Vine: marketing of material for the vegetative propagation

2010/0194(COD) - 05/07/2010 - Legislative proposal

PURPOSE: recast of Council Directive 68/193/EEC on the marketing of material for the vegetative propagation of the vine.

PROPOSED ACT: Directive of the European Parliament and of the Council.

LEGAL BASE: Article 43(2) TFEU.

CONTENT: the codification of Council Directive 68/193/EEC on the marketing of material for the vegetative propagation of the vine was initiated by the Commission and a relevant proposal has been submitted to the legislative authority. The new Directive was to have superseded the various acts incorporated in it.

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 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.

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 in 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 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.

The Commission proposes, therefore, to **transform the codification of Directive 68/193/EEC into a recast** in order to incorporate the necessary amendment.

BUDGETARY IMPACT: the proposal has no impact on the Union’s budget.