

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

2007/0014(CNS) - 29/01/2007 - Legislative proposal

**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.