

Council Directive 2008/72/EC of 15 July 2008 on the  
marketing of vegetable propagating and planting material,  
other than seed (Text with EEA relevance) (Codified version)

COUNCIL DIRECTIVE 2008/72/EC

of 15 July 2008

on the marketing of vegetable propagating and planting material, other than seed

(Text with EEA relevance)

(Codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament<sup>(1)</sup>,

Whereas:

- (1) Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material, other than seed<sup>(2)</sup> has been substantially amended several times<sup>(3)</sup>. In the interests of clarity and rationality the said Directive should be codified.
- (2) The production of vegetables occupies an important place in agriculture in the Community.
- (3) Satisfactory results in the cultivation of vegetables depend to a large extent on the quality and plant health not only of the seed, which is already covered by Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed<sup>(4)</sup>, but also of the vegetable planting material used for their propagation.
- (4) The different treatment accorded to vegetable propagating and planting material in different Member States is likely to create barriers to trade and thus hinder the free movement of these products within the Community.
- (5) Harmonised conditions at Community level should ensure that purchasers throughout the Community receive vegetable propagating and planting material which is healthy and of good quality.
- (6) In so far as they relate to plant health, such harmonised conditions must be consistent with 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<sup>(5)</sup>.

- (7) Without prejudice to the plant health provisions of Directive 2000/29/EC, it is not appropriate to apply the Community rules on the marketing of vegetable propagating and planting material when it is shown that such products are intended for export to third countries, as the rules applicable there may be different from those contained in this Directive.
- (8) The determination of plant health and quality standards for each genus and species of vegetable plant requires lengthy and detailed technical and scientific consideration. A procedure should accordingly be established for that purpose.
- (9) In the first instance it is the responsibility of the suppliers of vegetable propagating and planting material to ensure that their products fulfil the conditions laid down in this Directive.
- (10) The competent authorities of the Member States should, when carrying out controls and inspections, ensure that suppliers fulfil those conditions.
- (11) Community control measures should be provided for to ensure the uniform application in all the Member States of the standards laid down in this Directive.
- (12) It is in the interests of the purchasers of vegetable propagating and planting materials that the name of varieties be known and their identity safeguarded.
- (13) To that end, provision should be made as far as possible for the application of the rules on the varietal aspect as established with respect to the marketing of vegetable seed.
- (14) In order to ensure the identity and orderly marketing of vegetable propagating and planting material, Community rules should be laid down concerning the separation of lots, and marking. The labels used should give the particulars needed both for official controls and for the information of the user.
- (15) Rules should be established permitting, in cases of temporary supply difficulties, the marketing of vegetable propagating and planting material subject to requirements less stringent than those contained in this Directive.
- (16) Member States should be prohibited in the case of the genera and species referred to in Annex II, for which schedules will be drawn up, from imposing new conditions or restrictions on the marketing, other than those provided for in this Directive.
- (17) Provisions should be made for authorising the marketing within the Community of vegetable propagating and planting material produced in third countries, provided always that it affords the same assurances as vegetable propagating and planting material produced in the Community and complying with Community rules.
- (18) In order to harmonise technical methods of examination used in the Member States and to compare propagating and planting material and vegetable plants produced in the Community with that produced in third countries, comparative trials should be carried out to check compliance of such products with the requirements of this Directive.
- (19) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(6)</sup>.

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- (20) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex III, Part B,

HAS ADOPTED THIS DIRECTIVE:

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- (1) Opinion of 11 March 2008 (not yet published in the Official Journal).
- (2) [OJ L 157, 10.6.1992, p. 1](#). Directive as last amended by Commission Decision 2007/699/EC ([OJ L 284, 30.10.2007, p. 33](#)).
- (3) See Annex III, Part A.
- (4) [OJ L 193, 20.7.2002, p. 33](#). Directive as last amended by Commission Directive 2006/124/EC ([OJ L 339, 6.12.2006, p. 12](#)).
- (5) [OJ L 169, 10.7.2000, p. 1](#). Directive as last amended by Commission Directive 2008/64/EC ([OJ L 168, 28.6.2008, p. 31](#)).
- (6) [OJ L 184, 17.7.1999, p. 23](#). Decision as amended by Decision 2006/512/EC ([OJ L 200, 22.7.2006, p. 11](#)).