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COUNCIL DIRECTIVE
of 9 April 1968
on the marketing of material for the vegetative propagation of the vine
 (68/193/EEC)
 (OJ L 93, 17.4.1968, p. 15)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Council Directive 71/140/EEC of 22 March 1971	L 71	16	25.3.1971
► <u>M2</u> Council Directive 74/648/EEC of 9 December 1974	L 352	43	28.12.1974
► <u>M3</u> First Commission Directive 77/629/EEC of 28 September 1977	L 257	27	8.10.1977
► <u>M4</u> Council Directive 78/55/EEC of 19 December 1977	L 16	23	20.1.1978
► <u>M5</u> Council Directive 78/692/EEC of 25 July 1978	L 236	13	26.8.1978
► <u>M6</u> Commission Directive 82/331/EEC of 6 May 1982	L 148	47	27.5.1982
► <u>M7</u> Council Regulation (EEC) No 3768/85 of 20 December 1985	L 362	8	31.12.1985
► <u>M8</u> Council Directive 86/155/EEC of 22 April 1986	L 118	23	7.5.1986
► <u>M9</u> Council Directive 88/332/EEC of 13 June 1988	L 151	82	17.6.1988
► <u>M10</u> Council Directive 90/654/EEC of 4 December 1990	L 353	48	17.12.1990
► <u>M11</u> Council Directive 2002/11/EC of 14 February 2002	L 53	20	23.2.2002
► <u>M12</u> Council Directive 2003/61/EC of 18 June 2003	L 165	23	3.7.2003
► <u>M13</u> Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003	L 268	1	18.10.2003
► <u>M14</u> Commission Directive 2005/43/EC of 23 June 2005	L 164	37	24.6.2005

Amended by:

► <u>A1</u> Act of Accession of Austria, Sweden and Finland	C 241	21	29.8.1994
(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	1	1.1.1995
► <u>A2</u> Act of Accession of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland	L 73	14	27.3.1972
(adapted by Council Decision of 1 January 1973)	L 2	1	1.1.1973
► <u>A3</u> Act of Accession of Greece	L 291	17	19.11.1979

**COUNCIL DIRECTIVE****of 9 April 1968****on the marketing of material for the vegetative propagation of the vine**

(68/193/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

After consulting the Economic and Social Committee;

Whereas the production of wine and table grapes occupies an important place in the agriculture of the European Economic Community;

Whereas satisfactory results in vine cultivation depend to a large extent on the use of appropriate propagation material; whereas to this end certain Member States have for some time restricted the marketing of vine vegetative propagation material to high quality wood and young plants; whereas those States have been able to take advantage of the systematic plant selection work carried out over several decades which has resulted in the development of stable and uniform vine varieties which, by reason of their characters, promise to be of great value for the purposes in view;

Whereas greater productivity will be achieved in the Community vine cultivation if for the choice of the varieties permitted to be marketed the Member States apply uniform rules which are as strict as possible;

Whereas it is however justifiable to restrict marketing to certain varieties only if the vine grower can be sure of actually obtaining propagation material of those varieties;

Whereas certain Member States have for this purpose been applying certification schemes which are intended by official control to ensure varietal identity and purity, and health status, particularly as regards virus diseases; whereas these schemes may constitute one of the bases for a uniform Community certification scheme;

Whereas such a scheme should apply to the marketing both in other Member States and on domestic markets of propagation material produced within the Community;

Whereas, as a general rule, propagation material intended for the production of grapes or for the production of propagation material should be allowed to be marketed only if it has been officially examined and certified, in accordance with the rules for certification, as basic material or certified material; whereas the choice of the technical terms 'basic material' and 'certified material' is based on already existing international terminology and on the Community schemes for other genera and species of plant;

Whereas it would be desirable to restrict marketing to certified vine propagation material obtained by clonal selection; whereas, however, it is at present impossible to attain this objective since Community requirements could not be entirely covered by such material; whereas, therefore, the marketing of checked standard material which must also possess identity and varietal purity but which does not always afford the same assurances as propagation material obtained by clonal selection should be allowed provisionally; whereas, however, this category should gradually be eliminated;

Whereas, if vines are not propagated or if propagation material is not marketed in a Member State, it seems justifiable to exempt that State

⁽¹⁾ OJ No 156, 15.7.1967, p. 30.

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from the obligation to arrange for certification or for checking of standard material without however affecting its obligation to restrict marketing to certified material and standard material;

Whereas propagation material which is not placed on the market should not, in view of its minor economic importance, be subject to Community rules; whereas Member States must retain the right to make such material subject to special provisions;

Whereas Community rules should not apply to propagation material shown to be intended for export to third countries;

Whereas Community rules must be adopted by the Council not later than 31 December 1969 for propagation material produced in third countries and marketed in the Community;

Whereas, in order to improve not only the genetic value of Community propagation material, but also its external quality, certain conditions must be laid down as to technical purity, quality and grading;

Whereas, in order to ensure the identity of the propagation material, Community rules must be laid down as regards the separation of batches, packaging, sealing and marking; whereas to this end the labels should give the particulars needed both for official control and for the information of the vine grower and should clearly show the Community nature of the certification;

Whereas, in order to ensure that both the requirements as to the quality of propagation material and the provisions for ensuring its identity are complied with during marketing, the Member States must make provision for suitable control arrangements;

Whereas propagation material satisfying these requirements should, without prejudice to Article 36 of the Treaty, be subject to no marketing restrictions other than those provided for in Community rules;

Whereas, until such time as a common catalogue of varieties has been established, the restrictions allowed should include in particular the right of Member States to restrict the marketing of propagation material to those varieties which are of value for cropping and use in their territory; whereas it is not appropriate to decide at present whether and subject to what conditions Member States may prohibit, in whole or in part, the cultivation of certain varieties of vine in their territory;

Whereas, subject to certain conditions, propagation material produced in other Member States from basic material certified in a Member State should be recognised as equivalent to propagation material produced in that Member State;

Whereas, during periods in which there are difficulties in obtaining supplies of certified material of the various categories, or of standard material, propagation material satisfying less stringent requirements should temporarily be permitted to be marketed;

Whereas, in order to harmonise the technical methods of certification and of checking standard material used in the various Member States and to enable comparisons to be made in the future between material certified or checked within the Community and that coming from third countries, Community tests should be carried out in the Member States to assess the quality of the different categories of propagation material;

Whereas the Commission should be entrusted with the task of adopting certain measures for the application of this Directive; whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close co-operation between Member States and the Commission within a Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry;

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HAS ADOPTED THIS DIRECTIVE:

*Article 1***▼M2**

This Directive shall apply to material for the vegetative propagation of the vine (hereinafter called 'propagation material') marketed within the Community.

▼B*Article 2***▼M11**

1. For the purposes of this Directive, the following definitions shall apply:
 - (A) *Vines*: plants of the genus *Vitis* (L.) intended for the production of grapes or for use as propagation material for such plants.
 - AA. *Variety*: a plant grouping within a single botanical tax on of the lowest known rank, which can be:
 - (a) defined by the expression of the characters resulting from a given genotype or combination of genotypes;
 - (b) distinguished from any other plant grouping by the expression of at least one of the said characters; and
 - (c) considered as an entity in view of its ability to be propagated unchanged.
 - AB. *Clone*: a clone is the vegetative progeny of a variety which is true to a vine stock chosen on account of varietal identity, its phenotypic characters and its state of health.
 - (B) *Propagating material*
 - (i) *Young vine plants*
 - (a) rooted cuttings: ungrafted pieces of rooted vine shoot or herbaceous shoot, intended for planting ungrafted or for use as rootstocks;
 - (b) rooted grafts: pieces of vine shoot or herbaceous shoot joined by grafting, the underground part of which is rooted.
 - (ii) *Parts of young vine plants*
 - (a) vine shoots: one-year shoots;
 - (b) herbaceous shoots: unlignified shoots;
 - (c) graftable rootstock cuttings: pieces of vine shoot or herbaceous shoot intended to form the underground part when preparing rooted grafts;
 - (d) top-graft cuttings: pieces of vine shoot or herbaceous shoot intended to form the part above ground when preparing rooted grafts or when grafting plants *in situ*;
 - (e) nursery cuttings: pieces of vine shoot or herbaceous shoot intended for the production of rooted cuttings.
 - (C) *Stock nurseries*: nurseries for the production of rootstock cuttings for grafting, nursery cuttings or top-graft cuttings.
 - (D) *Cutting nurseries*: nurseries for the cultivation of rooted cuttings or rooted grafts.
 - DA. *Initial propagating material*: propagating material
 - (a) which has been produced under the responsibility of the grower according to accepted practices for the maintenance of the identity of the variety and, where applicable, of the clone, and for the prevention of diseases;

▼ M11

- (b) which is intended for the production of basic propagating material or certified propagating material;
 - (c) which satisfies the conditions laid down in Annexes I and II for basic propagating material. These Annexes may be amended in accordance with the procedure laid down in Article 17(2) in order to set additional or more stringent conditions for the certification of initial propagating material;
 - (d) which has been found by official examination to satisfy the above conditions.
- (E) *Basic propagating material*: propagating material
- (a) which has been produced under the responsibility of the grower according to accepted practices for the maintenance of the identity of the variety and, where applicable, of the clone, and for the prevention of diseases and which is obtained by vegetative propagation directly from initial propagating material;
 - (b) which is intended for the production of certified propagating material;
 - (c) which satisfies the conditions laid down in Annexes I and II for basic propagating material; and
 - (d) which has been found by official examination to satisfy the above conditions.
- (F) *Certified material*: propagation material
- (a) which is obtained directly from basic propagating material or initial propagating material;
 - (b) which is intended for:
 - the production of young plants or parts of plants for use in the production of grapes, or
 - the production of grapes;
 - (c) which satisfies the conditions laid down in Annexes I and II for certified material; and
 - (d) which has been found by official examination to satisfy the abovementioned conditions.
- (G) *Standard material*: propagation material
- (a) which has varietal identity and purity;
 - (b) which is intended for:
 - the production of young plants or parts of plants for use in the production of grapes, or
 - the production of grapes;
 - (c) which satisfies the conditions laid down in Annexes I and II for standard material; and
 - (d) which has been found by official examination to satisfy the abovementioned conditions.
- (H) *Official measures*: measures taken
- (a) by State authorities; or
 - (b) by any legal person whether governed by public or by private law, acting under the responsibility of the State; or
 - (c) in the case of ancillary activities which are also subject to State control, by any natural person duly sworn for that purpose,
- provided that the persons mentioned under (b) and (c) derive no private gain from such measures.

▼ M11(I) *Marketing:*

the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer aimed at commercial exploitation of propagating material to third parties, whether or not for a consideration.

Trade in propagating material not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

- (a) the supply of propagating material to official testing and inspection bodies;
- (b) the supply of propagating material to providers of services for processing or packaging, provided that the provider of services does not acquire title to propagating material thus supplied.

The rules for the application of these provisions shall be adopted in accordance with the procedure laid down in Article 17(3).

▼ M1

2. Member States may, as a transitional measure, after the entry into force of the laws, regulations or administrative provisions necessary to comply with this Directive, provide that propagation material which has been used for establishing stock nurseries or cutting nurseries is equivalent to propagation material certified or checked in accordance with the provisions of this Directive, if before being so used it afforded the same assurances as propagation material certified or checked in accordance with the provisions of this Directive.

▼ M11*Article 3*

1. The Member States shall require that vine propagating material may not be placed on the market unless:

- (a) it has been officially certified as ‘initial propagating material’, ‘basic propagating material’ or ‘certified propagating material’ or, in the case of propagating material not intended for use as rootstocks, it is officially checked standard material, and
- (b) it satisfies the conditions laid down in Annex II.

2. By derogation from paragraph 1, Member States may, as a transitional measure until 1 January 2005, allow the marketing in their own territory of standard material intended for use as rootstocks and taken from parent plants in existence on 23 February 2002.

3. Notwithstanding paragraph 1, Member States may authorise producers on their own territory to place on the market appropriate quantities of propagating material:

- (a) intended for trials or for scientific purposes;
- (b) for selection work;
- (c) intended to help preserve genetic diversity.

The conditions under which Member States may grant such authorisation may be determined in accordance with the procedure laid down in Article 17(2).

In the case of genetically modified material, such authorisation may be granted only if all appropriate measures have been taken to avoid risks to human health and the environment. For the environmental risk assessment and other checks to be carried out in this respect, Article 5ba shall apply accordingly.

4. In the case of propagating material produced by means of *in vitro* propagation techniques, the following provisions may be adopted in accordance with the procedure laid down in Article 17(2):

- (a) derogation from specific provisions of this Directive;
- (b) conditions applicable to such propagating material;

▼M11

- (c) designations that may be used for such propagating material;
- (d) conditions to guarantee that the varietal authenticity has first been verified.

5. The Commission, acting in accordance with the procedure laid down in Article 17(3), may require that, after specified dates, propagating material other than for use as rootstocks may be placed on the market only if it has been officially certified as 'initial propagating material', 'basic propagating material' or 'certified propagating material':

- (a) throughout the Community, in the case of certain vine varieties for which the Community's needs can be covered, taking into account their genetic diversity, if necessary under an established programme, by propagating material officially certified as 'initial propagating material', 'basic propagating material' or 'certified propagating material', and
- (b) in the case of propagating material of varieties other than those referred to in (a), if intended for use in the territory of Member States which have already required, in accordance with this Directive, that 'standard material' may no longer be marketed.

▼B*Article 4*

Member States may, as regards the conditions laid down in Annexes I and II, impose additional or more stringent requirements for the certification of propagation material or the checking of standard material produced in their own territory.

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This provision shall not apply, in the case of grafting, to propagating material produced in another Member State or in a third country recognised as equivalent in accordance with Article 15(2).

Article 5

1. Each Member State shall establish a catalogue of the vine varieties officially accepted for certification and for checking as standard propagating material in its territory. The catalogue shall be open to public inspection. The catalogue shall determine the principal morphological and physiological characters by which the varieties can be distinguished from one another. For those varieties already accepted as at 31 December 1971, reference may be made to the description in the official ampelographic publications.

2. Member States shall ensure that varieties and clones accepted into the catalogues of the other Member States are also accepted for certification and for the checking of standard propagating material in their own territory, without prejudice to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, with regard to the rules for the classification of vine varieties.

3. Each Member State shall also establish, if appropriate, a list of clones officially accepted for certification in its territory.

Member States shall ensure that clones accepted for certification in another Member State are also accepted for certification in their own territory.

▼M1*Article 5a*

The Member States shall ensure that no variety is accepted unless it is distinct, stable and sufficiently uniform.

⁽¹⁾ OJ L 179, 17.7.1999, p. 1.

▼ **M11***Article 5b*

1. A variety shall be deemed to be distinct if it is clearly distinguishable, by reference to the expression of the characteristics resulting from a particular genotype or combination of genotypes, from any other variety whose existence is a matter of common knowledge in the Community.

A variety shall be deemed to be a matter of common knowledge in the Community if, on the date on which application is duly made for its acceptance, it either is entered in the catalogue of the Member State in question or of another Member State or is the subject of an application for acceptance in the Member State in question or in another Member State, unless the conditions referred to in the first sentence of this paragraph are no longer met in all the Member States concerned before a decision is made regarding the application for acceptance of the new variety being assessed.

2. A variety shall be deemed to be stable if the expression of the characters which are included in the examination for distinctness, as well as any others used for the variety description, remains unchanged after repeated propagation.

3. A variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in the expression of those characters which are included in the examination for distinctness, as well as any others used for describing the variety.

Article 5ba

1. In the case of a genetically modified variety within the meaning of points 1 and 2 of Article 2 of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC⁽¹⁾, the variety shall be accepted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment.

2. With regard to genetically modified varieties within the meaning of paragraph 1:

- (a) a specific environmental risk assessment equivalent to the assessment provided for in Directive 2001/18/EC and in accordance with the principles set out in Annex II and on the basis of the information specified in Annex III of that Directive shall be carried out;
- (b) the procedures intended to ensure the equivalence of the specific risk assessment and other relevant requirements, in particular those regarding risk management, labelling, and any monitoring required, public information and a safeguard clause with those established by Directive 2001/18/EC shall be introduced, on a proposal from the Commission, by a Regulation of the European Parliament and of the Council. Pending the entry into force of that Regulation, genetically modified varieties shall be accepted for inclusion in a national catalogue only when they have been accepted for marketing in accordance with Directive 2001/18/EC;
- (c) Articles 13 to 24 of Directive 2001/18/EC shall no longer apply to genetically modified varieties of vine authorised in conformity with the Regulation referred to in point (b).

▼ **M13**

- 3. (a) Where products derived from vine-propagating material are intended to be used as or in food falling within the scope of Article 3 or as or in a feed falling within the scope of Article 15 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on

⁽¹⁾ OJ L 106, 17.4.2001, p. 1.

▼ **M13**

genetically modified food and feed ⁽¹⁾, the vine variety concerned shall be accepted only if it has been authorised pursuant to the said Regulation.

- (b) Member States shall ensure that a vine variety, from the propagating material of which products were derived intended for use in food and feed pursuant to Articles 2 and 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority, and laying down procedures in matters of food safety ⁽²⁾ shall be accepted only if it has been authorised pursuant to the relevant legislation.

▼ **M11***Article 5c*

Member States shall ensure that varieties and, where applicable, clones coming from other Member States are subject to the same requirements as those which apply to domestic varieties or clones, in particular as regards the acceptance procedure.

▼ **M1***Article 5d*

1. The Member States shall provide that acceptance of varieties be based on the results of official examinations, particularly growing trials, covering a sufficient number of characters for the variety to be described. The methods used for determining characters must be exact and reliable.

2. The following shall be fixed in accordance with the procedure laid down in ►**M11** Article 17(2) ◀, account being taken of current scientific and technological knowledge:

- (a) the characters to be covered as a minimum by the examinations,
(b) the minimum requirements for carrying out the examinations.

3. If it is known that propagation material of a given variety is marketed in another country under a different name, that name shall also be indicated in the catalogue.

Article 5e

1. The varieties accepted shall be officially checked at regular intervals. If any of the conditions for acceptance for certification or checking is no longer satisfied, acceptance shall be revoked and the variety deleted from the catalogue.

▼ **M11**

2. All applications or withdrawals of applications for acceptance of a variety, entries in a catalogue of varieties and amendments made to it shall immediately be communicated to the other Member States and to the Commission. On the basis of the notifications from the Member States, the Commission shall publish a common catalogue of varieties.

Article 5f

Member States shall ensure that genetically modified varieties which have been accepted are clearly indicated as such in the catalogue of varieties. They shall further ensure that any person marketing such a variety clearly indicates in their vine sales catalogue that the variety is genetically modified and states the purpose of the modification.

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 31, 1.2.2002, p. 1.

▼ **M11***Article 5g*

1. Member States shall require that varieties and, where applicable, clones accepted into the catalogue are maintained by selection for conservation.
2. Maintenance must always be verifiable on the basis of records made by those responsible for maintenance of a variety and, where applicable, of a clone.
3. Samples may be requested from those responsible for maintenance of a variety. Where necessary, samples may be taken officially.
4. Where maintenance is carried out in a Member State other than that in which the variety was accepted, the Member States in question shall assist each other administratively as regards control.

▼ **M1**▼ **M11***Article 7*

Member States shall provide that, while growing and during lifting, or removal from the parent vine, packaging, storage and transportation, propagation material be kept in separate batches and be marked with the variety and, where applicable, in the case of original propagating materials, basic material and certified material, with the clone.

▼ **B***Article 8*

1. The Member States shall require that propagation material be marketed only in sufficiently homogeneous batches and in sealed packages or bundles bearing, as prescribed in Articles 9 and 10, a sealing device and markings. Packaging shall comply with the provisions of Annex III.

▼ **M11**

2. By way of derogation from paragraph 1 as regards packaging, sealing and marking, the Commission shall determine, in accordance with the procedure laid down in Article 17(2), the provisions applicable to the sale of small quantities to final consumers and also to market vines in pots, crates or boxes.

Article 9

Member States shall require packages and bundles of propagating material to be sealed officially or under official supervision in such a manner that they cannot be opened without damaging the seal or without the official label referred to in Article 10(1) or, in the case of packaging, the packaging showing signs of tampering. To ensure proper sealing, the sealing device must comprise at least either the official label or an official seal. A decision may be taken in accordance with the procedure laid down in Article 17(2) as to whether a specific sealing device meets the requirements of this Article. Further sealing may take place only officially or under official supervision.

Article 10

1. The Member States shall require that an official label in one of the official languages of the Community, conforming to the specification in Annex IV, be affixed on the outside of packages and bundles of propagating material by means of the sealing device. The colour of the label shall be white with a diagonal violet stripe for initial material, white for basic material, blue for certified material and dark yellow for standard material.
2. However, Member States may authorise producers in their territory to market more than one package or bundle of grafted or rooted vines with the same characteristics, using a single label conforming to the specification in Annex IV. In such cases, the packages or bundles shall

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be attached together in such a way that the attachment is damaged on separation and can no longer be put back. The label shall be affixed by means of the attachment. No resealing shall be authorised.

3. Without prejudice to Article 23(2) of Regulation (EC) No 1493/1999, Member States may require that each delivery of material produced within their territories also be accompanied by a uniform document featuring the following particulars *inter alia*: the nature of the goods, the variety and, where applicable, the clone, the category, quantity, consignor and recipient. The conditions to be set regarding this accompanying document shall be established according to the procedure provided for under Article 17(3) of this Directive.

4. The official label provided for under paragraph 1 may also include the phytosanitary accompanying documents, provided for in Commission Directive 92/105/EEC ⁽¹⁾, which establishes a degree of standardisation for plant passports. However, all of the conditions applicable to the official labelling and plant passports are defined and must be recognised as equivalent.

5. Member States shall prescribe that the official labels must be preserved by the recipient of the material for the vegetative propagation of the vine for at least one year and made available to the official control authority.

6. By 23 February 2004, the Commission shall draw up a report, together with proposals, if appropriate, on the movement of material for the propagation of the vine and in particular on the use of official labels and the accompanying documents introduced by the Member States.

Article 10a

In the case of propagating material of a variety which has been genetically modified, any label and document, official or otherwise, which is affixed to or accompanies the batch of material under this Directive shall clearly indicate that the variety has been genetically modified and shall name the genetically modified organisms.

▼B*Article 11*

►M2 1. ◀ The Member States shall ensure that the identity of the propagation material is preserved, from the time of its lifting, or its removal from the parent vines until its delivery to the final consumer, by a system of official controls laid down or approved by them. They shall make suitable arrangements for propagation material to be officially controlled during marketing, at least by check sampling, as regards its compliance with the requirements of this Directive.

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2. Without prejudice to the free movement of material within the Community, Member States shall take all necessary measures to ensure that the competent authorities are supplied with the following particulars during the marketing of propagating material imported from a third country:

- (a) species (botanical name);
- (b) variety and, where applicable, clone; in the case of rooted grafts, such information shall apply both to the rootstock and to the top-graft cutting;
- (c) category;
- (d) nature of propagating material;
- (e) country of production and official control authority;
- (f) country of despatch, if different from the country of production;

⁽¹⁾ OJ L 4, 8.1.1993, p. 22.

▼M11

- (g) importer;
- (h) quantity of material.

The manner in which these particulars are to be presented may be determined in accordance with the procedure laid down in Article 17(2).

Article 12

Member States shall ensure that propagating material marketed in accordance with this Directive, under either compulsory or optional rules, is not subjected to any marketing restrictions as regards its characteristics, examination arrangements, marking and sealing other than those laid down in this Directive.

Article 12a

Member States shall ensure that propagating material of vine varieties and, where applicable, clones, which have been officially accepted in one of the Member States for certification and for checking as standard propagating material in accordance with this Directive, are not subjected to any marketing restrictions in their territory based on variety, and, where applicable, clone, without prejudice to Regulation (EC) No 1493/1999.

▼B*Article 13*

The Member States shall provide that propagation material which is obtained directly from basic material certified in one Member State and grown in another Member State may be certified in the State which produced the basic material if the propagation material has undergone field inspection satisfying the conditions laid down in Annex I and if official examination has shown that the conditions laid down in Annex II are satisfied.

*Article 14***▼M11**

1. In order to eliminate any temporary difficulties in the supply of propagating material in the Community that cannot be overcome in any other way, a decision may be taken in accordance with the procedure laid down in Article 17(2) that Member States should authorise, for a specified period, the marketing throughout the Community's territory of such quantity of propagating material of a category satisfying less stringent requirements as is needed to overcome the difficulties.

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2. For a category of propagation material of any given variety, the colour of the label shall be that provided for the corresponding category; in all other cases it shall be brown. The label shall always state that the propagation material in question is of a category satisfying less stringent requirements.

▼M9

3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure laid down in ►**M11** Article 17(2) ◄.

▼M11*Article 14a*

For the purpose of seeking better alternatives to certain provisions of this Directive, it may be decided, in accordance with the procedure laid down in Article 17(3), to organise temporary experiments under specified conditions at Community level.

▼B*Article 15*

1. This Directive shall not apply to propagation material shown to be intended for export to third countries.

▼M11

2. (a) On a Commission proposal the Council, acting by qualified majority, shall determine whether material for the vegetative propagation of the vine produced in a third country offers, as regards the conditions for its acceptance and the measures taken to ensure its production with a view to its marketing, the same guarantees as material produced in the Community and meets the requirements of this Directive.
- (b) Furthermore, the Council shall determine the types of material and the categories of material for the vegetative propagation of the vine that may be admitted to marketing within the territory of the Community under point (a).
- (c) Until the Council has taken a decision pursuant to point (a) and without prejudice to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, the Member States may be authorised to take such decisions in accordance with the procedure laid down in Article 17(2). When doing so, they shall ensure that the material to be imported offers guarantees equivalent in every respect to those offered by material for the vegetative propagation of the vine produced in the Community in accordance with this Directive. Such imported material shall in particular be accompanied by a document setting out the particulars prescribed in Article 11(2).

▼M12*Article 16*

1. Community comparative tests and trials shall be carried out within the Community for the post-control of samples of vine propagation material placed on the market under the provisions of this Directive, whether mandatory or discretionary, including those relating to plant health and taken during sampling. The comparative tests and trials may include the following:

- propagation material produced in third countries,
- propagation material suitable for organic farming,
- propagation material marketed in relation to measures intended to help preserve genetic diversity.

2. These comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the propagation material must comply.

3. The Commission, acting in accordance with the procedure referred to in Article 17, shall make the necessary arrangements for the comparative tests and trials to be carried out. The Commission shall inform the Committee referred to in Article 17 about the technical arrangements for holding the tests and trials and the results thereof. When plant health problems occur, the Commission shall notify the Standing Committee on Plant Health.

4. The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 1 and 2.

The financial contribution shall not exceed the annual appropriations decided by the budgetary authority.

5. The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

▼ **M12**

financial contribution, shall be established in accordance with the procedure laid down in Article 17.

6. The tests and trials foreseen in paragraphs 1 and 2 may be performed only by State authorities or legal persons acting under the responsibility of the State.

▼ **M11***Article 16a*

The measures necessary for the implementation of this Directive with regard to the matters contained in the provisions referred to below shall be adopted in accordance with the management procedure laid down in Article 17(2):

— Article 2(1)(DA)(c), Article 3(3), Article 8(2), Article 9, Article 11(2), Article 14(1) and Article 15(2)(c).

Article 16b

The measures necessary for the implementation of this Directive with regard to the matters contained in the provisions referred to below shall be adopted in accordance with the regulatory procedure laid down in Article 17(3):

— Article 2(1)(I), Article 3(5), Article 10(3) and Article 14a.

Article 17

1. The Commission shall be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry (hereinafter referred to as the 'committee').

2. Where reference is made to this paragraph, Articles 4 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾ shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be two months.

4. The committee shall adopt its rules of procedure.

▼ **M2***Article 17a*

Any amendments to be made to the Annexes to the development of scientific knowledge or techniques shall be decided upon in accordance with the procedure laid down in ► **M11** Article 17(2) ◀.

▼ **B***Article 18*

This Directive shall be without prejudice to the provisions of national laws justified on grounds of the protection of health and life of humans, animals or plants or the protection of industrial and commercial property.

▼ **M2***Article 18a*

In accordance with the procedure laid down in ► **M11** Article 17(2) ◀, a Member State may, if it so requests, be wholly or partially

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

▼ M2

released from the obligation to apply this Directive with the exception, however, of Articles 12 (1) and 12a, in so far as the growing of vines and the marketing of propagation material are of minimal economic importance in its territory.

▼ M1*Article 18b*

This Directive shall be without prejudice to Council Regulation (EEC) No 234/68 ⁽¹⁾ of 27 February 1968 on the establishment of a common organisation of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage.

▼ B*Article 19*

The Member States shall, not later than 1 July 1969, bring into force the measures necessary to comply with this Directive and shall forthwith inform the Commission thereof.

▼ M10

The Federal Republic of Germany is hereby authorized to comply, in respect of the territory of the former German Democratic Republic, with Article 3 (1) at a date later than that referred to above, but not later than 1 January 1995.

The Federal Republic of Germany shall ensure that the material in respect of which it applies this authorization is not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.

▼ B*Article 20*

The Directive is addressed to the Member States.

⁽¹⁾ OJ No L 55, 2.3.1968, p. 1.

▼ **M14***ANNEX I***CONDITIONS RELATING TO THE GROWING CROP**

1. The growing crop shall have identity and purity with regard to the variety and, if necessary, the clone.
2. The cultural conditions and the level of development of the growing crop shall be such as to allow sufficient checks on the identity and purity of the growing crop with regard to the variety and, if necessary, the clone, as well as its state of health.
3. The soil or if necessary the substrate of culture gives sufficient guarantees regarding the absence of harmful organisms or their vectors, in particular nematodes which carry viral diseases. The stock nurseries and the cutting nurseries shall be established under appropriate conditions to avoid any risk of contamination by harmful organisms.
4. The presence of harmful organisms which reduce the usefulness of the propagation material shall be at the lowest possible level.
5. In particular concerning the harmful organisms referred to in points (a), (b) and (c) the conditions set out in points 5.1 to 5.5 shall apply, subject to point 5.6:
 - (a) complex of infectious degeneration: grapevine fanleaf virus (GFLV), Arabis mosaic virus (ArMV);
 - (b) grapevine leafroll disease: grapevine leafroll-associated virus 1 (GLRaV-1) and grapevine leafroll-associated virus 3 (GLRaV-3);
 - (c) grapevine fleck virus (GFkV) (only for rootstocks).
- 5.1. The stock nurseries intended for the production of initial propagating material shall have been found free from the harmful organisms listed under points 5(a), 5(b) and 5(c) by means of an official inspection. This inspection is based on the results of plant health tests carried out by indexing, or an internationally accepted equivalent testing method referring to all plants. These tests shall be confirmed by results of plant health tests carried out on all plants every five years, for the organisms listed under points 5(a) and 5(b).

Infected plants must be eliminated. Reasons for failures ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.
- 5.2. The stock nurseries intended for the production of basic propagating material shall have been found free from the harmful organisms listed under points 5(a) and 5(b) by means of an official inspection. This inspection is based, on the results of plant health tests referring to all plants. These tests shall be carried out at least every six years starting from three year old stock nurseries.

In those cases where official annual crop inspections are carried out on all plants, the plant health tests shall be carried out at least every six years starting from six year old stock nurseries.

Infected plants must be eliminated. Reasons for failures ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.
- 5.3. The stock nurseries intended for the production of certified material shall have been found free from all the harmful organisms listed under point 5 (a) and 5(b) by an official inspection. This inspection is based on the results of plant health tests carried out by survey according to methods of analysis/control procedures which comply with generally accepted and standardised norms. These tests shall be carried out at least every 10 years starting from five year old stock nurseries.

In those cases where official annual crop inspections are carried out on all plants, the plant health tests shall be carried out at least every 10 years starting from 10 year old stock nurseries.

The failure rate of stock nurseries attributable to the harmful organisms listed under points 5(a) and 5(b) shall not exceed 5 %. Infected plants must be eliminated. Reasons for failures ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.
- 5.4. In the stock nurseries intended for the production of standard material, the failure rate attributable to the harmful organisms listed under points 5(a) and 5(b) shall not exceed 10 %. Infected plants must be eliminated from

▼ **M14**

propagation. Reasons for failures ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

- 5.5. The cutting nurseries shall have been found free from the harmful organisms listed under point 5(a) and 5(b) by the means of an annual official crop inspection based on visual methods and, if necessary, supported by suitable tests and/or a second crop inspection.
- 5.6. (a) Member States may decide not to apply points 5.1 and 5.2 until 31 July 2011, in respect of stock nurseries which were already in existence for the production of initial propagating material or basic propagating material at the date of entry into force of Commission Directive 2005/43/EC (*).
- (b) Member States may decide not to apply point 5.3 until 31 July 2012, in respect of stock nurseries which were already in existence for the production of certified propagating material at the date of entry into force of Directive 2005/43/EC.
- (c) Where Member States decide not to apply points 5.1 to 5.2 or point 5.3 as described in (a) or (b) above, they shall instead apply the following rules.

Harmful virus diseases, especially grapevine fanleaf and leafroll, must be eliminated from crops intended for the production of initial propagating material and basic material. Crops intended for the production of propagation material of the other categories shall be kept free from plants showing symptoms of harmful virus diseases.

(*) OJ L 164, 24.6.2005, p. 37.
6. The cutting nurseries shall not be established within a vineyard or a stock nursery. The minimum distance from a vineyard or a stock nursery shall be three metres.
7. The propagating material used for the production of graftable rootstock cuttings, top graft cuttings, nursery cuttings, rooted cuttings and rooted grafts shall be taken from stock nurseries which have been inspected and approved.
8. Without prejudice to the official inspection provided under point 5 above, there shall be at least one official crop inspection. Additional crop inspections shall be carried out in cases of disputes on matters which can be decided without prejudice to the quality of the propagating material.

▼ **M14***ANNEX II***CONDITIONS RELATING TO PROPAGATION MATERIAL****I. GENERAL CONDITIONS**

1. The propagation material shall have varietal identity and purity, and if necessary clonal purity; a tolerance of 1 % is admitted at the time of the marketing of standard material.
2. The propagation material shall have a minimum technical purity of 96 %.
The following are considered technical impurities:
 - (a) propagation material desiccated wholly or partly, even when it has been steeped in water after desiccation;
 - (b) damaged, bent or injured propagation material, in particular when damaged by hail or frost or when crushed or broken;
 - (c) material not meeting the requirements under point III below.
3. Vine shoots shall have reached a sufficient state of maturity of the wood.
4. The presence of harmful organisms which reduce the usefulness of the propagation material shall be tolerated only at the lowest possible level.

Propagation material presenting clear signs or symptoms ascribable to harmful organisms for which there are no efficient treatments shall be eliminated.

II. SPECIAL CONDITIONS**1. Rooted grafts**

The rooted grafts consisting of a combination of the same category of reproduction material shall be classified in that category.

The rooted grafts consisting of a combination of different categories of reproductive material shall be classified in the lower category of the elements of which it is composed.

2. Temporary derogation

Member States may decide not to apply the provisions of point 1 until 31 July 2010, in respect of rooted grafts consisting of initial propagating material grafted on to basic propagating material. Where Member States decide not to apply point 1, they shall instead apply the following rule.

Rooted grafts consisting of initial propagating material grafted on to basic propagating material shall be classified as initial propagating material.

III. GRADING**1. Graftable rootstock cuttings, nursery cuttings and top-graft cuttings***Diameter*

This concerns the largest diameter of the section. This standard does not apply to herbaceous cuttings,

- (a) graftable rootstock cuttings and top-graft cuttings:
 - (aa) top diameter: 6,5 to 12 mm;
 - (ab) maximum butt end diameter: 15 mm, except if this involves top-graft cuttings intended for grafting *in situ*,
- (b) nursery cuttings:

minimum top diameter: 3,5 mm.

2. Rooted cuttings*A. Diameter*

The diameter measured in the middle of the internode, under the extension growth and along to the longest axis, shall be at least equal to 5 mm. This standard is not applicable to the rooted cuttings derived from herbaceous propagation material.

▼M14**B. Length**

The length from the lowest point at which roots emerge to the base of the extension growth shall be not less than:

- (a) 30 cm for rooted cuttings, intended for grafting; however, for rooted cuttings intended for Sicily, this length shall be 20 cm;
- (b) 20 cm for other rooted cuttings.

This standard is not applicable to the rooted cuttings derived from herbaceous propagation material.

C. Roots

Each plant shall have at least three well-developed and well-spaced roots. However, the variety 420 A may have only two well-developed roots, provided that they are on opposite sides.

D. Heel

The cut shall be made at a sufficient distance below the diaphragm so as not to damage it but not more than one centimetre below it.

3. Rooted grafts**A. Length**

The stem shall be at least 20 cm in length.

This standard is not applicable to the rooted grafts derived from herbaceous propagation material.

B. Roots

Each plant shall have at least three well-developed and well-spaced roots. However, the variety 420 A may have only two well-developed roots, provided that they are on opposite sides.

C. Union

Each plant shall have an adequate, regular and secure union.

D. Heel

The cut shall be made at a sufficient distance below the diaphragm so as not to damage it but not more than one centimetre below it.

▼ **M14***ANNEX III***PACKAGING****Composition of packages or bundles**

1 — Type	2 — Number of individuals	3 — Maximum quantity
1. Rooted grafts	25, 50, 100, or multiples of 100	500
2. Rooted cuttings	50, 100, or multiples of 100	500
3. Top-graft cuttings		
— with at least five usable eyes	100, or 200	200
— with one usable eye	500, or multiples of 500	5 000
4. Graftable rootstock cuttings	100, or multiples of 100	1 000
5. Nursery cuttings	100, or multiples of 100	500

SPECIAL CONDITIONS*I. Small quantities*

Where necessary, the size (number of individuals) of packages and bundles of all types and categories of propagation material listed in column 1 above may be smaller than the minimum quantities indicated in column 2 above.

II. Plants of vine with roots in any substrate in pots, crates and boxes

The number of individuals and the maximum quantity do not apply.

▼ **M14***ANNEX IV***MARKING****A. LABEL****I. Required information**

1. EC Standard
2. Country of production
3. Authority responsible for certification or checking and Member State or their initials
4. Name and address of the person responsible for sealing or his identification number
5. Species
6. Type of material
7. Category
8. Variety and, where appropriate, the clone. For the rooted grafts this indication applies for the rootstock and the top-graft
9. Reference number of batch
10. Quantity
11. Length — Only for the graftable rootstock cuttings: this involves the minimum length of the cuttings of the concerned batch
12. Crop year.

II. Minimum conditions

The label shall comply with the following requirements:

1. the label shall be indelibly printed and clearly legible;
2. the label shall be affixed in a conspicuous place in such a way as to be easily visible;
3. information set out in point A.I. shall not in any way be hidden, obscured or interrupted by other written or pictorial matter;
4. the information set out in point A.I. shall appear in the same field of vision.

III. Derogation as regards small quantities to final consumer1. *More than one unit*

The required information for the label under point I.10 reads: 'Exact number of units per package or bundle'.

2. *One unit only*

The following information set out in point A.I. is not required:

- type of material
- category
- reference number of batch
- quantity
- length for the graftable rootstock cuttings
- crop year.

IV. Derogations as regards vines in pots, crates or boxes

In case of plants of vine with roots in any substrate in pots, crates and boxes when the packages of such material cannot fulfil the requirements for sealing (including labelling) due to its composition:

- (a) the propagation material shall be kept in separate batches appropriately identified per variety and where relevant per clone and per number of individuals;
- (b) the official label is not compulsory;

▼ M14

- (c) the propagation material shall be accompanied by the accompanying document as laid down under point B.

B. ACCOMPANYING DOCUMENT**I. Conditions to be fulfilled**

When Member States require that an accompanying document should be delivered, the document:

- (a) shall be delivered in at least two copies (consignor and recipient);
- (b) shall (recipient copy) accompany the delivery from the place of the consignor to the place of recipient;
- (c) shall indicate all information set out under the following point II concerning the individual batches of the delivery;
- (d) shall be preserved for at least one year and made available to the official control authority.

II. List of information to be included

1. EC Standard
2. Country of production
3. Authority responsible for certification or checking and Member State or their initials
4. Progressive number
5. Consignor (address, registration No)
6. Recipient (address)
7. Species
8. Type(s) of the material
9. Category(ies)
10. Variety(ies) and, where applicable, the clone(s). For the rooted grafts this indication applies for the rootstock and the top-graft
11. Number of individuals per batch
12. Total number of batches
13. Date of delivery.