


Procedure file

Basic information		
CNS - Consultation procedure Directive	2007/0014(CNS)	Procedure completed
Marketing of fruit plant propagating material and fruit plants intended for fruit production (repeal. Directive 92/34/EEC). Recast		
Amended by 2013/0169(COD)		
Subject 3.10.06.01 Fruit, citrus fruits		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AGRI Agriculture and Rural Development		26/02/2007
		PPE-DE GKLAVAKIS Ioannis	
	Committee for opinion	Rapporteur for opinion	Appointed
	JURI Legal Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2892	29/09/2008
European Commission	Commission DG	Commissioner	
	Agriculture and Rural Development	FISCHER BOEL Mariann	

Key events			
29/01/2007	Legislative proposal published	COM(2007)0031	Summary
29/03/2007	Committee referral announced in Parliament		
21/11/2007	Vote in committee		Summary
28/11/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0480/2007	
11/12/2007	Results of vote in Parliament		
11/12/2007	Decision by Parliament	T6-0586/2007	Summary
29/09/2008	Act adopted by Council after consultation of Parliament		
29/09/2008	End of procedure in Parliament		
08/10/2008	Final act published in Official Journal		

Technical information	
Procedure reference	2007/0014(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Recast
Legislative instrument	Directive
	Amended by 2013/0169(COD)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/6/45101

Documentation gateway					
Legislative proposal		COM(2007)0031	29/01/2007	EC	Summary
Document attached to the procedure		SEC(2007)0093	29/01/2007	EC	
Document attached to the procedure		SEC(2007)0094	29/01/2007	EC	
Amendments tabled in committee		PE392.174	23/07/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0480/2007	28/11/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0586/2007	11/12/2007	EP	Summary
Commission response to text adopted in plenary		SP(2008)0411	23/01/2008	EC	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Directive 2008/90 OJ L 267 08.10.2008, p. 0008 Summary

Marketing of fruit plant propagating material and fruit plants intended for fruit production (repeal. Directive 92/34/EEC). Recast

PURPOSE: to clarify and improve provisions on the marketing of fruit plant propagating material and fruit plants intended for fruit production.

PROPOSED ACT: Council Directive.

CONTENT: this proposal sets out changes to legislation on the marketing of seed and propagating material and in particular the legislation on the marketing of fruit plant propagating material. The amendments are made in the light of Regulation 1698/2005/EC, which introduced major changes likely to have a significant impact on the economy in terms of agricultural product patterns.

Two objectives can be identified:

- to clarify and simplify the regulatory framework in which business operates;
- to improve the legislation based on technical and scientific progress and the new marketing environment in line with the new Common Agricultural Policy.

In addition, the existing conditions do not facilitate the adoption of clear and easily applicable rules for equivalence with third countries. At the moment, importation is subjected to temporary derogations which do not satisfy Member States authorities and traders. In fact, some rules which refer to propagating material and the accreditation of suppliers create unnecessary obligations and do not give sufficient guarantees for the quality of material (e.g. identity of variety and health status).

The proposal is a recast of Council Directive 92/34/EEC, in line with the Inter-Institutional Agreement on the recasting technique for legal acts. It incorporates in a single text both the substantive amendments it makes to Council Directive 92/34/EEC, and the unchanged provisions thereof.

Summary of the main points of the proposal.

Definitions of marketing and supplier and conditions to be applied to them: a new definition of marketing covering all the initiatives concerning the commercial exploitation of propagating material and fruit plants will be adopted. Importing will be added to the list of actions of a supplier, and this will increase the harmonisation and transparency of the legislation. The registration of suppliers will simplify administrative burdens and reduce costs both for Member State's official bodies and stakeholders (suppliers and users) while keeping the same level of consumer's confidence. The proposed amendments will harmonise this legislation with the other legislation on the marketing of forest, ornamental and vine propagating material, which has been recently amended.

Categories identification and conditions: all technical measures laid down by the existing basic legislation will be transferred to specific implementing measures. This will lead to better flexibility for the management of technical implementing measures. A legal basis for establishing specific conditions for the material falling into each category will be introduced. A transparent certification system and a clear identification of the variety (complete and transparent labelling), will improve the competitiveness and facilitate intra-Community trades and import based on equivalence and possible reciprocity. Breeders will be better protected. Farmers will be confident of the identity and uniformity of propagating material. This will permit improved planning of the activity saving resources currently spent on adapting the production process to an un-harmonised market.

Quality of the material (Distinctness, Uniformity, Stability ? DUS and pomological value) and variety definition and conditions: new international rules, in particular CPVO (Community Plant Variety Office) protocols and UPOV (Union pour la Protection des Obtentions Végétales) guidelines, permit an easy identification of a variety. Conditions for listing and certifying varieties will be set out with reference to these international protocols. Therefore, the definition of the variety and clone will be added. There will be a legal basis for increased guarantees of the material marketed in relation to variety identification, genetic resources and biodiversity. A reference to pomological value (quality and

performance of plants and their products?fruit) will be added e.g. biological value for direct consumption or processing to improve transparency for consumers.

Plant health status definition and conditions: at present, it is very difficult and expensive for suppliers to fulfil some conditions, which produce no benefit to farmers and final consumers (e.g. propagating material which must be free from all viruses). The conditions for checking the health status of the lowest commercial category (which covers about 30% of the EU fruit plant production with a peak of 80% or more in several countries) are obsolete both for the testing procedures and for the list of harmful organisms to be controlled. A clear link with category identification should be established for

the listing of new varieties and for the certification of material reproduced by vegetative propagation, in order to improve the management of the health status of the propagating material. Scientific

and technical progress has permitted the publication of international certification schemes (EPPO Standards). Healthier propagating material is the first step towards permitting full exploitation of the new CAP approach in reducing the use of pesticides. In the mid-term, more transparency is expected for the price of material based on a stricter link price/health quality of material.

Marketing of fruit plant propagating material and fruit plants intended for fruit production (recast of Directive 92/34/EEC). Recast

The Committee on Agriculture and Rural Development adopted a report drawn up by Ioannis GKLAVAKIS (EPP-ED), and amended, in the framework of the consultation procedure, the proposal for a Council directive on the marketing of fruit plant propagating material and fruit plants intended for fruit production (recast version).

The main amendments were as follows:

- Members amended the definition of 'clone' to mean the vegetative progeny of a variety of a species of fruit plant which is true to a fruit plant stock chosen on account of varietal identity, its phenotypic characters and its state of health. They also stated that the 'responsible official body' must be charged with carrying out inspections and controls in respect of questions concerning the quality, certification and plant health of propagating material and fruit plants.

- in the case of a variety which consists of a genetically modified organism within the meaning of Directive 2001/18/EC the variety shall be accepted for registration in the catalogue only if it has been authorised pursuant to that Directive or pursuant to Regulation (EC) No 1829/2003 and subject to the precondition that it will be used as stock onto which the desired variety will be grafted. In the case of a genetically modified variety a special risk assessment shall take place, chiefly regarding human health and the environment, it must be appropriately labelled so that the purchaser is informed that genetically modified material is being supplied and the purpose of genetic modification must be mentioned;

- marketing by officially registered suppliers of propagating material and fruit plants, duly documented, shall be considered an indispensable condition for the inclusion of a producer in co-funded programmes for planting orchards;

- specific requirements for each genus or species may be established with supplementary or more stringent conditions for propagating material and fruit plants, which Member States may lay down for their own domestic production;

- suppliers shall be officially registered in relation to the activities which they carry out under the Directive and shall hold a marketing licence for propagating material, issued as specified in each Member State;

- suppliers shall be officially registered in relation to the activities which they carry out under the Directive and shall hold a marketing licence for propagating material, issued as specified in each Member State;

- suppliers who market propagating material or fruit plants should have a specialisation in this field sector and be agronomists or undertakings employing persons with such specialisations;

- Member States shall ensure and check that suppliers take all the necessary measures to ensure compliance with the standards of this directive at all stages of the production and marketing of propagating material and fruit plants.

- the Committee deleted a paragraph stating that the text will not apply to suppliers marketing only to persons not professionally engaged in

the production, reproduction or sale of propagating material or fruit plants.

- when propagating material or fruit plants are marketed, suppliers shall keep records of their sales or purchases for at least five years (rather than twelve months);
- exporters of propagating material and fruit plants from third countries shall be registered so as to ensure traceability at all stages;
- within five years from the date of entry into force of the Directive, the Commission shall examine the results of its application and submit to the European Parliament and the Council a report accompanied by any necessary proposals for amendments.
- lastly, Member States may, as a transitional measure until 10 years after the entry into force of this directive, allow the marketing in their own territory of certified and CAC material taken from parent plants in existence at the date of entry into force of the Directive.

Marketing of fruit plant propagating material and fruit plants intended for fruit production (repeal. Directive 92/34/EEC). Recast

The European Parliament adopted a resolution drafted by Ioannis GKLAVAKIS (EPP-ED), and amended the proposal for a Council directive on the marketing of fruit plant propagating material and fruit plants intended for fruit production (recast version).

The main amendments were as follows:

- Members amended the definition of 'clone' to mean the vegetative progeny of a variety of a species of fruit plant which is true to a fruit plant stock chosen on account of varietal identity, its phenotypic characters and its state of health. They also stated that the 'responsible official body' must be charged with carrying out inspections and controls in respect of questions concerning the quality, certification and plant health of propagating material and fruit plants;

spot checks may be made during official inspections;

- in the case of a variety which consists of a genetically modified organism within the meaning of Directive 2001/18/EC the variety shall be accepted for registration in the catalogue only if has been authorised pursuant to that Directive or pursuant to Regulation (EC) No 1829/2003 and subject to the precondition that it will be used as stock onto which the desired variety will be grafted. In the case of a genetically modified variety a special risk assessment shall take place, chiefly regarding human health and the environment, it must be appropriately labelled so that the purchaser is informed that genetically modified material is being supplied and the purpose of genetic modification must be mentioned;

- marketing by officially registered suppliers of propagating material and fruit plants, duly documented, shall be considered an indispensable condition for the inclusion of a producer in co-funded programmes for planting orchards;

- specific requirements for each genus or species may be established with supplementary or more stringent conditions for propagating material and fruit plants, which Member States may lay down for their own domestic production;

- suppliers shall be officially registered in relation to the activities which they carry out under the Directive and shall hold a marketing licence for propagating material, issued as specified in each Member State;

- suppliers shall be officially registered in relation to the activities which they carry out under the Directive and shall hold a marketing licence for propagating material, issued as specified in each Member State;

- a new clause states that suppliers who market propagating material or fruit plants should have a specialisation in this field sector and be agronomists or undertakings employing persons with such specialisations;

- Member States shall ensure and check that suppliers take all the necessary measures to ensure compliance with the standards of this directive at all stages of the production and marketing of propagating material and fruit plants.

Parliament deleted a paragraph stating that the text will not apply to suppliers marketing only to persons not professionally engaged in the production, reproduction or sale of propagating material or fruit plants.

- when propagating material or fruit plants are marketed, suppliers shall keep records of their sales or purchases for at least five years (rather than twelve months);

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 material under this Directive shall clearly indicate that the variety has been genetically modified and shall name the genetically modified organisms and clarify the purpose of genetic modification;

- firms in third countries exporting propagating material and fruit plants shall be registered so as to ensure traceability at all stages

- within five years from the date of entry into force of the Directive, the Commission shall examine the results of its application and submit to the European Parliament and the Council a report accompanied by any necessary proposals for amendments.

- lastly, Member States may, as a transitional measure until 10 years after the entry into force of this directive, allow the marketing in their own territory of certified and CAC material taken from parent plants in existence at the date of entry into force of the Directive.

Marketing of fruit plant propagating material and fruit plants intended for fruit production (repeal. Directive 92/34/EEC). Recast

PURPOSE: to revise legislation on the marketing of fruit plant propagating material and fruit plants intended for fruit production.

LEGISLATIVE ACT: Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production (recast).

CONTENT: Community legislation on the marketing of fruit plant propagating material and fruit plants intended for fruit production was adopted in 1992 with a view to setting harmonised conditions at Community level to ensure that purchasers throughout the Community receive propagating material and fruit plants which are healthy and of good quality. Since it was adopted, it has proven to be a simple and effective tool for the harmonisation of the internal market.

In the meantime, the reform of the Common Agricultural Policy in June 2003 and April 2004 introduced major changes likely to have a significant impact on the economy in terms of agricultural product patterns, land management methods, employment and the wider social and economic conditions in rural areas.

In this context, this Directive repeals Council Directive 92/34/ECC, with effect from 30 September 2012. It brings it up to date by improving Community conditions that ensure that purchasers receive propagating material and fruit plants which are healthy and of good quality. It improves and simplifies the regulatory framework in which businesses operate, based on technical and scientific progress and clear conditions to be satisfied, to respond to the new consumers' and industry's needs; It also complements the harmonisation of the other Directives on the marketing of propagating material which have recently been amended in the framework of the new Common Agricultural Policy.

The Directive applies to the marketing of fruit plant propagating material and fruit plants intended for fruit production within the Community. It shall apply to the genera and species listed in Annex I as well as to their hybrids. It shall also apply to rootstocks and other parts of plants of other genera or species than those listed in Annex I or their hybrids, if material of genera or species listed in Annex I or their hybrids is grafted or is to be grafted onto them.

The Directive shall not apply to propagating material or fruit plants shown to be intended for export to third countries, provided they are identified as such and kept sufficiently isolated.

The main provisions of the Directive relate to:

- requirements for propagating material and fruit plants;
- requirements to be met by suppliers;
- variety identification and labelling;
- exemptions;
- propagating material and fruit plants produced in third countries;
- control measures.

Transitional measures: Member States may, until 31 December 2018, allow the marketing in their own territory of propagating material and fruit plants taken from parent plants that existed before 30 September 2012 and have been officially certified or meet the conditions to be qualified as CAC material before 31 December 2018. When marketed, such propagating material and fruit plants shall be identified by a reference to this Article on the label and/or document. Beyond 31 December 2018 propagating material and fruit plants may be marketed if the requirements of this Directive are fulfilled.

ENTRY INTO FORCE: 28/10/2008.

TRANSPOSITION: 31/03/2010.

APPLICATION: from 30/09/2012.