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RESOLUTION OF THE 9th STANDING COMMITTEE
(Agriculture and food production)

(Rapporteur ZANOLETTI)

Approved at the sitting of 21 September 2010

ON

**THE PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL ON THE
MARKETING OF MATERIAL FOR THE VEGETATIVE
PROPAGATION OF THE VINE (COM (2010) 359 FINAL)**

as provided for in Article 144(1) and (6) of the Rules of the Senate

Communicated to the Presidency on 22 September 2010

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The 9th Committee, having examined, as provided for in Article 144 of the Rules of the Senate, the Proposal for a Directive of the European Parliament and of the Council on the marketing of material for the vegetative propagation of the vine;

whereas the proposal under examination, with a view to amending the previous Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine in the Union completely replaces these rules by new rules and therefore repeals the previous rules;

having regard, first of all, to the fact that the production of wine and table grapes occupies an important place in the agriculture of the Union and that satisfactory results in vine cultivation depend on the use of appropriate propagating material;

whereas, in particular, certain Member States have for some time restricted the marketing of vine vegetative propagating material to high-quality wood and young plants and have been able to take advantage of the systematic plant selection work which has resulted in the development of stable and uniform vine varieties;

whereas greater productivity can be achieved in vine cultivation in the Union if, for the choice of the varieties permitted to be marketed, Member States apply uniform rules which are as strict as possible;

having noted that:

the proposal under examination, which comprises 34 articles and two annexes – the first on the conditions relating to the vine-growing crop, and the second on vine-propagating material – provides a detailed definition and classification of the concepts concerned and then covers the conditions for the marketing of material for the propagation of the vine;

Article 3 lays down the requirement that vine-propagating material may not be placed on the market unless it complies with the conditions set out in Annex II and has been officially examined and certified as ‘initial propagating material’, ‘basic propagating material’ or ‘certified propagating material’ or is officially checked standard propagating material;

provision is made for derogations from the preceding requirements for the marketing of propagating material for trials, for scientific purposes or for selection work;

in order to eliminate any temporary difficulties in the supply of propagating material in the Union that cannot be overcome in any other way, the Commission, having consulted the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, by which it is assisted (Article 27(2)), may authorise, for a specified period, the marketing throughout the territory of the Union of such quantity of propagating material of a category satisfying less stringent requirements as is needed to overcome the difficulties (Article 23);

each Member State must compile a catalogue of varieties accepted for certification and for checking as standard propagating material in its territory (Article 5), and to use uniform rules for compiling these catalogues so that the varieties accepted will be distinct, stable and sufficiently uniform; it is consequently desirable to take appropriate biodiversity-conservation measures to guarantee the conservation of existing varieties;

those States in which vines are not propagated or whose propagating material is not marketed are exempted from the certification and checking obligation (but not from the obligation to limit the marketing of certified propagating material and standard propagating material);

in Article 8, genetically modified varieties (varieties clearly indicated as such in the catalogue of varieties) are accepted only if all appropriate measures have been taken to avoid adverse effects on human health and the environment through a specific environmental risk assessment within the meaning of Directive 2001/18/EC of the European Parliament and the Council of 12 March 2001;

in order to safeguard the identity of the propagating material, according to the act under consideration, unified rules should be laid down as regards the separation of batches, packaging, sealing and marking (Article 14 et seq.);

Member States are given the task of ensuring that the movement of vine-propagating material is adequately monitored, through the development of a document to accompany each lot and the adoption of necessary measures to ensure that, when propagating material produced in a third country is marketed, the competent authorities are supplied with a series of particulars (species, variety, country of despatch, etc.) in order to assess their quality (Article 19);

as far as the assessment of compliance with the principle of subsidiarity is concerned, the objectives set out above cannot be satisfactorily attained by the individual Member States, which therefore means that Community action is necessary, as it is more suitable for attaining the objectives set out above;

as far as the assessment of compliance with the principle of proportionality is concerned, the measures provided for in the proposal under examination are proportionate to the objectives laid down by the Treaty on the Functioning of the European Union, and do not go beyond what is necessary to achieve those objectives;

a favourable opinion is expressed in accordance with Protocol No 2 'on the application of the principles of subsidiarity and proportionality'.

As to the merits of the measure under examination, a favourable opinion is expressed, subject to the removal of Article 8 of the Community act under examination and of any other reference to the possibility of using genetically modified material, with particular reference to the wine sector.

OPINION OF THE 14th STANDING COMMITTEE
(EUROPEAN UNION POLICIES)

(Rapporteur: SANTINI)

29 July 2010

The 14th Committee, having examined the act COM(2010)359 final,

whereas this act stems from the need to codify Council Directive 68/193/EEC of 9 April 1968, as amended on several occasions, on the marketing of material for the vegetative propagation of the vine, in order to ensure greater clarity and understanding of the provisions contained therein;

whereas the need to make not just formal amendments to the text of the directive led the European Commission to opt for a recast rather than straightforward codification;

whereas this amendment provides for the transfer from the Council to the Commission of the direct implementing powers to establish whether the propagating material produced in third countries offers the same guarantees as the material produced in the Union and can therefore be accepted and marketed, and is in line with an approach followed systematically for similar pieces of legislation since the beginning of the nineties,

within the area of its remit, comments favourably on the proposal, highlighting the following points:

the legal basis is correctly identified as Article 43(2) of the Treaty on the Functioning of the European Union (TFEU), under which the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, shall establish the common organisation of agricultural markets provided for in Article 40(1) and the other provisions necessary for the pursuit of the objectives of the common agricultural policy and the common fisheries policy;

the proposal appears to comply with the principle of subsidiarity, since the proposal for a directive makes no substantial amendments to the rules of the European market in vine-propagating material;

the proposal appears to comply with the principle of proportionality, since the amendments made to the directive are in keeping with the objectives that the legislative act intends to pursue;

on the substance of the matter, it is stressed that the conferral of specific implementing powers on the Commission comes under the framework established by Article 291 of the TFEU, which specifically provides that 'where uniform conditions for implementing legally binding Union acts are needed, those acts shall confer implementing powers on the Commission'. In the case of the proposal under examination, while the relevant provisions concern trade with third countries, they come primarily under the reference framework of the common agricultural policy and therefore under the Commission's executive power. However, in general, it is necessary to carry out strict prior checking of draft legislation that provides for the conferral of implementing powers — especially those relating to the Union's trade policy, in order to check that the conferral of an executive delegation is not detrimental to national interests.

Letter from: the President of the Senate of the Italian Republic

Date: Rome, 29 September 2010

To: President Barroso

Ref. No *316/UC*

I have the honour to send you the text of the resolution approved by the Committee on agriculture and food production of the Senate of the Italian Republic following examination of the proposal for a Directive of the European Parliament and of the Council on the marketing of material for the vegetative propagation of the vine (COM (2010) 359 final).

This resolution contains comments on the conformity of the act with the principles of subsidiarity and proportionality.

Encl.: 1