
STATUTORY INSTRUMENTS

2020 No. 682

**PLANT HEALTH, ENGLAND
SEEDS, ENGLAND**

**The Marketing of Seed, Plant and Propagating
Material (England) Regulations 2020**

Made - - - - 2nd July 2020

Laid before Parliament 3rd July 2020

Coming into force in accordance with regulation 1(1)

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to the common agricultural policy⁽²⁾.

The Secretary of State has consulted representatives of such interests as appear to him to be concerned in accordance with section 16(1) of the Plant Varieties and Seeds Act 1964⁽³⁾.

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 16(1), (1A), (3), (4) and 36 of the Plant Varieties and Seeds Act 1964 and section 2(2) of the European Communities Act 1972.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Marketing of Seed, Plant and Propagating Material (England) Regulations 2020 and come into force 21 days after the day on which these Regulations are laid.

(2) These Regulations extend to England and Wales and apply in relation to England only.

(1) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by S.I. 2002/794.

(2) S.I. 1972/1811, to which there are amendments not relevant to these Regulations.

(3) 1964 c. 14. Section 16(1) was amended by, and section 16(1A) was inserted by, the European Communities Act 1972 (c. 68), section 4 and Schedule 4, paragraph 5. Section 16(3) was amended by S.I. 1977/1112. The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 16 was transferred to the Secretary of State by S.I. 2002/794.

The Marketing of Vegetable Plant Material Regulations 1995

2.—(1) The Marketing of Vegetable Plant Material Regulations 1995⁽⁴⁾ are amended as follows.

(2) In regulation 2(1), after the definition of “[Directive 2008/72/EC](#)”, insert—

““EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants⁽⁵⁾”.

(3) In regulation 5—

(a) the existing text becomes paragraph (1);

(b) in paragraph (1), for sub-paragraph (a) substitute—

“(a) at the place of production it was found, at least on visual inspection, to be practically free from all pests listed in relation to that plant material in the Annex to [Directive 93/61/EEC](#);

(ab) the quantity of any RNQP present on the plant material does not, at least on visual inspection, exceed the threshold set out in respect of that RNQP in the Annex to [Directive 93/61/EEC](#);

(ac) it is found, at least on visual inspection, to be practically free from any pests which reduce its usefulness and quality as plant material, other than those pests listed in the Annex to [Directive 93/61/EEC](#) in relation to that plant material;

(ad) it complies with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in the EU Plant Health Regulation and in the implementing acts adopted pursuant to that Regulation, including measures adopted pursuant to Article 30(1) of that Regulation”;

(c) after paragraph (1), insert—

“(2) In this regulation—

“protected zone quarantine pest” means a pest within the meaning given by Article 32(1) of the EU Plant Health Regulation;

“RNQP” means a Union regulated non-quarantine pest within the meaning given by Article 36 of the EU Plant Health Regulation;

“Union quarantine pest” means a pest within the meaning given by Article 4 of the EU Plant Health Regulation.”.

(4) For regulation 6, substitute—

“6.—(1) A producer must—

(a) report to an inspector any plant material that fails to comply with the requirements of regulation 5(1)(a) or (ab);

(b) immediately report to an inspector any plant material that shows the presence of a plant pest of a description specified in Annex 2 or 3 to the Phytosanitary Conditions Regulations and carry out any measures laid down by the inspector; and

(c) keep plant material in lots of homogenous composition and origin during growing and lifting or removal from parent material.

(2) In this regulation—

(4) [S.I. 1995/2652](#), amended by [S.I. 2007/1449](#), [2014/487](#), [2018/575](#), [2019/1517](#), [2020/579](#); there are other amending instruments but none is relevant.

(5) [OJ No. L 317, 23.11.2016, p.4.](#)

“the Phytosanitary Conditions Regulation” means Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and of the Council, as regards protective measures against pests of plants(6).”.

(5) Omit regulations 7 and 8(5).

(6) In regulation 9(4)(c), for “harmful organisms referred to in regulation 5(a)” substitute “pests referred to in regulations 5(1)(a), (ab) and 6(1)(b)”.

(7) In regulation 11(4), for “5(a)” substitute “5(1)(a) to (ac)”.

The Marketing of Ornamental Plant Propagating Material Regulations 1999

3.—(1) The Marketing of Ornamental Plant Propagating Material Regulations 1999(7) are amended as follows.

(2) In regulation 2(1), before the definition of “[Directive 98/56/EC](#)” insert—

““[Directive 93/49/EEC](#)” means Commission [Directive 93/49/EEC](#) setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council [Directive 91/682/EEC](#);(8)

(3) In regulation 4—

(a) the existing text becomes paragraph (1);

(b) in paragraph (1), after sub-paragraph (a) insert—

“(ab) have been found at the place of production to be practically free, at least on visual inspection, from all pests listed in the Annex to [Directive 93/49/EEC](#) in relation to that propagating material;

(ac) be free, at least on visual inspection, from any RNQP in a quantity exceeding the thresholds set out in the Annex to [Directive 93/49/EEC](#) for the presence of that RNQP;

(ad) be, at least on visual inspection, practically free from, and from any signs or symptoms of, any pests which reduce its usefulness or quality as propagating material, other than the pests listed in the Annex to [Directive 93/49/EEC](#) with regard to the respective propagating material;

(ae) comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in the implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.”;

(c) after paragraph (1) insert—

“(2) In this regulation—

“protected zone quarantine pest” means a pest within the meaning given by Article 32(1) of the EU Plant Health Regulation;

“RNQP” means a Union regulated non-quarantine pest within the meaning given by Article 36 of the EU Plant Health Regulation;

“Union quarantine pest” means a pest within the meaning given by Article 4 of the EU Plant Health Regulation.”.

(6) OJ No. L 319, 10.12.2019, p.1.

(7) [S.I. 1999/1801](#), relevant amending instruments are [S.I. 2018/575](#), 974, 2019/1517. [S.I. 1999/1801](#) is amended prospectively by [S.I. 2019/131](#).

(8) OJ No. L 250, 7.10.1993, p.9, as last amended by Commission Implementing Directive (EU) 2020/177 (OJ No. L 41, 13.2.2020, p.1).

- (4) Omit regulation 6A.

The Seed Marketing Regulations 2011

4.—(1) The Seed Marketing Regulations 2011(9) are amended as follows.

- (2) Omit regulation 33A.
(3) In Schedule 2—
(a) before Part 1, insert—

“Part A1

Introduction

Interpretation

A1. In this Schedule—

“EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;

“protected zone quarantine pest” means a pest within the meaning given by Article 32(1) of the EU Plant Health Regulation;

“RNQP” means a Union regulated non-quarantine pest within the meaning given by Article 36 of the EU Plant Health Regulation;

“Union quarantine pest” means a pest within the meaning given by Article 4 of the EU Plant Health Regulation.”.

(b) for paragraph 15(4) substitute—

“(4) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(5) The crop and the seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.”;

(c) in paragraphs 28 and 42, for sub-paragraph (3) in each case substitute—

“(3) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4) The crop and seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.”;

(d) for paragraph 50(4) substitute—

“(4) The crop and seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4A) The crop and seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out

(9) [S.I. 2011/463](#), amended by [S.I. 2011/2992](#). There are other amendments, but none is relevant. [S.I. 2011/463](#) is prospectively amended by [S.I. 2019/131](#).

in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.”.

The Seed Potatoes (England) Regulations 2015

5.—(1) The Seed Potatoes (England) Regulations 2015⁽¹⁰⁾ are amended as follows.

(2) In regulation 3, for the definition of “[Directive 2014/21/EU](#)” substitute—

““[Directive 2014/21/EU](#)” means Commission Implementing [Directive 2014/21/EU](#) determining minimum conditions and Union Grades for pre-basic seed potatoes;⁽¹¹⁾

(3) In Schedule 1—

(a) in paragraph 3(c), for paragraphs (vi) and (vii) substitute—

“(vi) Colorado Beetle (*Leptinotarsa decemlineata* (Say));

(vii) Potato Tuber Eelworm (*Ditylenchus destructor* (Thorne));

(viii) *Candidatus Liberibacter solanacearum* Liefting et al.; and

(ix) *Candidatus Phytoplasma solani* Quaglino et al.”;

(b) in paragraph 8, in the words after sub-paragraph (b)(iii), omit “prevalent in Europe”;

(c) in paragraph 11, in the words after sub-paragraph (b)(ii), omit “prevalent in Europe”.

(4) In Schedule 3—

(a) in the table in each of Parts 1, 2 and 3, in column 1—

(i) under the heading “Group II”, for the words from “Blackleg” to “et al or both” substitute “Blackleg (*Dickeya* Samson et al. spp. or *Pectobacterium* Waldee emend. Hauben et al. spp. or both”;

(ii) under the heading “Group IV”, for “Black scurf (*Rhizictonia solani* Kuhn)” substitute “Black scurf as caused by *Thanatephorus cucumeris* (A.B. Frank) Donk”;

(b) in the table in Part 1, under the heading “Group 1”, after the entry “Colorado Beetle” insert—

“ <i>Candidatus Liberibacter solanacearum</i> Liefting et al	Nil
<i>Candidatus Phytoplasma solani</i> Quaglino et al	Nil”;
(c) in the table in each of Parts 2 and 3, under the heading “Group 1”, after the entry “Colorado Beetle” insert—	
“ <i>Candidatus Liberibacter solanacearum</i> Liefting et al	Nil
<i>Candidatus Phytoplasma solani</i> Quaglino et al	Nil ”;
(d) in the table in Part 4, after the entry for “Colorado Beetle” insert—	
“ <i>Candidatus Liberibacter solanacearum</i> Liefting et al	Nil
<i>Candidatus Phytoplasma solani</i> Quaglino et al	Nil ”.

⁽¹⁰⁾ [S.I. 2015/1953](#), relevant amending instruments are [S.I. 2017/288](#), [2018/575](#), [2019/1517](#). [S.I. 2015/1953](#) is amended prospectively by [S.I. 2019/809](#).

⁽¹¹⁾ Last amended by Commission Implementing Directive (EU) 2020/177 amending Council Directives [66/401/EEC](#), [66/402/EEC](#), [68/193/EEC](#), [2002/55/EC](#), [2002/56/EC](#) and [2002/57/EC](#), Commission Directives [93/49/EEC](#) and [93/61/EEC](#) and Implementing Directives [2014/21/EU](#) and [2014/98/EU](#) as regards pests of plants on seeds and other plant reproductive material (OJ No. L 41, 13.2.2020, p.1). See sections 20A and 23(1) of the Interpretation Act [1978 \(c. 30\)](#).

- (5) In Part 1 of Schedule 4, in table 1—
- (a) in the entry for Union grade “PBTC”, in the second column—
 - (i) in paragraph (1)(a)(i), after “*Dickeya* spp.,” insert “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Potato spindle tuber viroid,”;
 - (ii) in paragraph (1)(b)(i), at the beginning insert “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Potato spindle tuber viroid,”;
 - (b) in the entry for Union grade “PB”, in the second column—
 - (i) in paragraph (1)(a)(ii), after “*Dickeya* spp.,” insert “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Potato spindle tuber viroid,”;
 - (ii) in paragraph (2)(i) at the beginning insert “*Candidatus Liberibacter solanacearum*, *Candidatus Phytoplasma solani*, Potato spindle tuber viroid,”.
- (6) In Schedule 5, in paragraph 3(f)(ii), omit “prevalent in Europe”.

The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017

6.—(1) The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017⁽¹²⁾ are amended as follows.

- (2) In regulation 2, after the definition of “propagating material” insert—
- ““RNQP” means a Union regulated non-quarantine pest within the meaning given by Article 36 of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;”.
- (3) In regulation 3(1), for the definition of “[Directive 2014/98/EU](#)” substitute—
- ““[Directive 2014/98/EU](#)” means Commission Implementing [Directive 2014/98/EU](#) implementing Council [Directive 2008/90/EC](#) as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections⁽¹³⁾.”.
- (4) After regulation 14 insert—

“Suppliers: notification requirements

14A.—(1) A supplier must immediately report to an inspector—

- (a) plant material that shows the presence of any RNQP listed in Annex 1 or 2 to [Directive 2014/98/EU](#);
- (b) the presence in the soil of any RNQP listed in Annex 3 to [Directive 2014/98](#);
- (c) the presence of any RNQP at the production site at a level greater than the tolerance specified for such organism in Annex 4 to [Directive 2014/98](#); or
- (d) plant material that shows the presence of any pest listed in Annex 2 or 3 to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and of the Council, as regards protective measures against pests of plants.

(2) Where a supplier has reported to an inspector plant material referred to in paragraph (1) (d), the supplier must carry out any measures laid down by the inspector.”.

(12) [S.I. 2017/595](#), amended by [S.I. 2019/1517](#); there are other amending instruments but none is relevant. [S.I. 2017/595](#) is amended prospectively by [S.I. 2019/131](#).

(13) Last amended by Commission Implementing Directive (EU) 2020/1177 amending Council Directives [66/401/EEC](#), [66/402/EEC](#), [68/193/EEC](#), [2002/55/EC](#), [2002/56/EC](#) and [2002/57/EC](#), Commission Directives [93/49/EEC](#) and [93/61/EEC](#) and Implementing Directives [2014/21/EU](#) and [2014/98/EU](#) as regards pests of plants on seeds and other plant reproductive material (OJ No. L 41, 13.2.2020, p.1). See sections 20A and 23(1) of the Interpretation Act [1978 \(c. 30\)](#).

- (5) In regulation 15(1)(g)—
- (a) in paragraph (i), omit “Part I of”;
 - (b) omit paragraph (ii);
 - (c) in paragraph (iii), for “Annex 2, 3 or 4” substitute “Annex 2 or 3”;
 - (d) after paragraph (iii), insert—
 - “(iv) any RNQP listed in Annex 3 to Directive 2014/98, where present in the soil; and
 - (v) any RNQP at a level greater than the tolerance specified for that RNQP in Annex 4 to Directive 2014/98.”.
- (6) In Schedule 1—
- (a) in paragraph 1(2), for paragraphs (c) and (d) substitute—
 - “(c) complies with health requirements in paragraph 4;
 - (d) complies with requirements concerning defects in paragraph 5; and
 - (e) complies with production site requirements in paragraph 6”;
 - (b) in paragraph 2(2), for paragraphs (b) and (c) substitute—
 - “(b) complies with health requirements in paragraph 4;
 - (c) complies with requirements concerning defects in paragraph 5; and
 - (d) complies with production site requirements in paragraph 6”;
 - (c) in paragraph 4, for sub-paragraphs (1) to (5) substitute—
 - “(1) CAC material must be found, on visual inspection by the supplier at the stage of production, to be practically free from the RNQPs listed in Annex 1 or 2 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, unless stated otherwise in Annex 4 to that Directive.
 - (2) The supplier must sample and test the identified source of material or CAC material—
 - (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to [Directive 2014/98/EU](#), for such pests;
 - (b) for the RNQPs listed in Annex 2 to [Directive 2014/98/EU](#), subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.
 - (3) CAC material must be found after production, on visual inspection by the supplier, to be free from signs or symptoms of any RNQP listed in Annex 1 or 2 to [Directive 2014/98/EU](#).
 - (4) Visual inspections and sampling and testing must be conducted in accordance with the requirements specified in Annex 4 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, and category.
 - (5) But paragraphs (1) to (3) do not apply to CAC material during cryopreservation.”.
 - (d) after paragraph 5 insert—

“Requirements concerning production site

6. CAC material must be produced in accordance with the requirements for the production site, place of production or area set out in Annex 4 to [Directive 2014/98/EU](#) and specified in relation to the genus or species concerned.”.

- (7) In Schedule 5—

- (a) in paragraphs 3(2) and 4(2), after paragraph (f) in each case, insert—
 - “(g) complies with the production site requirements in paragraph 12A.”;
- (b) in paragraphs 5(1)(a) and 6, for “12” substitute “12A”;
- (c) in paragraph 10—
 - (i) for sub-paragraphs (1) and (2) substitute—
 - “(1) A pre-basic mother plant or pre-basic material must be found to be free from any RNQP listed in Annex 1 or 2 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.
 - (2) An inspector and, where appropriate, the supplier must sample and test the pre-basic mother plant or pre-basic material—
 - (i) in cases of doubt as to the presence of any RNQP listed in Annex 1 to [Directive 2014/98/EU](#), for such pests;
 - (ii) for the RNQPs listed in Annex 2 to [Directive 2014/98/EU](#), subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.”;
 - (ii) for sub-paragraph (4) substitute—
 - “(4) Compliance with sub-paragraph (1) is established by visual inspection by an inspector and, where appropriate, the supplier.”;
- (d) after paragraph 12, insert—

“Requirements concerning production site

12A. Pre-basic mother plants and pre-basic material must be produced in accordance with the requirements for the production site, place of production or area set out in Annex 4 to [Directive 2014/98/EU](#) and specified in relation to the genus or species concerned.”;

- (e) in paragraphs 14(2) and 15(2), for paragraphs (g) and (h) substitute—
 - “(g) has been maintained in accordance with paragraph 18;
 - (h) where appropriate, has been multiplied in accordance with paragraph 19; and
 - (i) has been produced in accordance with the production site requirements in paragraph 12A”;
- (f) in paragraph 14(3), for “(h)” substitute “(i)”;
- (g) in paragraph 16—
 - (i) for sub-paragraphs (1) and (2) substitute—
 - “(1) A basic mother plant or basic material must be found to be free from any RNQP listed in Annex 1 or 2 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.
 - (2) An inspector and, where appropriate the supplier, must sample and test the basic mother plant or basic material—
 - (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to [Directive 2014/98/EU](#), for such pests;
 - (b) for the RNQPs listed in Annex 2 to [Directive 2014/98/EU](#), subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.”;

- (ii) for sub-paragraph (4) substitute—
 - “(4) Compliance with sub-paragraph (1) is established by visual inspection by an inspector and, where appropriate, the supplier.”;
- (h) in paragraph 20—
 - (i) in sub-paragraph (2), for paragraphs (e) and (f) substitute—
 - “(e) complies with the health requirements in paragraph 22;
 - (f) is grown in soil that is found by sampling and testing to comply with paragraph 23; and
 - (g) complies with the production site requirements in paragraph 12A.”;
 - (ii) in sub-paragraph (4), in the words before paragraph (a), for “(f)” substitute “(g)”;
- (i) in paragraph 22—
 - (i) for sub-paragraphs (1) and (2) substitute—
 - “(1) A certified mother plant or certified material must be found to be free from any RNQP listed in Annex 1 or 2 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.
 - (2) An inspector and, where appropriate, the supplier must sample and test the certified mother plant or certified material—
 - (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to [Directive 2014/98/EU](#), for such pests;
 - (b) for the RNQPs listed in Annex 2 to [Directive 2014/98/EU](#), subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.”;
 - (ii) in sub-paragraph (4), for the words from “paragraphs (1)” to the end substitute “paragraph (1) by visual inspection”;
- (j) in paragraph 23(4)(a), at the beginning insert “unless otherwise stated.”.

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

2nd July 2020

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations implement Commission Implementing Directive (EU) 2020/177 amending Council Directives [66/401/EEC](#), [66/402/EEC](#), [68/193/EEC](#), [2002/55/EC](#), [2002/56/EC](#) and [2002/57/EC](#), Commission Directives [93/49/EEC](#) and [93/61/EEC](#) and Implementing Directives [2014/21/EU](#) and [2014/98/EU](#) as regards pests of plants on seeds and other plant reproductive material (OJ No. L 41, 13.2.2020, p.1).

These Regulations, which apply in relation to England, amend the following Regulations (“the Marketing Regulations”)—

- the Marketing of Vegetable Plant Material Regulations 1995 ([S.I. 1995/2652](#)) (“the 1995 Regulations”),
- the Marketing of Ornamental Plant Propagating Material Regulations 1999 ([S.I. 1999/1801](#)) (“the 1999 Regulations”),
- the Seed Marketing Regulations 2011 ([S.I. 2011/463](#)) (“the 2011 Regulations”),
- the Seed Potatoes (England) Regulations 2015 ([S.I. 2015/1953](#)) (“the 2015 Regulations”), and
- the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017 ([S.I. 2017/595](#)) (“the 2017 Regulations”).

The 1995 Regulations implement Council [Directive 2008/72/EC](#) on the marketing of vegetable propagating and planting material, other than seed (OJ No. L 205, 1.8.2008, p.28) (“Council [Directive 2008/72/EC](#)”) and Commission [Directive 93/61/EEC](#) setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to [Directive 92/33/EEC](#) (OJ No. L 250, 7.10.1993, p.19).

The 1999 Regulations implement Council [Directive 98/56/EC](#) on the marketing of propagating material of ornamental plants (OJ No. L 226, 13.8.1998, p.16) and Commission [Directive 93/49/EEC](#) setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council [Directive 91/682/EEC](#) (OJ No. L 250, 7.10.1993, p.9).

The 2011 Regulations implement various EU instruments, in particular Council [Directive 66/401/EEC](#) on the marketing of fodder plant seed (OJ No. L 125, 11.7.1966, p.2298), Council [Directive 66/402/EEC](#) on the marketing of cereal seed (OJ No. L 125, 11.7.1966, p.2309), Council [Directive 2002/55/EC](#) on the marketing of vegetable seed (OJ No. L 193, 20.7.2002, p.33) and Council [Directive 2002/57/EC](#) on the marketing of seed of oil and fibre plants (OJ No. L 193, 20.7.2002, p.74).

The 2015 Regulations implement various EU instruments, in particular Council [Directive 2002/56/EC](#) on the marketing of seed potatoes (OJ No. L 193, 20.7.2002, p.60) and Commission Implementing [Directive 2014/21/EU](#) determining minimum conditions and Union grades for pre-basic seed potatoes (OJ No. L 38, 7.2.2014, p.39).

The 2017 Regulations implement various EU instruments, in particular Council [Directive 2008/90/EC](#) on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ No. L 267, 8.10.2008, p.8) (“Council [Directive 2008/90/EC](#)”) and Commission Implementing [Directive 2014/98/EU](#) implementing Council [Directive 2008/90/EC](#) as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections (OJ No. L298, 16.10.2014, p.22).

These Regulations amend provisions in the Marketing Regulations to require seed, plants and plant propagating material (“plant material”) intended for marketing in England to be practically free from regulated non-quarantine pests at the place of production and for the presence of such pests on plant material not to exceed specified thresholds.

Regulation 2(4) also amends the 1995 Regulations to ensure correct implementation of Council [Directive 2008/72/EC](#).

Regulation 4(2) removes the requirement for the Secretary of State to review the operation and effect of the Seed Marketing Regulations 2011.

Regulation 6(4) also amends the 2017 Regulations to ensure correct implementation of Council [Directive 2008/90/EC](#).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An Explanatory Memorandum and transposition note will be published alongside this instrument on www.legislation.gov.uk.