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EUROPEAN COMMISSION

Brussels, 5.7.2010  
COM(2010)359 final

2010/0194 (COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the marketing of material for the vegetative propagation of the vine**

**(Recast)**

## EXPLANATORY MEMORANDUM

1. On 1 April 1987 the Commission decided<sup>1</sup> to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that their provisions are clear and readily understandable.
2. The codification of Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine<sup>2</sup> was initiated by the Commission, and a relevant proposal was submitted to the legislative authority<sup>3</sup>. The new Directive was to have superseded the various acts incorporated in it<sup>4</sup>.
3. In the course of the legislative procedure, it was acknowledged that a provision appearing in the proposal for a codified text provided for a reservation of implementing powers by the Council which was not justified in the recitals of Directive 68/193/EEC. In the light of the judgment of the Court of Justice of 6 May 2008 in Case C-133/06, a redrafting of certain parts of the proposal therefore became necessary. Since such a redrafting would imply a substantive change, and would therefore go beyond straightforward codification, it was considered necessary that point 8<sup>5</sup> of the Interinstitutional Agreement of 20 December 1994 - Accelerated working method for official codification of legislative texts - be applied, in the light of the Joint Declaration on that point<sup>6</sup>.
4. After examining the political, legal and historical context of the provision concerned, the Commission came to the conclusion that the reasons that could have previously justified a reservation of implementing powers by the Council would no longer apply. Directive 68/193/EEC was adopted on 9 April 1968, i.e. well before the adoption of the Single European Act and the subsequent establishment of the internal market. At that time, it was considered appropriate for the Council to take decisions directly influencing trade relations with third countries. However, the context has changed considerably since the 1960s. As a result, in similar directives adopted since the 1990s, the power to decide on the equivalence of the conditions and measures with regard to propagating material produced in third countries, and on the types and categories of propagating material produced in third countries that may be admitted to marketing within the Union, has been given to the Commission. It is appropriate that the provision on equivalence and admission contained in

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<sup>1</sup> COM(87) 868 PV.

<sup>2</sup> Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

<sup>3</sup> COM(2008) 91 final.

<sup>4</sup> See Annex V, Part A of this proposal.

<sup>5</sup> *"Should it prove necessary during the legislative process to go beyond straightforward codification and make substantive changes, it will be the Commission's responsibility to submit any proposal(s), where appropriate".*

<sup>6</sup> *"The European Parliament, the Council and the Commission note that if it should appear necessary to go beyond straightforward codification and make substantive changes, the Commission will be able to choose, case by case, whether to recast its proposal or whether to submit a separate proposal for amendment, leaving its codification proposal on the table, and then, once the substantive change has been adopted, incorporate it into the proposal for codification".*

Directive 68/193/EEC be therefore aligned with those subsequent provisions. This is also in conformity with the general rule laid down in Article 291(2) TFEU.

5. It is therefore appropriate to transform the codification of Directive 68/193/EEC into a recast in order to incorporate the necessary amendment.

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↓ 68/193/EEC (adapted)

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Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the marketing of material for the vegetative propagation of the vine**

**(Recast)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>7</sup>,

After transmission of the proposal to the national Parliaments,

Acting in accordance with the ordinary legislative procedure<sup>8</sup>,

Whereas:

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↓ new

(1) Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine<sup>9</sup> has been substantially amended several times<sup>10</sup>. Since further amendments are to be made, it should be recast in the interests of clarity.

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↓ 68/193/EEC Recital 1 (adapted)

(2) The production of wine and table grapes occupies an important place in the agriculture of the Union.

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↓ 68/193/EEC Recital 2 (adapted)

(3) Satisfactory results in vine cultivation depend to a large extent on the use of appropriate propagating material. To this end, certain Member States have for

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<sup>7</sup> OJ C [...], [...], p. [...].

<sup>8</sup> OJ C [...], [...], p. [...].

<sup>9</sup> OJ L 93, 17.4.1968, p. 15.

<sup>10</sup> See Annex V, Part A.

some time restricted the marketing of vine vegetative ☒ propagating ☒ material to high quality wood and young plants. 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.

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↓ 68/193/EEC Recital 3 (adapted)

- (4) Greater productivity ☒ can ☒ be achieved in vine cultivation ☒ in the Union ☒ if for the choice of the varieties permitted to be marketed Member States apply uniform rules which are as strict as possible.
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↓ 68/193/EEC Recital 4 (adapted)

- (5) It is, however, justifiable to restrict marketing to certain varieties only if the vine grower can be sure of actually obtaining ☒ propagating ☒ material of those varieties.
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↓ 68/193/EEC Recital 7 (adapted)

- (6) As a general rule, ☒ propagating ☒ material intended for the production of grapes or for the production of ☒ propagating ☒ material should be allowed to be marketed only if it has been officially examined and certified, in accordance with the rules for certification, as ☒ initial propagating material, ☒ basic ☒ propagating ☒ material or certified ☒ propagating ☒ material.
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↓ 68/193/EEC Recital 8 (adapted)

- (7) It would be desirable to restrict marketing to certified vine ☒ propagating ☒ material obtained by clonal selection. However, it is at present impossible to attain this objective since ☒ the ☒ requirements ☒ of the Union ☒ could not be entirely covered by such material. Therefore, the marketing of checked standard ☒ propagating ☒ material which must also possess identity and varietal purity but which does not always afford the same assurances as ☒ propagating ☒ material obtained by clonal selection should be allowed provisionally. However, this category should gradually be eliminated.
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↓ 2002/11/EC Recital 3 (adapted)

- (8) Member States ☒ should be able to ☒ authorise ☒ , under certain conditions, ☒ the marketing of propagating material for trials, scientific purposes or selection work.
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↓ 2002/11/EC Recital 2

- (9) It should be made possible, on certain conditions, to market propagating material produced by new production methods.

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↓ 71/140/EEC Recitals 5  
(adapted), 6 and 7 (adapted)

- (10) It is necessary for each Member State to compile a catalogue of varieties accepted for certification and for checking as standard ☒ propagating ☒ material in its territory. Uniform rules should be used for compiling these catalogues so that the varieties accepted will be distinct, stable and sufficiently uniform. In order to carry out the examinations for the acceptance of a variety, a large number of criteria and minimum requirements ☒ should ☒ be laid down.

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↓ 68/193/EEC Recital 9 (adapted)

- (11) If vines are not propagated or if ☒ propagating ☒ material is not marketed in a Member State, it seems justifiable to exempt that State from the obligation to arrange for certification or for checking of standard ☒ propagating ☒ material without however affecting its obligation to restrict marketing to certified ☒ propagating ☒ material and standard ☒ propagating ☒ material.

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↓ 2002/11/EC Recitals 5 and 6

- (12) It is important that genetically modified vine varieties are not accepted unless all the appropriate measures have been taken to avoid any risk to human health or the environment. A specific environmental risk assessment should be carried out equivalent to that provided for in 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<sup>11</sup> where vine variety propagating material is composed of genetically modified organisms.

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↓ 2002/11/EC Recital 9 (adapted)

- (13) It is desirable to ensure that genetic diversity is preserved. Appropriate biodiversity conservation measures to guarantee the conservation of existing varieties ☒ should ☒ be taken. The Commission should take into account not only the concept of variety but also that of genotype and of clone.

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↓ 74/648/EEC Recital 7 (adapted)

- (14) The growing of vines and the marketing of ☒ propagating ☒ material may be of minimal economic importance in a Member State. The Member State concerned should therefore have the possibility of being exempted from most of the provisions of ☒ this ☒ Directive.

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<sup>11</sup> OJ L 106, 17.4.2001, p. 1.

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↓ 68/193/EEC Recital 10  
(adapted)

- (15) Propagating material which is not placed on the market should not, in view of its minor economic importance, be subject to Union rules. Member States should retain the right to make such material subject to special provisions.
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↓ 68/193/EEC Recital 11  
(adapted)

- (16) Union rules should not apply to propagating material shown to be intended for export to third countries.
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↓ 68/193/EEC Recital 13  
(adapted)

- (17) In order to improve not only the genetic value of propagating material in the Union, but also its external quality, certain conditions should be laid down as to technical purity, quality and grading.
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↓ 68/193/EEC Recital 14  
(adapted)

- (18) In order to ensure the identity of the propagating material, Union rules should be laid down as regards the separation of batches, packaging, sealing and marking. 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 that the certification has been established by the Union.
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↓ 68/193/EEC Recital 15  
(adapted)

- (19) In order to ensure that both the requirements as to the quality of propagating material and the provisions for ensuring its identity are complied with during marketing, Member States should make provision for suitable control arrangements.
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↓ 68/193/EEC Recital 16  
(adapted)

- (20) Propagating material satisfying those requirements should, without prejudice to Article 36 of the Treaty, be subject to no marketing restrictions other than those provided for in Union rules.



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↓ 2002/11/EC Recital 8

- (21) To ensure that the movement of vine-propagating material is adequately monitored, it is appropriate that Member States should be able to require a document to accompany each lot.
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↓ 68/193/EEC Recital 18  
(adapted)

- (22) Subject to certain conditions, ☒ propagating ☒ material produced in other Member States from basic ☒ propagating ☒ material certified in a Member State should be recognised as equivalent to ☒ propagating ☒ material produced in that Member State.
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↓ 68/193/EEC Recital 19  
(adapted)

- (23) During periods in which there are difficulties in obtaining supplies of ☒ propagating ☒ material , ☒ propagating ☒ material satisfying less stringent requirements should temporarily be permitted to be marketed.
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↓ 68/193/EEC Recital 20  
(adapted)

- (24) In order to harmonise the technical methods of certification and of checking standard ☒ propagating ☒ material used in the various Member States and to enable comparisons to be made between ☒ propagating ☒ material certified or checked within the ☒ Union ☒ and that coming from third countries, ☒ uniform ☒ tests should be carried out in Member States to assess the quality of the different categories of ☒ propagating ☒ material.
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↓ 2002/11/EC Recital 10  
(adapted)

- (25) 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>12</sup>.
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↓ new

- (26) In particular, the Commission should be empowered to adopt certain implementing measures regarding the equivalence between propagating material produced in a third country and propagating material produced in the Union, as well as to determine the types and categories of propagating material produced in third countries that may be admitted to marketing within the Union.
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<sup>12</sup> OJ L 184, 17.7.1999, p. 23.

(27) 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 V, Part B,

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↓ 68/193/EEC

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

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↓ 74/648/EEC Art. 2 (adapted)

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

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↓ 68/193/EEC

*Article 2*

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↓ 2002/11/EC Art. 1(1)

1. For the purposes of this Directive, the following definitions shall apply:

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↓ 2002/11/EC Art. 1(1) (adapted)

- (1) *Vines* means plants of the genus *Vitis* (L.) intended for the production of grapes or for use as propagating material for such plants;
  - (2) *Variety* means a plant grouping within a single botanical taxon of the lowest known rank, which can be:
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↓ 2002/11/EC Art. 1(1)

- (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;
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↓ 2002/11/EC Art. 1(1) (adapted)

- (3) *Clone* means 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;
- (4) *Propagating material* means:

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↓ 2002/11/EC Art. 1(1)

- (a) young vine plants:
  - (i) rooted cuttings: ungrafted pieces of rooted vine shoot or herbaceous shoot, intended for planting ungrafted or for use as rootstocks;
  - (ii) rooted grafts: pieces of vine shoot or herbaceous shoot joined by grafting, the underground part of which is rooted;
- (b) parts of young vine plants:
  - (i) vine shoots: one-year shoots;
  - (ii) herbaceous shoots: unclimbed shoots;
  - (iii) graftable rootstock cuttings: pieces of vine shoot or herbaceous shoot intended to form the underground part when preparing rooted grafts;
  - (iv) 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*;
  - (v) nursery cuttings: pieces of vine shoot or herbaceous shoot intended for the production of rooted cuttings;

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↓ 2002/11/EC Art. 1(1) (adapted)

- (5) *Stock nurseries* ☒ means ☒ nurseries for the production of rootstock cuttings for grafting, nursery cuttings or top-graft cuttings;
- (6) *Cutting nurseries* ☒ means ☒ nurseries for the cultivation of rooted cuttings or rooted grafts;
- (7) *Initial propagating material* ☒ means ☒ propagating material:

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↓ 2002/11/EC Art. 1(1)

- (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;
- (b) which is intended for the production of basic propagating material or certified propagating material;

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↓ 2002/11/EC Art. 1(1)

- (c) which satisfies the conditions laid down in Annexes I and II for basic propagating material;and

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↓ 2002/11/EC Art. 1(1)

(d) which has been found by official examination to satisfy the above conditions;

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↓ 2002/11/EC Art. 1(1) (adapted)

(8) *Basic propagating material* ☒ means ☒ propagating material:

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↓ 2002/11/EC Art. 1(1)

- (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;
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↓ 2002/11/EC Art. 1(1) (adapted)

(9) *Certified* ☒ *propagating* ☒ *material* ☒ means propagating ☒ material:

- (a) which is obtained directly from basic propagating material or initial propagating material;
- (b) which is intended for:
  - (i) the production of young plants or parts of plants for use in the production of grapes; or
  - (ii) the production of grapes;
- (c) which satisfies the conditions laid down in Annexes I and II for certified ☒ propagating ☒ material; and
- (d) which has been found by official examination to satisfy the above conditions;

(10) *Standard* ☒ *propagating* ☒ *material* ☒ means propagating ☒ material:

- (a) which has varietal identity and purity;
- (b) which is intended for:
  - (i) the production of young plants or parts of plants for use in the production of grapes; or
  - (ii) the production of grapes;

- (c) which satisfies the conditions laid down in Annexes I and II for standard ☒ propagating ☒ material; and
- (d) which has been found by official examination to satisfy the above conditions;

(11) *Official measures* ☒ means ☒ measures taken:

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↓ 2002/11/EC Art. 1(1)

- (a) by State authorities; or
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↓ 2002/11/EC Art. 1(1) (adapted)

- (b) by any legal person whether governed by public or by private law, acting under the responsibility of the State ☒, provided that this person derives no private gain from such measures ☒; 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 this person derives no private gain from such measures ☒;

(12) *Marketing* ☒ means ☒ 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.

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↓ 2002/11/EC Art. 1(1)

2. 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.
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↓ 2002/11/EC Art. 1(1) (adapted)

The rules for the application of ☒ this paragraph ☒ shall be adopted in accordance with the procedure ☒ referred to ☒ in Article 27(3).

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↓ 2002/11/EC Art. 1(2) (adapted)

### Article 3

1. 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 ☒ propagating ☒ material; and
  - (b) it satisfies the conditions laid down in Annex II.
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↓ 2002/11/EC Art. 1(2)

2. 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.
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↓ 2002/11/EC Art. 1(2) (adapted)

The conditions under which Member States may grant such authorisation may be determined in accordance with the procedure ☒ referred to ☒ in Article 27(2).

In the case of genetically modified ☒ propagating ☒ 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 8 shall apply accordingly.

3. 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 ☒ referred to ☒ in Article 27(2):

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↓ 2002/11/EC Art. 1(2)

- (a) derogation from specific provisions of this Directive;
  - (b) conditions applicable to such propagating material;
  - (c) designations that may be used for such propagating material;
  - (d) conditions to guarantee that the varietal authenticity has first been verified.
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↓ 2002/11/EC Art. 1(2) (adapted)

4. The Commission, acting in accordance with the procedure ☒ referred to ☒ in Article 27(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 ☒ Union ☒, in the case of certain vine varieties for which the needs ☒ of the Union ☒ 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 point (a), if intended for use in the territory of Member States which have already required, in accordance with this Directive, that ‘standard ☒ propagating ☒ material’ may no longer be marketed.

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↓ 68/193/EEC (adapted)

#### 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 ☒ propagating ☒ material or the checking of standard ☒ propagating ☒ material produced in their own territory.

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↓ 2002/11/EC Art. 1(3)

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 25(2).

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↓ 2002/11/EC Art. 1(4)

#### 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.

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↓ 2002/11/EC Art. 1(4)

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 1234/2007<sup>13</sup>, with regard to the rules for the classification of vine varieties.

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↓ 2002/11/EC Art. 1(4)

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

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<sup>13</sup> OJ L 179, 17.7.1999, p. 1 OJ L 299, 16.11.2007, p. 1.

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

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↓ 71/140/EEC Art. 4

#### *Article 6*

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

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↓ 2002/11/EC Art. 1(5) (adapted)

#### *Article 7*

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 ☒ Union ☒.

A variety shall be deemed to be a matter of common knowledge in the ☒ Union ☒ 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 ☒ subparagraph ☒ 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.

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↓ 2002/11/EC Art. 1(6)

#### *Article 8*

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, the variety shall be accepted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment.

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↓ 2002/11/EC Art. 1(6)

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 to 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;

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↓ 2002/11/EC Art. 1(6) (adapted)

- (c) Articles 13 to 24 of Directive 2001/18/EC shall  not  apply to genetically modified varieties of vine authorised in conformity with the Regulation referred to in point (b) of this paragraph.

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↓ 1829/2003 Art. 42

3. 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<sup>14</sup>, the vine variety concerned shall be accepted only if it has been authorised pursuant to that Regulation.

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<sup>15</sup> shall be accepted only if it has been authorised pursuant to the relevant legislation.

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↓ 2002/11/EC Art. 1(7)

### *Article 9*

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.

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<sup>14</sup> OJ L 268, 18.10.2003, p. 1.

<sup>15</sup> OJ L 31, 1.2.2002, p. 1.

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↓ 71/140/EEC Art. 4 (adapted)  
→<sub>1</sub> 2002/11/EC Art. 1(24)

*Article 10*

1. 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 ☒ referred to ☒ in →<sub>1</sub> Article 27(2) ←, account being taken of current scientific and technological knowledge:

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↓ 71/140/EEC Art. 4

- (a) the characters to be covered as a minimum by the examinations;
  - (b) the minimum requirements for carrying out the examinations.
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↓ 71/140/EEC Art. 4 (adapted)

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

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↓ 71/140/EEC Art. 4

*Article 11*

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.

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↓ 2002/11/EC Art. 1(8)

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.

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↓ 2002/11/EC Art. 1(9)

*Article 12*

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.

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↓ 2002/11/EC Art. 1(10)

#### *Article 13*

1. Member States shall require that varieties and, where applicable, clones accepted into the catalogue are maintained by selection for conservation.

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↓ 2002/11/EC Art. 1(10)  
(adapted)

2. Maintenance  shall  always be verifiable on the basis of records made by those responsible for maintenance of a variety and, where applicable, of a clone.

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↓ 2002/11/EC Art. 1(10)

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.

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↓ 2002/11/EC Art. 1(11)  
(adapted)

#### *Article 14*

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

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↓ 68/193/EEC (adapted)

#### *Article 15*

1. Member States shall require that  propagating  material be marketed only in sufficiently homogeneous batches and in sealed packages or bundles bearing, as prescribed in Articles 16 and 17, a sealing device and markings. Packaging shall comply with the provisions of Annex III.

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↓ 2002/11/EC Art. 1(12)  
(adapted)

2. By way of derogation from paragraph 1, as regards packaging, sealing and marking, the Commission shall determine, in accordance with the procedure ☒ referred to ☒ in Article 27(2), the provisions applicable to the sale of small quantities to final consumers and also to market vines in pots, crates or boxes.

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↓ 2002/11/EC Art. 1(13)  
(adapted)

#### *Article 16*

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 17(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 ☒ referred to ☒ in Article 27(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.

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↓ 2002/11/EC Art. 1(14)  
(adapted)

#### *Article 17*

1. Member States shall require that an official label in one of the official languages of the ☒ Union ☒, 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 ☒ propagating ☒ material, white for basic ☒ propagating ☒ material, blue for certified ☒ propagating ☒ material and dark yellow for standard ☒ propagating ☒ material.

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↓ 2002/11/EC Art. 1(14)

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 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.

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↓ 2002/11/EC Art. 1(14)  
(adapted)

3. Without prejudice to Article 185c(3) of Regulation (EC) No 1234/2007, Member States may require that each delivery of ☒ propagating ☒ 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 ☒ referred to in ☒ Article 27(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<sup>16</sup>. 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 ☒ propagating ☒ material for at least one year and made available to the official control authority.

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↓ 2002/11/EC Art. 1(15)  
(adapted)

#### Article 18

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 ☒ propagating ☒ material under this Directive shall clearly indicate that the variety has been genetically modified and shall name the genetically modified organisms.

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↓ 68/193/EEC (adapted)  
→<sub>1</sub> 74/648/EEC Art. 5(1)

#### Article 19

→<sub>1</sub> 1. ← Member States shall ensure that the identity of the ☒ propagating ☒ 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 ☒ propagating ☒ 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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<sup>16</sup> OJ L 4, 8.1.1993, p. 22.

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↓ 2002/11/EC Art. 1(16)  
(adapted)

2. Without prejudice to the free movement of ☒ propagating ☒ material within the ☒ Union ☒, 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;
- (g) importer;
- (h) quantity of material.

The manner in which these particulars are to be presented may be determined in accordance with the procedure ☒ referred to ☒ in Article 27(2).

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↓ 2002/11/EC Art. 1(17)

#### *Article 20*

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.

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↓ 2002/11/EC Art. 1(18)

#### *Article 21*

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 1234/2007.

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↓ 68/193/EEC (adapted)

*Article 22*

Member States shall provide that ☒ propagating ☒ material which is obtained directly from basic ☒ propagating ☒ material certified in one Member State and grown in another Member State may be certified in the State which produced the basic ☒ propagating ☒ material if the ☒ propagating ☒ 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 23*

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↓ 2002/11/EC Art. 1(19)  
(adapted)

1. In order to eliminate any temporary difficulties in the supply of propagating material in the ☒ Union ☒ that cannot be overcome in any other way, a decision may be taken in accordance with the procedure ☒ referred to ☒ in Article 27(2) that Member States ☒ shall ☒ authorise, for a specified period, the marketing throughout the territory ☒ of the Union ☒ of such quantity of propagating material of a category satisfying less stringent requirements as is needed to overcome the difficulties.

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↓ 68/193/EEC (adapted)

2. For a category of ☒ propagating ☒ 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 ☒ propagating ☒ material in question is of a category satisfying less stringent requirements.

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↓ 88/332/EEC Art. 6 (adapted)  
→<sub>1</sub> 2002/11/EC Art. 1(24)

3. Rules for the application of paragraph 1 may be adopted in accordance with the procedure ☒ referred to ☒ in →<sub>1</sub> Article 27(2) ←.

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↓ 2002/11/EC Art. 1(20)  
(adapted)

*Article 24*

For the purpose of seeking better alternatives to certain provisions of this Directive, it may be decided, in accordance with the procedure ☒ referred to ☒ in Article 27(3), to organise temporary experiments under specified conditions at ☒ Union ☒ level.

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↓ 68/193/EEC (adapted)

*Article 25*

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

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↓ 2002/11/EC Art. 1(21)  
(adapted)  
⇒ new

2. ~~On a Commission proposal the Council, acting by qualified majority, shall determine~~ ⇒ In accordance with the procedure referred to in Article 27(2), it shall be determined ⇐ whether ☒ propagating ☒ material 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 ☒ propagating ☒ material produced in the Community ☒ Union ☒ and meets the requirements of this Directive.

~~the Council shall determine~~ The types of material and the categories of ☒ propagating ☒ material that may be admitted to marketing within the territory of the ☒ Union ☒ under ☒ the first subparagraph ☒ ⇒ shall be determined in accordance with the same procedure ⇐ .

Until ~~the Council has taken~~ a decision ⇒ has been taken ⇐ pursuant to ☒ the first subparagraph of this paragraph ☒ and without prejudice to Council Directive 2000/29/EC<sup>17</sup>, Member States may be authorised to take such decisions in accordance with the procedure ☒ referred to ☒ in Article 27(2) ☒ of this Directive ☒. When doing so, they shall ensure that the material to be imported offers guarantees equivalent in every respect to those offered by ☒ propagating ☒ material produced in the ☒ Union ☒ in accordance with this Directive. Such imported material shall in particular be accompanied by a document setting out the particulars prescribed in Article 19(2) ☒ of this Directive ☒.

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<sup>17</sup> OJ L 169, 10.7.2000, p. 1.



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↓ 2003/61/EC Art. 1. pt. 3  
(adapted)

*Article 26*

1. ☒ Uniform ☒ comparative tests and trials shall be carried out within the ☒ Union ☒ for the post-control of samples of vine ☒ propagating ☒ 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:

- (a) ☒ propagating ☒ material produced in third countries;
- (b) ☒ propagating ☒ material suitable for organic farming;
- (c) ☒ propagating ☒ material marketed in relation to measures intended to help preserve genetic diversity.

Those comparative tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the ☒ propagating ☒ material must comply.

2. The Commission, acting in accordance with the procedure referred to in Article 27☒ (2) ☒, 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 27(1) 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.

3. The ☒ Union ☒ may make a financial contribution to the performance of the tests and trials ☒ provided for ☒ in paragraph 1.

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↓ 2003/61/EC Art. 1. pt. 3

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

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↓ 2003/61/EC Art. 1. pt. 3  
(adapted)

4. The tests and trials which may benefit from a financial contribution ☒ referred to in paragraph 3 ☒, and detailed rules for the provision of the financial contribution, shall be established in accordance with the procedure ☒ referred to ☒ in Article 27☒ (2) ☒.

5. The tests and trials ☒ provided for ☒ in paragraph 1 may be performed only by State authorities or legal persons acting under the responsibility of the State.

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↓ 2002/11/EC Art. 1(23)

*Article 27*

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').

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↓ 2002/11/EC Art. 1(23)

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

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↓ 2002/11/EC Art. 1(23)

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.

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↓ 74/648/EEC Art. 6 (adapted)  
→<sub>1</sub> 2002/11/EC Art. 1(24)

*Article 28*

1. Any amendments to be made to Annexes ☒ I to IV due ☒ to the development of scientific knowledge or techniques shall be decided upon in accordance with the procedure ☒ referred to ☒ in →<sub>1</sub> Article 27(2) ←.

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↓ 2002/11/EC Art. 1(1) (adapted)

☒ 2. Annexes I and II may be amended in accordance with the procedure referred to in Article 27(2) in order to set additional or more stringent conditions for the certification of initial propagating material. ☒

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↓ 68/193/EEC

*Article 29*

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.

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↓ 74/648/EEC Art. 7 (adapted) → <sub>1</sub> 2002/11/EC Art. 1(24)
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*Article 30*

In accordance with the procedure ☒ referred to ☒ in →<sub>1</sub> Article 27(2) ←, a Member State may, if it so requests, be wholly or partially released from the obligation to apply this Directive with the exception, however, of Articles 20 and 21, in so far as the growing of vines and the marketing of ☒ propagating ☒ material are of minimal economic importance in its territory.

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↓ 71/140/EEC Art. 9 (adapted)
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*Article 31*

This Directive shall be without prejudice to ☒ the provisions of Regulation (EC) No 1234/2007 applying to the live plants sector ☒.

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*Article 32*

Directive 68/193/EEC, as amended by the acts listed in Annex V, Part A, is repealed, 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 V, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VI.

*Article 33*

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

*Article 34*

⊗ This ⊗ Directive is addressed to the Member States.

Done at [...]

*For the European Parliament*  
*The President*  
[...]

*For the Council*  
*The President*  
[...]

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↓ 2005/43/EC Art. 1 and Annex I

**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.

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↓ 2005/43/EC Art. 1 and Annex I  
(adapted)

4. The presence of harmful organisms which reduce the usefulness of the  propagating  material shall be at the lowest possible level.

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↓ 2005/43/EC Art. 1 and Annex I

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 those 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 those harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

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↓ 2005/43/EC Art. 1 and Annex I  
(adapted)

- 5.3. The stock nurseries intended for the production of certified  propagating  material shall have been found free from all the harmful organisms listed under points 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 ten years starting from five year old stock nurseries.
- 

↓ 2005/43/EC Art. 1 and Annex I

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 ten years starting from ten 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 those harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

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↓ 2005/43/EC Art. 1 and Annex I  
(adapted)

- 5.4. In the stock nurseries intended for the production of standard  propagating  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 propagation. Reasons for failures ascribed to those harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.
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↓ 2005/43/EC Art. 1 and Annex I

- 5.5. The cutting nurseries shall have been found free from the harmful organisms listed under points 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.

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↓ 2005/43/EC Art. 1 and Annex I  
(adapted)

- 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 ☒ on 14 July 2005 ☒.
  - (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 ☒ on 14 July 2005 ☒.
  - (c) Where Member States decide not to apply points 5.1, 5.2 or 5.3 as described in (a) or (b), 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 ☒ propagating ☒ material. Crops intended for the production of ☒ propagating ☒ material of the other categories shall be kept free from plants showing symptoms of harmful virus diseases.

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↓ 2005/43/EC Art. 1 and Annex I

- 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, 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.
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↓ 2005/43/EC Art. 1 and Annex II

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**ANNEX II**

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↓ 2005/43/EC Art. 1 and Annex II  
(adapted)

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**CONDITIONS RELATING TO ☒ PROPAGATING ☒ MATERIAL**

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↓ 2005/43/EC Art. 1 and Annex II

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**I. GENERAL CONDITIONS**

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↓ 2005/43/EC Art. 1 and Annex II  
(adapted)

1. The ☒ propagating ☒ 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 ☒ propagating ☒ material.
  2. The ☒ propagating ☒ material shall have a minimum technical purity of 96 %.
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↓ 2005/43/EC Art. 1 and Annex II

The following are considered technical impurities:

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↓ 2005/43/EC Art. 1 and Annex II  
(adapted)

- (a) ☒ propagating ☒ material desiccated wholly or partly, even when it has been steeped in water after desiccation;
  - (b) damaged, bent or injured ☒ propagating ☒ material, in particular when damaged by hail or frost or when crushed or broken;
- 

↓ 2005/43/EC Art. 1 and Annex II

- (c) material not meeting the requirements under point III .
  3. Vine shoots shall have reached a sufficient state of maturity of the wood.
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↓ 2005/43/EC Art. 1 and Annex II  
(adapted)

4. The presence of harmful organisms which reduce the usefulness of the ☒ propagating ☒ material shall be tolerated only at the lowest possible level.



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

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↓ 2005/43/EC Art. 1 and Annex II

## 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:
  - (i) top diameter: 6,5 to 12 mm;
  - (ii) 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

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↓ 2005/43/EC Art. 1 and Annex II  
(adapted)

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 ☒ propagating ☒ material.

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↓ 2005/43/EC Art. 1 and Annex II

### 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.
- 

↓ 2005/43/EC Art. 1 and Annex II  
(adapted)

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

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↓ 2005/43/EC Art. 1 and Annex II

### 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.

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↓ 2005/43/EC Art. 1 and Annex II  
(adapted)

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

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↓ 2005/43/EC Art. 1 and Annex II

*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.

---

↓ 2005/43/EC Art. 1 and  
Annex III

**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

↓ 2005/43/EC Art. 1 and  
Annex III (adapted)

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

↓ 2005/43/EC Art. 1 and  
Annex III

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.

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↓ 2005/43/EC Art. 1 and  
Annex IV

**ANNEX IV**

**MARKING**

**A. LABEL**

**I. REQUIRED INFORMATION**

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↓ 2005/43/EC Art. 1 and  
Annex IV (adapted)

1.  EU  Standard;
- 

↓ 2005/43/EC Art. 1 and  
Annex IV

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 CONSUMER**

1. More than one unit

The required information for the label under point A.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:

↓ 2005/43/EC Art. 1 and  
Annex IV (adapted)

- (a) the ☒ propagating ☒ material shall be kept in separate batches appropriately identified per variety and where relevant per clone and per number of individuals;

↓ 2005/43/EC Art. 1 and  
Annex IV

- (b) the official label is not compulsory;

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↓ 2005/43/EC Art. 1 and  
Annex IV (adapted)

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

↓ 2005/43/EC Art. 1 and  
Annex IV

## **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 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**

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↓ 2005/43/EC Art. 1 and  
Annex IV (adapted)

1.  EU  Standard;
- 

↓ 2005/43/EC Art. 1 and  
Annex IV

- 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.
-





## **ANNEX V**

### **Part A**

#### **Repealed Directive with list of its successive amendments** (referred to in Article 32)

Council Directive 68/193/EEC  
(OJ L 93, 17.4.1968, p. 15)

Council Directive 71/140/EEC  
(OJ L 71, 25.3.1971, p. 16)

Point II.A.31 of Annex I to the 1972 Act of Accession  
(OJ L 73, 27.3.1972, p. 59)

Council Directive 74/648/EEC  
(OJ L 352, 28.12.1974, p. 43)

Commission Directive 77/629/EEC  
(OJ L 257, 8.10.1977, p. 27)

Council Directive 78/55/EEC  
(OJ L 16, 20.1.1978, p. 23)

only Article 4

Council Directive 78/692/EEC  
(OJ L 236, 26.8.1978, p. 13)

only Article 5

Point II.A.39 of Annex I to the 1979 Act of Accession  
(OJ L 291, 19.11.1979, p. 64)

Commission Directive 82/331/EEC  
(OJ L 148, 27.5.1982, p. 47)

Council Regulation (EEC) No 3768/85  
(OJ L 362, 31.12.1985, p. 8)

only point 30 of the Annex

Council Directive 86/155/EEC  
(OJ L 118, 7.5.1986, p. 23)

only Article 3

Council Directive 88/332/EEC  
(OJ L 151, 17.6.1988, p. 82)

only Article 6

Council Directive 90/654/EEC  
(OJ L 353, 17.12.1990, p. 48)

only point II.1 of Annex II

Point V.F.I.46 of Annex I to the 1994 Act of Accession  
(OJ C 241, 29.8.1994, p. 155)

Council Directive 2002/11/EC  
(OJ L 53, 23.2.2002, p. 20)

Council Directive 2003/61/EC  
(OJ L 165, 3.7.2003, p. 23)

only Article 1(3)

Regulation (EC) No 1829/2003 of the European  
Parliament and of the Council  
(OJ L 268, 18.10.2003, p. 1)

only Article 42

Commission Directive 2005/43/EC  
(OJ L 164, 24.6.2005, p. 37)

## Part B

### List of time-limits for transposition into national law and application (referred to in Article 32)

Directive	Time-limit for transposition	Date of application
68/193/EEC	1 July 1969	
71/140/EEC	1 July 1972	
74/648/EEC	1 July 1976	
77/629/EEC	1 July 1978	
78/55/EEC	1 July 1977 (Articles 6 and 7(5)) 1 July 1978 (Article 5(2)) 1 July 1979 (Articles 1 to 4, 5(1) and (3) to (6), and 7(1) to (4))	
78/692/EEC	1 July 1977 (Articles 1 to 4, 6 and 7) 1 July 1979 (Article 5)	
82/331/EEC	1 July 1982	
86/155/EEC	28 February 1986 (Articles 1(2), 3, 4(3), (4) and (5), 5 and 6(3) to (8)) 1 July 1987 (Articles 1(1), (2), (3) and (5), 2, 4(1), (2) and (6) to (10) and 6(1), (2) and (9))	
88/332/EEC	29 June 1988	
90/654/EEC	13 December 1990	
2002/11/EC	23 February 2003	
2003/61/EC	10 October 2003	
2005/43/EC	31 July 2006	1 August 2006

## ANNEX VI

### CORRELATION TABLE

Directive 68/193/EEC	This Directive
Article 1	Article 1
Article 2(1), introductory words	Article 2(1), introductory words
Article 2(1)(A)	Article 2(1)(1)
Article 2(1)(AA)	Article 2(1)(2)
Article 2(1)(AB)	Article 2(1)(3)
Article 2(1)(B), introductory words	Article 2(1)(4), introductory words
Article 2(1)(B)(i), introductory words	Article 2(1)(4)(a), introductory words
Article 2(1)(B)(i)(a)	Article 2(1)(4)(a)(i)
Article 2(1)(B)(i)(b)	Article 2(1)(4)(a)(ii)
Article 2(1)(B)(ii), introductory words	Article 2(1)(4)(b), introductory words
Article 2(1)(B)(ii)(a)	Article 2(1)(4)(b)(i)
Article 2(1)(B)(ii)(b)	Article 2(1)(4)(b)(ii)
Article 2(1)(B)(ii)(c)	Article 2(1)(4)(b)(iii)
Article 2(1)(B)(ii)(d)	Article 2(1)(4)(b)(iv)
Article 2(1)(B)(ii)(e)	Article 2(1)(4)(b)(v)
Article 2(1)(C) and (D)	Article 2(1)(5) and (6)
Article 2(1)(DA), introductory words	Article 2(1)(7), introductory words
Article 2(1)(DA)(a)	Article 2(1)(7)(a)
Article 2(1)(DA)(b)	Article 2(1)(7)(b)
Article 2(1)(DA)(c), first sentence	Article 2(1)(7)(c)
Article 2(1)(DA)(c), second sentence	Article 28(2)
Article 2(1)(DA)(d)	Article 2(1)(7)(d)
Article 2(1)(E)	Article 2(1)(8)

Article 2(1)(F), introductory words	Article 2(1)(9), introductory words
Article 2(1)(F)(a)	Article 2(1)(9)(a)
Article 2(1)(F)(b), introductory words	Article 2(1)(9)(b), introductory words
Article 2(1)(F)(b), first indent	Article 2(1)(9)(b)(i)
Article 2(1)(F)(b), second indent	Article 2(1)(9)(b)(ii)
Article 2(1)(F)(c) and (d)	Article 2(1)(9)(c) and (d)
Article 2(1)(G), introductory words	Article 2(1)(10), introductory words
Article 2(1)(G)(a)	Article 2(1)(10)(a)
Article 2(1)(G)(b), introductory words	Article 2(1)(10)(b), introductory words
Article 2(1)(G)(b), first indent	Article 2(1)(10)(b)(i)
Article 2(1)(G)(b), second indent	Article 2(1)(10)(b)(ii)
Article 2(1)(G)(c) and (d)	Article 2(1)(10)(c) and (d)
Article 2(1)(H)	Article 2(1)(11)
Article 2(1)(I), first subparagraph	Article 2(1)(12)
Article 2(1)(I), second and third subparagraph	Article 2(2)
Article 2(2)	-
Article 3(1)	Article 3(1)
Article 3(2)	-
Article 3(3)	Article 3(2)
Article 3(4)	Article 3(3)
Article 3(5)	Article 3(4)
Article 4	Article 4
Article 5	Article 5
Article 5a	Article 6
Article 5b	Article 7
Article 5ba(1) and (2)	Article 8(1) and (2)
Article 5ba(3)(a)	Article 8(3), first subparagraph

Article 5ba(3)(b)	Article 8(3), second subparagraph
Article 5c	Article 9
Article 5d	Article 10
Article 5e	Article 11
Article 5f	Article 12
Article 5g	Article 13
Article 7	Article 14
Article 8	Article 15
Article 9	Article 16
Article 10(1) to (5)	Article 17(1) to (5)
Article 10(6)	-
Article 10a	Article 18
Article 11	Article 19
Article 12	Article 20
Article 12a	Article 21
Article 13	Article 22
Article 14	Article 23
Article 14a	Article 24
Article 15(1)	Article 25(1)
Article 15(2)(a)	Article 25(2), first subparagraph
Article 15(2)(b)	Article 25(2), second subparagraph
Article 15(2)(c)	Article 25(2), third subparagraph
Article 16(1), introductory words	Article 26(1), first subparagraph, introductory words
Article 16(1), first indent	Article 26(1), first subparagraph, point (a)
Article 16(1), second indent	Article 26(1), first subparagraph, point (b)
Article 16(1), third indent	Article 26(1), first subparagraph, point (c)

Article 16(2)	Article 26(1), second subparagraph
Article 16(3)	Article 26(2)
Article 16(4)	Article 26(3)
Article 16(5)	Article 26(4)
Article 16(6)	Article 26(5)
Article 16a	-
Article 16b	-
Article 17	Article 27
Article 17a	Article 28(1)
Article 18	Article 29
Article 18a	Article 30
Article 18b	Article 31
Article 19	-
-	Article 32
-	Article 33
Article 20	Article 34
Annex I	Annex I
Annex II	Annex II
Annex III	Annex III
Annex IV	Annex IV
-	Annex V
-	Annex VI