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## COUNCIL DIRECTIVE

of 22 March 1971

amending the Directive of 9 April 1968 on the marketing of material for the vegetative propagation of the vine

(71/140/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

After consulting the Economic and Social Committee;

Whereas it is necessary to amend certain provisions of the Council Directive of 9 April 1968<sup>1</sup> on the marketing of material for the vegetative propagation of the vine;

Whereas Council Regulation (EEC) No 1388/70<sup>2</sup> of 13 July 1970 on general rules for the classification of vine varieties lays down provisions relating to the cultivation of vine varieties in certain regions;

Whereas, therefore, only propagation material of varieties whose cultivation is authorised in a Member State should be marketed without restriction in that State;

Whereas it is no longer necessary, therefore, to establish a common list of varieties giving all the varieties of which propagation material may be marketed freely within the Community;

Whereas it is still necessary, however, for each Member State to compile a catalogue of varieties accepted for certification, and for checking as standard material in its territory;

Whereas uniform rules should be used for compiling these catalogues so that the varieties accepted will be distinct, stable and sufficiently uniform;

Whereas, in order to carry out the examinations for the acceptance of a variety, a large number of criteria and minimum requirements must be laid down;

Whereas provision should also be made to ensure that these examinations are carried out, as far as possible, at the same time as the tests for assessing fitness for cultivation purposes with a view to classification;

Whereas if vine propagation material is not normally propagated or marketed in the territory of a Member State, provision should be made for the possible exemption of that State from the obligation to apply this Directive;

Whereas basically technical amendments to the Annexes should be facilitated by an expeditious procedure;

Whereas one of the technical provisions of Annex I to the Directive in question should be amended;

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The Council Directive of 9 April 1968 on the marketing of material for the vegetative propagation of the vine is hereby amended as follows.

*Article 2*

The following shall be substituted for Article 2 (2):

'2. Member States may, as a transitional measure, after the entry into force of the laws,

<sup>1</sup> OJ No L 93, 17.4.1968, p. 15.

<sup>2</sup> OJ No L 155, 16.7.1970, p. 5.