

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 8

GENERAL AND FINAL PROVISIONS

Article 17

Free movement clause

1 Propagating material and fruit plants which comply with the requirements and conditions of this Directive shall be subject to no marketing restrictions as regards supplier, plant health, growing medium and inspection arrangements, other than those laid down in this Directive.

2 As regards the propagating material and fruit plants of the genera and species referred to in Annex I, Member States shall refrain from imposing more stringent conditions or marketing restrictions other than those laid down in this Directive or in the specific requirements established pursuant to Article 4 or those existing on 28 April 1992, as the case may be.

Article 18

Amendments and adaptation of Annexes

The Commission may, in accordance with the procedure referred to in Article 19(3), amend Annex I, for the purpose of adapting it to developments in scientific and technical knowledge.

Article 19

Committee

[^{F1} The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council⁽¹⁾. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽²⁾.]

2 Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4 The Committee shall adopt its Rules of Procedure.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Textual Amendments

- F1** Substituted by Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC.

Article 20

Transposition

1 Member States shall adopt and publish, by 31 March 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with Articles 1(2) and (3), 2, 3, 5, 6, 7(2), (3) and (4), 9(3), 12(2), 13(1), 16, and 21. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 30 September 2012.

2 When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

3 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 21

Transitional measures

Member States may, until 31 December 2018, allow the marketing in their own territory of propagating material and fruit plants taken from parent plants that existed before 30 September 2012 and have been officially certified or meet the conditions to be qualified as CAC material before 31 December 2018. When marketed, such propagating material and fruit plants shall be identified by a reference to this Article on the label and/or document. Beyond 31 December 2018 propagating material and fruit plants may be marketed if the requirements of this Directive are fulfilled.

Article 22

Repeal

1 Directive 92/34/EEC, as amended by the acts listed in Annex II, Part A, is repealed with effect from 30 September 2012, without prejudice to the obligations of the Member States

relating to the time limits for transposition into national law and application of the Directives set out in Annex II, Part B.

2 References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

Article 23

Entry into force

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 24

This Directive is addressed to the Member States.

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- (1) [^{F1}Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).]
- (2) [^{F1}Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).]

Textual Amendments

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