maximum

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

28920471149-55

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. For the purpose of transparency, the type of respondent (for example, ‘business association, ‘consumer association’, ‘EU citizen’) country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published. Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected.

Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.
Public
Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☑️ I agree with the personal data protection provisions

Throughout this questionnaire please select to what extent you agree/disagree with the following statements or select “no opinion” if you cannot or will not provide an answer.

Regulation of PRM in the EU

The current PRM legislation is composed of 12 directives with some dating back to the 1960s. It defines common rules for the marketing of PRM in the EU.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Agree</th>
<th>Somewhat agree</th>
<th>Somewhat disagree</th>
<th>Disagree</th>
<th>No opinion</th>
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</thead>
<tbody>
<tr>
<td>• The current rules are outdated, fragmented and incoherent</td>
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<td>• Marketing of PRM needs to be governed at EU level to ensure identity</td>
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<td>(e.g. 100% of seed purchased produces red tomatoes instead of green</td>
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<td>tomatoes), quality (e.g. germination rate) and health (absence of pests)</td>
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<td>of PRM</td>
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<td>• The current rules have enabled the free movement, availability and</td>
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<td>quality of PRM on the EU market</td>
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<td>• PRM rules should contribute to addressing biodiversity loss and climate</td>
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<td>change adaptation and mitigation</td>
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<td>• PRM rules should facilitate the availability on the EU market of</td>
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<td>traditional varieties (e.g. conservation varieties)</td>
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<tr>
<td>• PRM rules should facilitate the availability on the EU market of</td>
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<td>varieties adapted to local conditions (e.g. climatic conditions,</td>
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<tr>
<td>cultural or historical significance)</td>
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</table>
Lighter rules facilitating the availability on the EU market of varieties adapted to local conditions and traditional varieties should not compromise the quality of PRM marketed in the EU

New varieties should contribute to sustainable agriculture and food production through, for example, efficient water and nutrient use or disease resistance

New varieties should be climate proof (e.g. adapted to extreme weather conditions, drought tolerant)

A wider choice of PRM intended for exclusive marketing to amateur gardeners should not compromise its quality

The questionnaire continues with questions on specific aspects of the PRM legislation, addressed to stakeholders with expert knowledge of this legislation. Do you wish to respond to these questions as well?

- No
- Yes, continue to the questionnaire on plant reproductive material (PRM) only
- Yes, continue to the questionnaire on forest reproductive material (FRM) only
- Yes, continue to questionnaire on both plant and forest reproductive material

**Scope of marketing activities**

The current rules apply to the marketing of PRM to all types of users, including professional users, farmers, foresters and amateur gardeners. They also apply to activities such as the exchange of PRM in kind between farmers and marketing for non-profit purposes by seed conservation networks.

<table>
<thead>
<tr>
<th></th>
<th>Agree</th>
<th>Somewhat agree</th>
<th>Somewhat disagree</th>
<th>Disagree</th>
<th>No opinion</th>
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</thead>
<tbody>
<tr>
<td>The rules should apply to the marketing of PRM to all kinds of users with no exceptions</td>
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<td>The rules should not apply to marketing to amateur gardeners</td>
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<tr>
<td>Lighter rules should apply to the marketing of PRM for non-profit</td>
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<tr>
<td>purposes by seed conservation networks</td>
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<tr>
<td>Marketing of PRM for non-profit purposes by seed conservation networks should be exempted from the scope of the PRM legislation</td>
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<tr>
<td>Lighter rules should apply to the exchange in kind of PRM between farmers</td>
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<tr>
<td>Exchange in kind of PRM between farmers should be exempted from the scope of the PRM legislation</td>
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</table>

### Alignment of the rules

<table>
<thead>
<tr>
<th>Lack of alignment between the existing directives (e.g. differences in definitions) leads to uneven implementation and application of the rules</th>
<th>Agree</th>
<th>Somewhat agree</th>
<th>Somewhat disagree</th>
<th>Disagree</th>
<th>No opinion</th>
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</thead>
<tbody>
<tr>
<td>Coherence of the legislation could be best improved by aligning the structure and definitions of the 12 PRM directives, but retaining them as separate policy instruments</td>
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<tr>
<td>Coherence of the legislation could be best improved by merging policy instruments according to crop groups (e.g. agricultural species)</td>
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<tr>
<td>Coherence of the legislation could be best improved by merging policy instruments according to the type of material (seeds, PRM other than seeds and FRM)</td>
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<tr>
<td>Coherence of the legislation could be best improved by creating a single policy instrument with different chapters per crop group</td>
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</table>
The current legislation allows Member States to adopt exemptions or deviate from certain rules. They have used these possibilities in different ways.

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<thead>
<tr>
<th></th>
<th>Agree</th>
<th>Somewhat agree</th>
<th>Somewhat disagree</th>
<th>Disagree</th>
<th>No opinion</th>
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<tbody>
<tr>
<td>• Exemptions and deviations have caused unequal conditions for the marketing of PRM across Member States</td>
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<tr>
<td>• Different implementation by Member States of the derogations as regards the registration of traditional varieties have caused unequal conditions for operators across Member States</td>
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<tr>
<td>• Derogations from the EU rules in relation to the quality of PRM (e.g. identity, germination rate and absence of pests) should be kept to a strict minimum</td>
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<td>• Member States should continue to be allowed to lay down stricter rules at national level</td>
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</table>

**Regulated species**

The current legal framework includes lists of species to which EU rules apply (EU-regulated species) but does not specify the criteria for amending these lists.

<table>
<thead>
<tr>
<th></th>
<th>Agree</th>
<th>Somewhat agree</th>
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<th>Disagree</th>
<th>No opinion</th>
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<tbody>
<tr>
<td>• The number of EU-regulated species should be reduced (e.g. only cover economically important species)</td>
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<td>• The number of EU-regulated species should be increased to cover more comprehensively the species marketed in the EU</td>
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<td>• Criteria should be established for deciding which species should be regulated (e.g. market volume, production area)</td>
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</table>
The procedure for adding new species to the list of EU-regulated species should be harmonised for all crop groups

* The scope of the PRM legislation should only cover plant species and not their intended use (e.g. regulation of soybean irrespective of its potential use as oil or vegetable plant)

<table>
<thead>
<tr>
<th>Agree</th>
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**Common catalogues**

Currently agricultural and vegetable crop varieties should be listed first in a national catalogue and then in the Common catalogues before they are allowed to be marketed in the EU.

<table>
<thead>
<tr>
<th>Agree</th>
<th>Somewhat agree</th>
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* Direct notification of registered varieties by Member States to the EU Common catalogues without a Commission decision would speed up market access for these varieties throughout the EU.

**Heterogeneous material and organic varieties**

The [Organic Regulation](#) laid down rules for organic heterogeneous material intended for organic production. This is a new category of material that is highly diverse and it is not a variety nor is it a mixture of varieties. Furthermore, the Commission is preparing temporary derogations for the marketing of organic varieties suitable for organic production.

<table>
<thead>
<tr>
<th>Agree</th>
<th>Somewhat agree</th>
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<th>No opinion</th>
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* There is a need to also establish rules for the marketing of heterogeneous material intended for non-organic production

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<tr>
<th>Agree</th>
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* There should be dedicated permanent rules for the marketing of organic varieties suitable for organic production

<table>
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<tr>
<th>Agree</th>
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Plant genetic resources

In order to ensure conservation and sustainable use of plant genetic resources, the current rules foresee derogations from the production and marketing requirements for:

- Conservation varieties, including landraces of agricultural and vegetable crops;
- Vegetable crop varieties with no intrinsic value for commercial crop production but that have been developed for growing under particular conditions

<table>
<thead>
<tr>
<th></th>
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<th>Somewhat disagree</th>
<th>Disagree</th>
<th>No opinion</th>
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<tbody>
<tr>
<td>• These derogations have been successful in promoting the conservation and sustainable use of plant genetic resources</td>
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<tr>
<td>• Different implementation of these derogations by Member States has created unequal conditions for operators across Member States</td>
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<td>• There should be lighter rules for these varieties regarding the marketing conditions (e.g. registration and certification)</td>
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<td>• Similar derogations should be introduced for locally produced varieties adapted to local agro-ecological conditions and intended for local marketing</td>
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Sustainability

Agricultural crops are currently tested for their value for cultivation and use (VCU) as regards yield, quality and resistance to pests and adverse environmental conditions. The current PRM legislation does not include any further rules and Member States implement VCU tests in different ways. Furthermore, agricultural crops are not explicitly tested for their contribution to more sustainable agri-food production (i.e. ‘sustainable VCU’). There is scope to further align the PRM legislation with the objectives of the European Green Deal, Farm to Fork Strategy and EU Adaptation Strategy in this regard.
### Harmonisation of official controls

The current PRM legislation contains only a few general requirements for official controls, which results in differences of control and enforcement across Member States. Furthermore, it is not included in the scope of the [Official Controls Regulation](https://eur-lex.europa.eu) (OCR). The OCR establishes harmonised rules on official controls across the agri-food chain, including for plant health, organic production and GMOs, while allowing adaptation to sector-specific rules (e.g. no border check system for certain sectors, possibility to exempt certification activities from the scope of the OCR). The OCR includes general principles as regards official controls (e.g. import and marketing controls), rules for competent authorities, IT systems and training to facilitate official controls.

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<th>Agree</th>
<th>Somewhat agree</th>
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<th>Disagree</th>
<th>No opinion</th>
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<tbody>
<tr>
<td>The PRM legislation should harmonise VCU testing among Member States</td>
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<td>There should be no mandatory VCU testing as the variety characteristics should be driven by market demand</td>
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<td>VCU testing should be extended to include testing of varieties for their contribution to the sustainability of the agri-food chain (sustainable VCU, e.g. water and nutrient use efficiency)</td>
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<td>The PRM legislation should contain a set of general sustainability criteria that Member States can apply taking into account their agro-ecological conditions</td>
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Further harmonisation of import controls would improve the quality of PRM imported from third countries and marketed in the EU

* Full harmonisation of import controls of PRM through checks at border control posts, fees for those controls and special import documentation would improve the quality of PRM imported from third countries and marketed in the EU

* The use of infrastructure established under the OCR (e.g. IT systems, EU reference centres and training) would increase the efficiency and efficacy of official controls on PRM

* Inclusion in the scope of the OCR would increase administrative burdens for competent authorities as regards marketing and import controls

### Innovative processes and digital transformation

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<th>Somewhat agree</th>
<th>Somewhat disagree</th>
<th>Disagree</th>
<th>No opinion</th>
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<tr>
<td>The rules should be able to adapt faster to innovations in PRM production processes (e.g. true potato seed) and to scientific and technological developments (e.g. biomolecular techniques in variety testing and certification)</td>
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<td>The rules should allow digital processes (e.g. e-certificates)</td>
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Do you have any specific proposals for changing the PRM legislation?

500 character(s) maximum

Exchanges of PRM between farmers must fall under the framework of mutual aid, consisting of exchanges of services in the form of labour and/or means of production, whether occasionally, temporarily or on a regular basis, in kind or against reimbursement of expenses incurred, without the obligation to join an association. They must respect the phytosanitary rules of agricultural production, adapted to agroecological practices, and not those of the production of PRM for marketing.
If you wish to provide additional supporting information within the scope of this questionnaire you may also upload a document, such as a position paper, related to your responses (max. 2 pages).

The maximum file size is 1 MB.

Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional information to better understand your position.

Only files of the type pdf, txt, doc, docx, odt, rtf are allowed

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