

Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (Recast version)

CHAPTER 6

**PROPAGATING MATERIAL AND FRUIT
PLANTS PRODUCED IN THIRD COUNTRIES**

Article 12

1 In accordance with the procedure referred to in Article 19(2), it shall be decided whether propagating material and fruit plants produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, are equivalent in all these respects to propagating material and fruit plants produced in the Community and complying with the requirements and conditions of this Directive.

2 Pending the decision referred to in paragraph 1, Member States may, until [^{F1}31 December 2022], and without prejudice to the provisions of Directive 2000/29/EC, apply to the import of propagating material and fruit plants from third countries conditions at least equivalent to those indicated, on a temporary or permanent basis, in the specific requirements adopted pursuant to Article 4. If such conditions are not laid down in the specific requirements the conditions for importation must be at least equivalent to those applicable to production in the Member State concerned.

In accordance with the procedure referred to in Article 19(2), the date referred to in the first subparagraph of this paragraph may, for the various third countries, be extended pending the decision referred to in paragraph 1 of this Article.

Propagating material and fruit plants imported by a Member State in accordance with a decision taken by that Member State pursuant to the first subparagraph shall be subject to no marketing restrictions in the other Member States as regards the matters referred to in paragraph 1.

Textual Amendments

- F1** Substituted by [Commission Implementing Decision \(EU\) 2019/120 of 24 January 2019 amending Council Directive 2008/90/EC as regards the extension of the derogation relating to import conditions for fruit plant propagating material and fruit plants intended for fruit production from third countries \(notified under document C\(2019\) 254\)](#).