Basic information

2010/0194(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure lapsed or withdrawn
Vine: marketing of material for the vegetative propagation **Subject** 3.10.03 Marketing and trade of agricultural products and livestock 3.10.06.01 Fruit, citrus fruits 3.10.06.08 Wine, alcoholic and non-alcoholic beverages	

Key players

Council of the European Union	
European Commission	**Commission DG** / **Commissioner** Legal Service / BARROSO José Manuel

Key events

Date	Event	Reference	Summary
05/07/2010	Legislative proposal published	COM(2010)0359	Summary
08/07/2010	Committee referral announced in Parliament, 1st reading		
21/05/2014	Proposal withdrawn by Commission		Summary

Technical information

Procedure reference	2010/0194(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	AGRI/7/03374

Documentation gateway

European Commission

Document type	Reference	Date	Summary
	COM(2010)0359		

Legislative proposal		05/07/2010	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2010)0359	30/09/2010	
Contribution	PT_PARLIAMENT	COM(2010)0359	12/10/2010	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1183/2010	15/09/2010	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

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 The new Directive was to have superseded the various acts incorporated in it.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.