

Council Directive 98/56/EC of 20 July 1998 on the  
marketing of propagating material of ornamental plants

TITLE VIII

**CONTROL MEASURES AND GENERAL PROVISIONS**

*Article 12*

1 Member States shall require that suppliers take all necessary measures to guarantee compliance with the requirements of this Directive. To this end Member States shall ensure that propagating material is officially inspected:

- at least by random checks, and
- at least in respect of marketing to persons professionally engaged in production or sale of ornamental plants or propagating material,

to verify compliance with the requirements. Member States may also take samples in order to verify compliance. In carrying out supervision and monitoring, the responsible official bodies shall have free access to all parts of suppliers' establishments at all reasonable times.

The Commission shall, by 31 December 2002, submit a report to the Council, on the operation of the control arrangements foreseen in this Article, together with any appropriate proposals which may, if appropriate, include proposals for removing requirements of this Directive from retail sales.

2 Detailed implementing procedures for official inspections under this Directive may be established in accordance with the procedure laid down in Article 17.

*Article 13*

1 If, during official inspections referred to in Article 12, or the trials referred to in Article 14, it is found that propagating material does not meet the requirements of this Directive, the responsible official body shall ensure that the supplier takes appropriate corrective action or, if that is not possible, shall prohibit the marketing of that propagating material in the Community.

2 If it is found that propagating material marketed by a particular supplier does not comply with the requirements of this Directive, the Member State concerned shall ensure that appropriate measures are taken in relation to that supplier.

3 Any measures taken under paragraph 2 shall be withdrawn as soon as it has been established with sufficient certainty that the propagating material intended for marketing by the supplier will, in future, comply with the requirements and conditions of this Directive.

*[<sup>F1</sup>Article 14*

1 Where appropriate, trials or tests shall be carried out in the Member States on samples to check that propagating material complies with the requirements and conditions of this Directive. The Commission may organise inspections of trials by representatives of the Member States and of the Commission.

2 Community comparative tests and trials may be carried out within the Community for the post-control of samples of propagating material or ornamental plants placed on the market

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under the provisions of this Directive, whether mandatory or discretionary, including those relating to plant health. The comparative tests and trials may include the following:

- propagating material produced in third countries,
- propagating material suitable for organic farming,
- propagating material marketed in relation to measures for the conservation of genetic diversity.

3 These comparative tests and trials shall be used to harmonise the technical methods of examination of propagating material of ornamental plants and to check satisfaction of the conditions with which the material must comply.

4 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 problems occur in relation to organisms covered by Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction in the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>(1)</sup>, the Commission shall notify the Standing Committee on Plant Health, which shall also be consulted on protocols for Community trials where these concern organisms covered by Directive 2000/29/EC.

5 The Community may make a financial contribution to the performance of the tests and trials foreseen in paragraphs 2 and 3.

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

6 The tests and trials which may benefit from a Community financial contribution, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure laid down in Article 17.

7 The tests and trials foreseen in paragraphs 2 and 3 may be performed only by State authorities or legal persons acting under the responsibility of the State.]

#### **Textual Amendments**

- F1** Substituted by [Council Directive 2003/61/EC of 18 June 2003 amending Directives 66/401/EEC on the marketing of fodder plant seed, 66/402/EEC on the marketing of cereal seed, 68/193/EEC on the marketing of material for the vegetative propagation of the vine, 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed, 92/34/EEC on the marketing of propagating and planting material of fruit plants, 98/56/EC on the marketing of propagating material of ornamental plants, 2002/54/EC on the marketing of beet seed, 2002/55/EC on the marketing of vegetable seed, 2002/56/EC on the marketing of seed potatoes and 2002/57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials.](#)

#### *Article 15*

The marketing of propagating material which complies with the requirements of this Directive shall be subject to no restrictions as regards supplier, quality, plant health, labelling and packaging, other than those laid down in this Directive.

#### *Article 16*

In accordance with the procedure laid down in Article 17, a Member State may at its request and under certain conditions be wholly or partially released from certain

obligations under this Directive in respect of types of propagating material of certain genera or species the production of which is of minimal economic importance in its territory, save where this would run counter to Article 15.

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- (1) [<sup>F1</sup>OJ L 169, 10.7.2000, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).]

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