Council Directive of 9 April 1968 on the marketing of material for the vegetative propagation of the vine (68/193/EEC)

COUNCIL DIRECTIVE

of 9 April 1968

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

(68/193/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

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

After consulting the Economic and Social Committee;

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

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

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

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

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

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

Whereas, as a general rule, propagation material intended for the production of grapes or for the production of propagation material should be allowed to be marketed only if it has been

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officially examined and certified, in accordance with the rules for certification, as basic material or certified material; whereas the choice of the technical terms ‘basic material’ and ‘certified material’ is based on already existing international terminology and on the Community schemes for other genera and species of plant;

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

Whereas, if vines are not propagated or if propagation material is not marketed in a Member State, it seems justifiable to exempt that State from the obligation to arrange for certification or for checking of standard material without however affecting its obligation to restrict marketing to certified material and standard material;

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

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

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

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

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

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

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

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

conditions Member States may prohibit, in whole or in part, the cultivation of certain varieties of vine in their territory;

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

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

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

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

[[F1]This Directive shall apply to material for the vegetative propagation of the vine (hereinafter called ‘propagation material’) marketed within the Community.**]**

Textual Amendments

F1 Substituted by Council Directive of 9 December 1974 amending Directive No 68/193/EEC on the marketing of material for the vegetative propagation of the vine (74/648/EEC).

Article 2

[[F2]1 For the purposes of this Directive, the following definitions shall apply:

(A) *Vines*: plants of the genus *Vitis* (L.) intended for the production of grapes or for use as propagation material for such plants.

AA. *Variety*: a plant grouping within a single botanical tax on of the lowest known rank, which can be:

(a) defined by the expression of the characters resulting from a given genotype or combination of genotypes;

(b) distinguished from any other plant grouping by the expression of at least one of the said characters; and

(c) considered as an entity in view of its ability to be propagated unchanged.

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AB. Clone: a clone is the vegetative progeny of a variety which is true to a vine stock chosen on account of varietal identity, its phenotypic characters and its state of health.

(B) *Propagating material*

(i) *Young vine plants*

(a) rooted cuttings: ungrafted pieces of rooted vine shoot or herbaceous shoot, intended for planting ungrafted or for use as rootstocks;

(b) rooted grafts: pieces of vine shoot or herbaceous shoot joined by grafting, the underground part of which is rooted.

(ii) *Parts of young vine plants*

(a) vine shoots: one-year shoots;

(b) herbaceous shoots: unlignified shoots;

(c) graftable rootstock cuttings: pieces of vine shoot or herbaceous shoot intended to form the underground part when preparing rooted grafts;

(d) top-graft cuttings: pieces of vine shoot or herbaceous shoot intended to form the part above ground when preparing rooted grafts or when grafting plants *in situ*;

(e) nursery cuttings: pieces of vine shoot or herbaceous shoot intended for the production of rooted cuttings.

(C) Stock nurseries: nurseries for the production of rootstock cuttings for grafting, nursery cuttings or top-graft cuttings.

(D) *Cutting nurseries*: nurseries for the cultivation of rooted cuttings or rooted grafts.

DA. *Initial propagating material*: propagating material

(a) which has been produced under the responsibility of the grower according to accepted practices for the maintenance of the identity of the variety and, where applicable, of the clone, and for the prevention of diseases;

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

(c) which satisfies the conditions laid down in Annexes I and II for basic propagating material. These Annexes may be amended in accordance with the procedure laid down in Article 17(2) in order to set additional or more stringent conditions for the certification of initial propagating material;

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

(E) *Basic propagating material*: propagating material

(a) which has been produced under the responsibility of the grower according to accepted practices for the maintenance of the identity of the variety and, where applicable, of the clone, and for the prevention of diseases and which is obtained by vegetative propagation directly from initial propagating material;

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

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

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

(F) *Certified material*: propagation material

(a) which is obtained directly from basic propagating material or initial propagating material;

(b) which is intended for:
— the production of young plants or parts of plants for use in the production of grapes, or
— the production of grapes;

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

(d) which has been found by official examination to satisfy the abovementioned conditions.

(G) *Standard material*: propagation material

(a) which has varietal identity and purity;

(b) which is intended for:
— the production of young plants or parts of plants for use in the production of grapes, or
— the production of grapes;

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

(d) which has been found by official examination to satisfy the abovementioned conditions.

(H) *Official measures*: measures taken

(a) by State authorities; or

(b) by any legal person whether governed by public or by private law, acting under the responsibility of the State; or

(c) in the case of ancillary activities which are also subject to State control, by any natural person duly sworn for that purpose,

provided that the persons mentioned under (b) and (c) derive no private gain from such measures.

(I) *Marketing*: