

# DIRECTIVES

## COMMISSION IMPLEMENTING DIRECTIVE (EU) 2019/1813

of 29 October 2019

**amending Implementing Directive 2014/96/EU on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC as regards the colour of the label for certified categories of propagating material and fruit plants and the content of the supplier's document**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production <sup>(1)</sup>, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Implementing Directive 2014/96/EU <sup>(2)</sup> sets out the requirements for the labelling of fruit plant propagating material and fruit plants intended for fruit production to ensure the identity and traceability of that propagating material and those fruit plants during marketing.
- (2) Pursuant to that Directive, the use of coloured labels for fruit plant propagating material and fruit plants of the pre-basic, basic and certified categories was to be reviewed by the Commission by 1 January 2019.
- (3) A survey conducted by the Commission showed that a majority of Member States are in favour of the mandatory use of a coloured label for the pre-basic, basic and certified categories of propagating material and fruit plants. The survey also indicated that several Member States market *Conformitas Agraria Communitatis* ('CAC') material with a yellow supplier's document in the form of a label affixed to the CAC material.
- (4) In order to take into account the existing practice in the Member States, and to ensure a clear distinction between the supplier's document for CAC material and the official labels for pre-basic, basic and certified material, the colour of the CAC label should be yellow when the supplier's document is affixed to the CAC material. No special colour should be prescribed for the supplier's document when it is not affixed to the CAC material because in such a case there is no risk of confusion with any other label or document.
- (5) Implementing Directive 2014/96/EU does not prescribe a specific colour for the supplier's document when it is affixed to the CAC material in the form of a label. Certain Member States currently use a colour other than yellow for those labels. In order to avoid any disruption of trade, Member States should be allowed to authorise, for a transitional period, CAC material to which labels in a colour other than yellow are affixed, to be marketed in their own territory, where those coloured labels were already in use up to 1 April 2020.

<sup>(1)</sup> OJ L 267, 8.10.2008, p. 8.

<sup>(2)</sup> Commission Implementing Directive 2014/96/EU of 15 October 2014 on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC (OJ L 298, 16.10.2014, p. 12).

- (6) Moreover, experience has shown that the content of the supplier's document could be simplified to ensure more flexibility for the marketing of CAC material in each Member State. When the supplier's document contains less information it is easier for the supplier to reduce the size of that document so that it can be affixed to the CAC material to be marketed. For this reason, providing information about the quantity of CAC material marketed and the Member State where the CAC material was produced, where it is different from the Member State in which the supplier's document has been prepared, should be optional.
- (7) Having regard to the changes that need to be made to the labelling requirements for fruit plant propagating material and fruit plants of all marketing categories, as well as to the requirements for the supplier's document, it is appropriate to amend Implementing Directive 2014/96/EU.
- (8) In order to allow the competent authorities and the suppliers adequate time to adapt to the new requirements, this Directive should apply from 1 April 2020.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed, section Propagating Material and Plants of Fruit Genera and Species,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

#### **Amendments to Implementing Directive 2014/96/EU**

Implementing Directive 2014/96/EU is amended as follows:

- (1) In Article 2, paragraph 4 is replaced by the following:
  - '4. The colour of the label shall be:
    - (a) white with a diagonal violet stripe for pre-basic-material;
    - (b) white for basic material;
    - (c) blue for certified material.'
- (2) Article 5 is replaced by the following:

#### *'Article 5*

#### **Supplier's document for CAC material**

1. Member States shall ensure that CAC material is marketed with a document prepared by the supplier in compliance with paragraphs 2, 3 and 4 ('the supplier's document').

Member States shall ensure that the supplier's document does not resemble the accompanying document referred to in Article 3, so as to avoid any possible confusion between those two documents.

2. The supplier's document shall contain at least the following information:
  - (a) the indication 'EU rules and standards';
  - (b) the name of the Member State where the document has been prepared, or the respective code;
  - (c) the responsible official body or the respective code;
  - (d) the name of the supplier or its registration number/code issued by the responsible official body;
  - (e) the individual serial number, week number or batch number;
  - (f) the botanical name;
  - (g) the indication "CAC material";
  - (h) the denomination of the variety and, where appropriate, the clone. In the case of rootstocks not belonging to a variety: the name of the species or the interspecific hybrid concerned. For grafted fruit plants, such information shall be given for the rootstock and the top-graft. For varieties for which an application for official registration or for a plant variety right is pending, such information shall indicate: "proposed denomination" and "application pending";
  - (i) the date of issue of the document.

3. Where it is affixed to the CAC material, the colour of the supplier's document shall be yellow.
4. The supplier's document shall be indelibly printed in one of the official languages of the Union, clearly visible and legible.

#### Article 2

##### **Transposition**

1. Member States shall adopt and publish, by 31 March 2020, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those provisions to the Commission.

They shall apply those provisions from 1 April 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### Article 3

##### **Transitional measures**

1. Member States may, until 30 June 2021, allow *Conformitas Agraria Communitatis* ('CAC') material to which labels in a colour other than yellow are affixed, to be marketed in their own territory, where those coloured labels were already in use up to 1 April 2020.

2. Member States shall ensure that, when marketed, fruit plant propagating material and fruit plants which qualify as CAC material shall be identified by a reference to this Article in the supplier's document when used as a label.

#### Article 4

##### **Entry into force**

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

#### Article 5

##### **Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 29 October 2019.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

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