

THE MINISTRY OF AGRICULTURE AND FORESTRY POLICIES

DECREE OF 24 July 2003

**Organisation of the National Service for Voluntary Certification of Fruit
Plant Propagating Material.**

THE MINISTER OF AGRICULTURE AND FORESTRY POLICIES

Having regard to Law 987 dated 18 June 1931 as subsequently amended and supplemented, on: «Provisions for the protection of cultivated plants and agricultural products from harmful organisms and for associated services»;

Having regard to the implementing regulation of the aforesaid Law 987/1931, approved by Royal Decree 1700 of 12 October 1933 and amended by Royal Decree 2504 of 2 December 1937;

Having regard to Presidential Decree 616 of 24 July 1977 by means of which, in order to implement the delegation under Article 1 of Law 382 of 22 July 1975, the administrative functions accomplished by the central and peripheral bodies of the State in the matters referred to in Article 117 of the Constitution were transferred to the Regions;

Having regard in particular to Article 74, first paragraph of the aforesaid Presidential Decree 616 by which the functions and offices of plant disease observatories were transferred to the Regions, with such functions being accomplished in compliance with the technical standards set by the State;

Having regard to Article 71 of the mentioned decree that kept the administrative functions relating to foreign trade organisation as well as those concerning the regulation, quality control and varietal certification of agricultural and forestry products to the State;

Having regard to the Ministerial Decree dated 23 October 1987, published in the Official Journal of the Italian Republic (*Gazzetta Ufficiale della Repubblica Italiana*) no. 271 of 19 November 1987, by which it was provided that the production of propagating material for fruit and shrub species as well as for agamically-propagated herbaceous species for trading purposes on the national and foreign markets, may be subject to voluntary certification for the acquisition of a genetic trueness-to-type and health certificate;

Having regard to the Ministerial Decree dated 6 March 1989 and amendments, if any, on the establishment of the Technical-Scientific Committee as under Article 3 of the Ministerial Decree dated 23 October 1987;

Having regard to the founding regulation of the service for voluntary certification of plant propagating material, adopted by Ministerial Decree 289 of 2 July 1991, published in the Official Journal of the Italian Republic no. 209 of 6 September 1991, and to Articles 2 and 3 in particular;

Having regard to Legislative Decree 536 of 30 December 1992, on implementation of Council Directive 91/683/EEC of 19 December 1991 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products;

Having regard to the Ministerial Decree dated 14 April 1997 implementing Commission Directives 93/48/EEC of 23 June 1993, 93/64/EEC of 5 July 1993, and 93/79/EEC of 21 September 1993 on the technical standards for commercialisation of plant propagating material and plants intended for fruit production;

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products, as subsequently amended;

Having received the favourable opinion of the Standing Conference for the Relations between the State, the Regions and the Autonomous Provinces of Trento and Bolzano (*Conferenza permanente per i rapporti tra lo Stato, le regioni e le province autonome di Trento e Bolzano*), as expressed in the session held on 14 February 2002;

Orders:

Article 1.

Organisation of the National Certification Service

1. This decree governs:

- a) organisation and structure of the national service for voluntary certification of plant propagating material;
- b) definition and implementation of certification steps;
- c) definition of the categories of certification materials;
- d) approval of the accessions of cultivars, clones and selections to be submitted for certification.

Article 2.

Structure of the National Certification Service (NCS)

1. The national service for the certification of plant propagating material (NCS) is established within the Ministry of Agriculture and Forestry Policies, at no costs for the State budget; this body is responsible for quality performances at national level and coordinates the technical-administrative and technical-scientific activities for the certification of plant propagating material.

2. The NCS is composed of the National Certification Committee (*Comitato nazionale per la certificazione*), the Operational Secretariat (*Segreteria operativa*) and the phyto-sanitary services of the regions and autonomous provinces competent by territory, here below referred to as RPSS.

Article 3.

The National Certification Committee (NCC)

1. The National Certification Committee (NCC) is established to fulfil the duties detailed in Paragraph 4 of this Article. It is composed of:

two members from the Min. of A&F Policies, one of whom accomplishes the functions of president;

four experts in production and conservation of the certified material, designated by the Standing Conference for the Relations between the State, the Regions and the Autonomous Provinces of Trento and Bolzano;

three regional representatives designated by Standing Conference for the Relations between the State, the Regions and the Autonomous Provinces of Trento and Bolzano;

two members designated by agricultural inter-professional organisations, one of whom from the nursery sector and one from the fruit sector;

a representative suggested by the most representative professional organisations at national level.

2. The secretarial functions of NCC are performed by the competent office of the Directorate General for Agri-Food Product Quality and Consumer Protection (*Direzione generale per la qualita' dei prodotti agroalimentari e la tutela dei consumatori*) in the Department of Agro-Food Product Quality and Services (*Dipartimento della qualita' dei prodotti agroalimentari e dei servizi*) of the Min. of A&F Policies.

3. The NCC is renewed every four years and its members can be reconfirmed once. It is convened by the President or upon request of the majority of its members.

4. In particular, the NCC is entrusted with the following tasks:

a) submit proposals on production provisions and specifications for the certification of single species or groups of species;

b) submit proposals to the Min. of A&F Policies for the approval of conservation and pre-multiplication centres based on preliminary inquiries prepared by the RPSS competent by territory;

c) carry out inspections about suitability of the conservation centres and pre-multiplication centres as well as on ways and means of carrying out controls on the certification process, upon appointment of the Min. of A&F Policies;

d) submit proposals on registration requirements for the accessions of cultivars, clones and selections that can be certified in the national registry;

e) submit proposals on ways and means of carrying out controls on the certification process;

f) submit proposals to the Min. of A&F Policies for the approval of materials to be entered in the national registry referred to in Article 14 below;

g) provide its opinion on the approval of the inter-professional organisations that apply to cooperate with the NCS;

h) submit proposals about explanatory circular letters and forms necessary for the implementation of the certification process;

i) provide its opinion on equivalence of certification schemes in the other European Countries and Third Countries;

j) submit proposals on training and update programmes for NCS staff;

k) prepare an annual report on the national certification programme.

5. The NCC has the faculty to set up work teams including experts from outside the committee to provide technical-scientific support to the activities of its competence.

6. The functioning of NCC is governed by decree of the Minister of Agricultural and Forestry Policies.

Article 4.

The Operational Secretariat (OS)

1. The OS is composed of an officer from the Min. of A&F Policies, an NCC member and a representative of agricultural inter-professional organisations.

2. The OS is entrusted with the following tasks:

a) support NCC activities;

b) publicise provisions;

c) prepare the forms necessary to perform the certification;

d) keep and update the national registry of accessions of cultivars, clones and selections approved for certification, as per Article 14.

Article 5.

Functions of Phyto-Sanitary Services of the Regions and Autonomous Provinces

1. Normal or special status regions and the autonomous provinces of Trento and Bolzano accomplish the functions for the certification of plant propagating material through their phyto-sanitary services established by Legislative Decree 536 of 30 December 1992;

2. The Regional Phyto-Sanitary Services (RPSS) accomplish the following functions:

a) approve suitability of multiplication centres and nurseries;

b) perform inspections and controls at all steps throughout the certification process, according to that set forth in the production specifications for the single species or groups of species;

c) certify propagating materials.

3. The RPSS avail themselves of the scientific support of the institutes belonging to the Council for Research and Experimentation in Agriculture (*consiglio per la ricerca e sperimentazione in agricoltura*) as per Legislative Decree 454 of 25 October 1999, and of other bodies and organisations approved as suitable by the NCS.

4. Controls and monitoring at all steps throughout the certification process are carried out by phyto-sanitary inspectors specially trained and updated through mandatory training courses.

5. Every year, at the end of the certification campaign, the RPSS provide a report to the NCS on control and certification activities and associated statistical data per species, category and health status of the material certified.

Article 6.

Certification Steps

1. Voluntary certification of plant propagating material includes the following steps:

a) conservation for pre-multiplication;

b) pre-multiplication;

c) multiplication;

d) nursery.

Article 7.

Conservation for Pre-multiplication and CP Centres

1. Conservation of nationally approved material takes place in public conservation centres for pre-multiplication. This step can also take place at private organisations approved for their high professionalism and specific competence in the matter. Both public and private organisations should be approved as suitable by the Min. of A&F Policies upon NCC's proposal, and possess the requisites and authorisations provided for in the phyto-sanitary laws in force. Activities carried out at the CCP are coordinated at national level by the NCS.

2. The number and location of the conservation-for-pre-multiplication centres should be strictly functional to the need of preserving the «pre-basic» material.

3. This step is aimed at:

- a) keeping mother plants in a protected environment;
- b) producing propagating material (scions, buds, cuttings, rootstocks, and plants) of «pre-basic» category in a protected environment.

4. Conservation for pre-multiplication is organised by species or groups of species.

5. The CCP that seek approval from the Min. of A&F Policies, should be equipped with suitable facilities for healthy conservation of materials and have a technical-scientific person in charge possessing documented specific skills.

6. Should an approved body renounce to accomplish CCP functions, this body must deliver accessions being kept to the NCS that will identify one or more CCP to receive them.

7. On first implementation of this decree, the bodies that are willing to accomplish or continue accomplishing CCP functions, should apply for approval with the Min. of A&F Policies within sixty days after the publishing of this provision.

Article 8.

Pre-multiplication and P Centres

1. This step takes place in public or private pre- multiplication centres approved as suitable by the Min. of A&F Policies upon NCC's proposal, and in possession of the requisites and authorisations provided for in the phyto-sanitary laws in force.

2. The number and location of the pre-multiplication centres (PPC) should be strictly functional to the need of pre- multiplication the «basic» material.

3. This step is aimed at:

- a) breeding plants belonging to the «basic» category in a protected environment or field, depending on the specifications for each species;
- b) producing plants (grafted or self-rooted) belonging to the «basic» category in a protected environment or field, depending on the specifications for each species.

4. Pre- multiplication is organised by species or groups of species.

5. The pre- multiplication centres that seek approval from the Min. of A&F Policies, should be equipped with suitable facilities for healthy pre-multiplication of materials and have a technical person in charge possessing documented specific skills.

6. On first implementation of this decree, the bodies that are willing to accomplish or continue accomplishing PC functions, should apply for approval with the Min. of A&F Policies within sixty days after the publishing of this provision.

Article 9.

Multiplication

1. Multiplication takes place in mother-plant fields, micro-propagation labs and nurseries for the production of material belonging to the «certified» category, under the responsibility of single or associated nursery owners. Mother-plant fields, micro-propagation labs and nurseries approved by the phyto-sanitary services of the regions or autonomous provinces, should meet the requirements provided for in the production specifications of the single species or groups of species.

2. The step in Paragraph 1 is aimed at:

- a) breeding mother-plants in compliance with the specifications provided for each species;
- b) producing propagating material (seeds, scions, cuttings, rootstocks, and plants) belonging to the «certified» category in compliance with the specifications for each species.

3. Multiplication is organised by species or groups of species.

4. The multiplication centres (MC) that seek RPSS's approval should:

- a) have available a technical person in charge possessing documented specific skills that will interface with the inspection and certification bodies;
- b) have available fields and facilities suitable for cultivation and conservation of the specific productions;

c) have available mechanical cultivation, conservation and transport equipment to be used exclusively for activities in these facilities.

5. Applications for approval as a multiplication centre and applications to obtain the genetic-sanitary certification of the nursery plant material produced should be filed with the RPSS competent by territory.

6. Nursery firms that are willing to have their production certified, should apply with the RPSS competent by territory that will issue the approval and the authorisation to genetic and sanitary certification (certified label) after completing the controls envisaged in their production specifications.

Article 10.

Categories of propagating material

1. Propagating material (seeds, cuttings, scions, buds, plants, rootstocks included, as well as *in-vitro* cultures in all phases) is classed in the following categories:

a) primary source: material of origin produced by the plant breeder and kept by the plant breeder or parties entitled;

b) pre-basic: material produced from plants obtained by propagation of the primary source and kept at the conservation centre for pre-multiplication in the minimum amount of 2 mother-plants;

c) basic: material produced from plants obtained from first propagation of the pre-basic material and kept at the pre-multiplication centre in a variable amount of mother-plants (2 minimum), depending on importance and propagation techniques of the species and cultivar in question;

d) certified: material produced from plants obtained from first propagation of the basic material and kept at the multiplication centre in a variable amount of mother-plants depending on importance and propagation techniques of the species and cultivar in question, to be used for the commercial productions to be certified.

Article 11.

Health Status of Propagating materials

1. Two phyto-sanitary statuses are envisaged for certification purposes:

a) virus-free (v.f.): material that is free from viruses, viroids, phytoplasmas and other systemic infectious agents known for the species in question at the time of issue of the specific certification standards;

b) virus-tested (v.t.): material that is free from viruses, viroids, phytoplasmas and other specific infectious agents of particular economic importance, as specifically indicated in the specific certification standards for the single species.

2. In the case of plants grafted with material of a different status, the final product will be certified with the lowest rating (virus-tested).

Article 12.

Certification of Nursery Productions

1. Certification of *in-vivo* and *in-vitro* nursery production can be released only in favour of persons or legal entities duly authorised to run a nursery business according to the phyto-sanitary laws in force, that declare to use NCS-approved propagating material in compliance with the directions of this decree and with the technical protocols of the single species.

2. Pursuant to Article 15 below, the certified plants, free from the organisms mentioned in Directive 2000/29/EC and conforming to that provided for in the Ministerial Decree dated 14 April 1997, should come with an official document guaranteeing that all controls have been carried out in compliance with the provisions herein and with production specifications of the single species.

3. The persons or legal entities subject to control as well as the institutions, bodies and persons in charge of controls, must make available to the NCS whatever information within their tasks that is useful to enable any investigation.

Article 13.

Approval of the Plant Material to Be Submitted for Certification

1. For the approval of accessions, the plant breeder must:

a) keep the primary source in suitable facilities that safeguard the health status declared by the plant breeder;

- b) file an appropriate application with the NCS, complete with:
- 1) documentation suitably characterising the cultivar or clone;
 - 2) documentation of the phyto-sanitary status as to the organisms mentioned in the production specifications of the single species;
 - 3) certified copy of the patent and mention of the firm authorised to propagation for the varieties patented, or a declaration stating that the cultivar can be freely propagated;
- c) deliver the propagating material resulting from first propagation of the primary source to the conservation centre for pre- multiplication approved by the Min. of A&F Policies

Article 14.

Establishment of the National Registry of Accessions of Certifiable Cultivars, Clones and Selections

1. The national registry of accessions of NCS-approved cultivars, clones and selections is established at the Min. A&F Policies, at no costs for the State.
2. Accessions of certifiable cultivars, clones, and selections are entered in the national registry by specific provision.

Article 15.

Certified label

1. A special label-certificate of different colours depending on the production step, should be affixed to the propagating materials produced according to this decree and to production specifications of the single species. The label should also show data required for the plant passport and for the commercialisation document.
2. Diagrams and colours of the certified label will be submitted by the NCC and adopted by means of a special provision of the Min. of A&F Policies.

Article 16.

Costs

1. The financial costs for the participation of the representatives of the regions and autonomous provinces and of the professional and inter-professional organisations in the activities envisaged by the NCC and OS, as under Articles 3 and 4, are at the charge of their respective administrations.
2. The financial costs for the participation of the four NCC certified material production and conservation experts are at the charge of the funds in budget item 1443 (expenses for the functioning of councils, committees, etc.) for the financial year in progress and future ones.
3. The financial costs for propagating material conservation and production in the CCP and PC are at the charge of the plant breeder or parties entitled for protected accessions and at the charge of the nursery owners who apply for accessions free from propagation constraints. These costs are collected directly by the bodies that accomplish CCP and PC functions.
4. The financial costs for the inspection and control activities carried out by the phyto-sanitary services are defined by the regions and autonomous provinces based on parameters indicated by the Min. of A&F Policies, for the different species at the different steps of the certification process. Such costs, at the charge of the applicants for the certified material, are collected directly by the regions and autonomous provinces upon authorisation to issue the certified label in the different phases of the production process.

Article 17.

Transitional Provisions

1. Notwithstanding the provisions herein, materials included in the certification programmes scheduled by the regions or autonomous provinces at the time of approval of this decree, are admitted to national certification.
2. The technical standards for the production of certified propagating material of species already regulated by means of special ministerial decrees, remain in force until revised by virtue of this decree.
3. The CCP and PC approved by the Ministry and operating at the time of this decree, continue accomplishing their functions until they are approved according to the provisions in this decree. Lack of application for approval or

in case of application rejection, the CCP and PC must make available to the NCS the accessions being kept and pre-multiplied, free from propagation constraints.

Article 18.

Repeals

1. With the enforcement of this decree, all other provisions contrasting with the provisions herein ceases to be effective.

This decree will be sent to the Court of Auditors (*Corte dei Conti*) for registration and published in the Official Journal of the Italian Republic.

Roma, 24 July 2003

The Minister: Alemanno

Registered with the *Corte dei Conti* on 18 August 2003

Ufficio di controllo atti of the Ministries of Production Activities

Registry no. 4

Production activities, sheet no. 38