

COMMISSION OF THE EUROPEAN COMMUNITIES

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REPORT FROM THE COMMISSION TO THE COUNCIL

on the movement of material for the propagation of the vine and on the use of official labels and the accompanying documents as foreseen in Article 10.6 of Council Directive 68/193/EEC

EXPLANATORY MEMORANDUM

Article 1(14) last paragraph of Council Directive 2002/11/EC of 14 February 2002 amending Directive 68/193/EEC on the marketing of material for the vegetative propagation of the vine and repealing Directive 74/649/EEC, lays down that " By 23 February 2004, the Commission shall draw up a report, together with proposals, if appropriate, on the movement of material for the propagation of the vine and in particular on the use of official labels and the accompanying documents introduced by the Member States".

The aim of this report is to evaluate the results of the survey on the movement and on the use of official labels and accompanying documents for the marketing of vine propagation material and to submit some proposals for improving the legislation concerning the crucial step of vine growing and consequently the wine making system.

To permit the Commission to submit a comprehensive and up-to-date report to the Council, a specific questionnaire was circulated to Member States. The text of the questionnaire and the answers were examined in co-operation with experts from Member States.

Herewith the evaluation of the fulfilment of the two requirements above mentioned is described. To complete the overview more information is added in the attached Annex.

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on the movement of material for the propagation of the vine and on the use of official labels and the accompanying documents as foreseen in Article 10.6 of Council Directive 68/193/EEC

The new Article 10.6 of Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine introduced by Council Directive 2002/11/EC lays down that "By 23 February 2004, the Commission shall draw up a report, together with proposals, if appropriate, on the movement of material for the propagation of the vine and, in particular, on the use of official labels and the accompanying documents introduced by the Member States".

The aim of this report is to evaluate the results of the survey on the movement and on the use of official labels and the accompanying documents.

1. INTRODUCTION

Article 10.1 lays down that Member States shall require that an official label in one of the official languages of the Community, conforming to the specification in Annex IV, be affixed to the outside of packages and bundles of propagating material by means of the sealing device. The colour of the label shall be white with a diagonal violet stripe for initial propagating material, white for basic propagating material, blue for certified material and dark yellow for standard material.

However, Article 10.2 lays down that Member States may authorise producers in their territory to market more than one package or bundle of grafted or rooted vines with the same characteristics, using a single label conforming to the specification in Annex IV. In such cases, the packages or bundles shall be attached together in such a way that if the attachment is damaged on separation it can no longer be put back. The label shall be affixed by means of the attachment. No resealing shall be authorised.

To permit the Commission to submit a comprehensive and up-to-date report to the Council, a specific questionnaire was circulated to Member States. The text of the questionnaire and the answers were examined in co-operation with experts from Member States.

2. GENERAL INFORMATION

Four Member States are exempt from applying Council Directive 68/193/EEC by virtue of Commission Decision 75/287/EEC due to the fact that the marketing of vine propagation material is either non-existent or of minimal economic importance. Among the remaining eleven Member States, the marketing of vine propagation material is important in eight Member States and is of minimal economic importance in three Member States.

Concerning the eleven Member States, five brought into force the relevant national measures to implement Council Directive 2002/11/EC amending Directive 68/193/EEC. The other Member States are still in the process of implementing these measures.

The report will be focused on the activity carried out by the eight Member States where vine growing is economically important. Member States have established or designated the authority responsible for the application of the official measures as foreseen by Article 2.1.H (hereafter-official body). The legal provisions relating to this Directive have been put into practice by means of specific national legislation.

Overall organisation of the official body

The number of staff (inspectors and administrative people expressed in full-time equivalents) employed by the official body under the provisions of Directive 68/193/EEC and its implementing measures are seen to be adequate in relation to the value of propagating material of vine in the Member State concerned. Inspectors must have the equivalent of a Degree or Diploma in Agriculture, Horticulture or related biological science and relevant experience. A qualification from an agricultural school or similar technical qualifications is required for auxiliary staff, where these are employed. In the majority of Member States staff are trained and attend regular general and technical refresher courses.

3. IDENTIFICATION OF VARIETY (ARTICLE 5B AND 5C)

As foreseen by the relevant Articles for the acceptance of a new variety, the conditions related to distinction, stability and homogeneity are examined. The requirements of Directive 72/169/EEC on determining the characteristics and minimum conditions for inspecting vine varieties are applied. CPVO (Community Plant Variety Office), UPOV (Union de Protection des Obtentions Végétales) protocols and OIVV (Office International de la Vigne et du Vin) descriptions are also applied where appropriate.

Propagating material of varieties officially accepted in other Member States is accepted for control and certification in all countries.

In the case of the listing of clones, their ampelografic identity with the respective variety is examined.

The listing procedures adopted by Member States are as follows:

– The candidate clones are chosen for good genetic and phytosanitary characteristics by the breeder.

– In the case of successful results, the breeder sends an application to the national authority in order to list the clone in the National Catalogue.

– The clones are tested for their identity (trueness to type), stability and homogeneity on the basis of the official description of the relevant variety. The quality of the plants submitted should not be less than the standards laid down

for certified material in Council Directive 68/193/EEC and its implementing measures.

– After the approval by the authority, the clone is listed in the National Catalogue of vine varieties or in a list of clones.

The National Catalogue and the list of clones are available to the general public. They are officially updated.

4. CARRYING OUT OF CERTIFICATION/ AUTHORISATION, SURVEY, ETC (ARTICLE 3 TO 13)

Each Member States' official body makes annual work plans, which are reviewed periodically. Formal internal or external assessments of the official body's work are usually undertaken. In the majority of Member States inspectors use a manual for inspections.

The procedures for certification/authorisation for the marketing are put into practice in such a way:

– evaluation of requests received for authorisation for the marketing propagating material and recording of data.

– field inspections usually carried out on the whole plantation of different categories of plant propagating material. The aim is the control of conditions to be fulfilled by the propagating material as regards identity and plant health per relevant category.

– inspection of propagating material of different categories for checking the fulfilment of the conditions concerning identity, quality of material and plant health laid down by the annexes to the above Directive.

– administrative checks carried out on the fulfillment of the requirements laid down by agreement for certification, recording of data, labeling system, delivering of other relevant documents, sealing and checking the declared quantities.

The fulfilment of all conditions permits the delivering of official labels or the authorisation for labelling under official control.

Where necessary, samples are taken during inspections, mainly to check plant health (identification of quality harmful organisms). The necessity to check quality aspects such as the identity of propagating material occurs less frequently. A manual for sampling has been adopted by the majority of the official bodies.

5. LABELLING

Vine propagation material can be marketed under 4 categories: initial propagating material, basic propagating material, certified material and standard material.

For the standard category, in the majority of Member States labels are printed under official control, in one Member State they are printed officially. For certified, basic and initial propagating material categories labels are printed under official control in 4 Member States and in the remaining 4 they are printed officially.

According to the legislation in force concerning measures against the spread of harmful quarantine organisms (Council Directive 2000/29/EC), it is possible to put the information of plant passport on the certification labels with the exception of one Member State where this possibility is not applied.

As foreseen in Article 10.2, the majority of Member States authorise the marketing of more than one package or bundle of grafted or rooted vines using a single label.

The labelling is made under official control in four Member States and officially in the remaining four.

The normal procedure for the traceability consists in starting from labels found on bundles of propagating material present on the market and going back through documentation (application for control of material or fiscal documents, etc.) to assess the fulfilment of all requirements.

Generally the propagating material is not accompanied by an "accompanying document" except in two Member States, in some cases there is a fiscal or transportation document.

6. CONCLUSIONS AND PROPOSALS

Council Directive 2002/11/EC amending Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine introduced a new approach compared to the previous legislation in this area. In particular:

– The internal market is now fully harmonised in this area which is the initial step of the viticulture system.

– The new scientific knowledge can be transferred to the production of vine propagating material.

– The information to the consumers can be improved and the movement of propagating material can be monitored through a new label format and accompanying documents.

Member States have encountered some difficulties in transposing the Directive, such as the implementation of the required new conditions. A specific problem has been the delay in transposition (average delay of 8 months, based on the figures for the

month of December). Consequently, it should be possible to accomplish an exhaustive and more conclusive evaluation on the movement of material for the propagation of the vine and in particular, on the use of official labels and the accompanying documents introduced by the Member States in the medium term (5 years). The present report, prepared in close co-operation with the Member States' official bodies, should be considered as a preliminary evaluation.

The report has been prepared based on the experience achieved under the previous conditions laid down by the above-mentioned Directive. This experience was compared to the brief experience gained to date under the new requirements.

Although very few problems have been identified or reported to official bodies to date, clearly the existence of even a limited number of such cases suggests that some technical aspects related to the requirements to be met by propagating material during the movement and related to the use of labels and accompanying documents could be further improved (e.g. identification and monitoring of critical points on labelling, identification, health and external quality of propagating material).

One means of assessing whether such improvements occur is through tests and trials. Under the provisions laid down by the Directive (Article 16) it is proposed that the Commission will continue to ensure that the arrangements for co-ordinating, carrying out, inspecting and financing tests and trials are in place. The tests and trials aim at harmonising technical methods of examination of propagating material and ensuring that propagating material complies with the requirements and conditions of the Directive. This aspect can be considered crucial in relation to the accession of Countries where viticulture plays a very important role to improve the mutual confidence amongst the Member States.

The main conclusions are that:

– Member States should continue their efforts to improve the control system by inspecting, sampling and testing to verify compliance with the requirements.

– Member States should continue to encourage producers to improve their efforts to fully understand their new role and to improve the quality level of vine propagation material, which occupies an important place in agriculture within the Community.

– The official bodies of the Member States are considering the possibility laid down in Article 10.3 of requiring that propagating material produced within their territories should be accompanied by a document to increase the transparency of the market for the protection of the final consumer from an economic point of view i.e. goods true to type (confidence in the market and economic protection of consumer) and the related practices to achieve this.

Based on the general opinion expressed by the official bodies and on the present experience, it is not considered necessary to submit proposals on the movement of material for the propagation of the vine, and in particular, on the use of official labels and the accompanying documents introduced by the member States at the moment.

ANNEX

1. QUALITY AND PLANT HEALTH CONDITIONS FOR STANDARD AND CERTIFIED MATERIAL (ARTICLE 3, 10 AND 11)

The marketing of standard material of rootstocks is not authorised in three Member States and the marketing of standard propagation material of vine is not allowed in one Member State.

Member States apply the technical conditions laid down by the annexes to the Directive. Stock nurseries, cutting nurseries and propagating materials are subject to compulsory control. All types of propagating material are submitted to technical and administrative control, including controls on both labels and sealing of material.

2. QUALITY AND PLANT HEALTH CONDITIONS FOR CERTIFIED MATERIAL (ARTICLE 3 AND 11)

National certification schemes have been adopted since the beginning of the seventies in France and Italy and progressively in the other Member States.

Member States apply the technical conditions laid down by the annexes to the Directive. Stock nurseries, cutting nurseries and propagating materials are subject to compulsory control. All types and categories (initial, basic and certified) of propagating material are submitted to technical and administrative control, including controls on both labels and sealing of material.

Member States apply national certification systems in combination with EPPO (European Plant Protection Organisation) scheme and OIVV list of characteristics. In some cases they give an official reference to the above scheme. The certification exercise follows the EPPO list of harmful organisms and applies the EPPO indexing methodology and identification methods.

Less frequently, the breeder himself may carry out premultiplication of the clones. In the majority of Member States stock nurseries for production of basic category material (rootstock cuttings and rooted graft cuttings) and cutting nurseries where production of rooted cuttings and top grafts takes place are controlled by inspectors of the central official body, while stock nurseries and cutting nurseries for production of material of certified and standard categories are controlled by officials of local authorities. Usually rooted cuttings and rooted grafts of basic category are sold to nurserymen for planting stock nurseries from which they collect propagating material (rootstock cuttings and top graft cuttings) of certified category (clonal origin).

3. TRACEABILITY

To ensure an appropriate traceability (trace back and trace forward) producers of vine propagating material are required to submit a request for the authorisation for the marketing the above material. The details that may be recorded by official bodies include:

– Name and relevant addresses of producer.

– Description of variety, type and category of material, places of production.

– Annual records of premises, varieties/lots grown and origin of propagating material.

– Administrative obligations (register of crop management, register of buying/ selling).

– Proper identification of material in the nursery.

Producers must allow access for inspection and sampling purposes and co-operate generally with the responsible official body. An identification number is then generated. Inspections of the premises are carried out by the official bodies to establish that the producer and the material meet the requirements of the Directive.

The validity of the authorisation is per quantity, per season and/or per year.

Inspectors work closely with businesses to avoid, where possible, the situation where standards deteriorate to the extent that suspension or revocation of an authorisation is necessary. Suspension may be considered where there has been a serious, but temporary, neglect of the Directive's requirements. A Notice is issued by the inspector, who checks if standards/procedures have been improved. Downgrading of propagating material and/or revocation of authorisation would be considered only in extreme circumstances, such as a deliberate disregard of the Directive's requirements, with little likelihood of improvement.

The authorisation records are available to the authorities but usually they are not available to the public. However, the list of authorised producers (identification number, name, place) is publicly accessible directly or under request in the majority of Member States.

4. TESTS AND TRIALS

Only in case of doubts are samples taken from the market and submitted for tests and/or trials to check compliance with the quality requirements by the majority of Member States where the production of vine propagation material is an important business. In two Member States tests and trials are carried out routinely.

Samples are examined by bodies which are either the designated authority responsible for the quality requirements laid down by the Directive or bodies co-operating on the basis of agreements. Usually the bodies responsible for tests and trials follow a quality system.

The results of sampling revealed only a few cases where quality problems had been found. Concerning plant health, the most frequent cases refer to viruses, fungi, mycoplasms and bacteria (*Agrobacterium*).

5. CORRECTIVE ACTION IN THE PROPAGATING MATERIAL OF VINE

Follow up to inspections or tests and trials:

The corrective action required depends on the severity/complexity of the problem. For straightforward matters, the inspector visiting the premises may issue immediate instructions. For more complex matters requiring a follow up (e.g. new pests, infringements) the matter is referred to senior inspectors who may, where necessary, seek advice from Headquarters (principal inspectors, Ministry and policy colleagues) to take the appropriate actions.

Follow up of complaints from customers:

The official body requires direct corrective action (e.g. treatments, elimination of material, improvement on survey or cropping, etc.) to be taken by producers if they are located in the same Member State. In the case of producers located in other Member States, the official body informs the official body of the Member State of the producer concerned.

When complaints about the quality of propagating material are received, the official body checks whether the complaint was indeed related or caused by the propagating material as it was supplied. If there is evidence that material of incorrect identity or labelling, health or quality was supplied, the producer and customer are informed of this fact. The producer then has to take measures to solve the problem and is advised how to prevent a repetition of the problem.

It must be emphasised that a very low number of complaints have been received by official bodies from customers where corrective action was required. The most frequent cases refer to the absence of labels or accompanying documents or incorrect filling in. Some cases refer to quality problems like plant health and complaints about labelling (absence of labels, labels with incomplete information) poor growth of rootstocks and poor quality of cuttings/young plants like weakness of grafting point, diameters, dried material. The main categories of propagating material involved are respectively certified, standard and basic.

The most frequent measures proposed are: treatment against pests, withdrawal of material from trade, destruction, improvement of the internal quality system. The official body verifies the implementation of corrective action to be taken by subsequent inspections and checks.