
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 284

**PLANT HEALTH
SEEDS**

**The Marketing of Ornamental Plant Propagating
Material Amendment (Scotland) Regulations 2018**

Made - - - - 19th September 2018
*Laid before the Scottish
Parliament* - - - - 21st September 2018
Coming into force - - 17th November 2018

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) and all other powers enabling them to do so.

Citation, commencement and extent

1. These Regulations may be cited as the Marketing of Ornamental Plant Propagating Material Amendment (Scotland) Regulations 2018 and come into force on 17th November 2018.
2. These Regulations extend to Scotland only.

Amendments to the Marketing of Ornamental Plant Propagating Material Regulations 1999

3.—(1) The Marketing of Ornamental Plant Propagating Material Regulations 1999(2) are amended in accordance with paragraphs (2) to (10).

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “[Directive 77/93/EEC](#)”; and
- (b) after the definition of “[Directive 98/56/EC](#)” insert—

(1) [1972 c.68](#). Section 2(2) was amended by paragraph 15(3) of schedule 8 of the Scotland Act 1998 ([c.46](#)) (“the 1998 Act”) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 ([c.51](#)) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by section 3(3) and Part 1 of the schedule of the European Union (Amendment) Act 2008 ([c.7](#)). The functions conferred upon the Minister of the Crown under section 2(2), insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) [S.I. 1999/1801](#), as relevantly amended by [S.I. 2011/1043](#).

““Directive 2000/29/EC” means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;”(3).

- (3) In regulation 4 (quality requirements for propagating material), after paragraph (a) insert—
- “(aa) in respect of the genera and species listed in column 1 of the table in schedule 2 (organisms and diseases), be free from the organisms and diseases listed in the corresponding entry in column 2 of that table;”.
- (4) After regulation 6 (further provision relating to flower bulbs) insert—

“Further provisions relating to propagating material of Palmae

6A.—(1) In addition to meeting the requirements of regulation 4, propagating material of Palmae belonging to the genera and species listed in column 1 of the table in schedule 2 (organisms and diseases) under the heading “the following genera and species as regards Palmae”, and having a diameter of the stem at the base of over 5 cm must comply with—

- (a) the requirement in paragraph (2); or
- (b) the requirements in paragraph (3).

(2) The requirement is that the material must have been grown throughout its life in an area established as free from the organism listed in the corresponding entry in column 2 of the table in schedule 2 by the responsible official body in accordance with relevant International Standards for Phytosanitary Measures.

(3) The requirements are that the material must, during a period of at least two years prior to marketing, have been grown in a site within the EU with—

- (a) complete physical protection against the introduction of the organism listed in the corresponding entry in column 2 of the table in schedule 2; or
- (b) the application of appropriate preventive treatments against that organism,

and have been subject to visual inspections carried out at least once every four months to confirm freedom of that material from that organism.

(4) In this regulation—

“International Standards for Phytosanitary Measures” means International Standards for Phytosanitary Measures prepared by the Secretariat of the International Plant Protection Convention established by the Food and Agriculture Organization of the United Nations(4); and

“responsible official body” means either the body described in paragraph (i) or a body described in paragraph (ii) of Article 2(1)(g) of Directive 2000/29/EC.”.

(5) In regulation 7(4) (registration), for “regulation 15 of the Plant Health (Great Britain) Order 1993” substitute “article 25 of the Plant Health (Scotland) Order 2005”(5).

(6) In regulation 8(3) (measures to be taken by suppliers)—

- (a) for “Schedule 6 to the Plant Health (Great Britain) Order 1993” substitute “article 42(2) of the Plant Health (Scotland) Order 2005”; and
- (b) for “article 20” substitute “article 42”.

(7) In regulation 9 (information on propagating material)—

(3) OJ L 169, 10.7.2000, p.1, as last amended by Commission Implementing Directive (EU) 2017/1920 (OJ L 271, 20.10.2017, p.34).

(4) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/en/core-activities/standards-setting/ispms/>.

(5) S.S.I. 2005/613.

- (a) in paragraph (1), for “the Schedule to” substitute “schedule 1 of”; and
 (b) in paragraph (2)—
 (i) for “Council Directive 77/93/EEC” substitute “Directive 2000/29/EC”; and
 (ii) for “the Schedule to” substitute “schedule 1 of”.

(8) In regulation 12(3) (propagating material produced in third countries), for “reforwarding phytosanitary certificate in respect of the consignment in accordance with article 12(5) of the Plant Health (Great Britain) Order 1993” substitute “phytosanitary certificate for re-export in respect of the consignment in accordance with article 9(1) of the Plant Health (Scotland) Order 2005”.

(9) The schedule becomes schedule 1 (and, accordingly, for the heading “SCHEDULE”, substitute “SCHEDULE 1”).

- (10) After schedule 1 insert—

“SCHEDULE 2

Regulations 4 and 6A

Organisms and diseases

<i>Column 1</i>	<i>Column 2</i>
<i>Genus / species</i>	<i>Specific harmful organisms and diseases</i>
<i>Begonia x hiemalis</i> Fotsch	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <ul style="list-style-type: none"> — Aleurodidae, in particular, <i>Bemisia tabaci</i> — <i>Aphelenchoides</i> spp. — <i>Ditylenchus destructor</i> — <i>Meloidogyne</i> spp. — <i>Myzus ornatus</i> — <i>Otiorrhynchus sulcatus</i> — <i>Sciara</i> — Thysanoptera, in particular, <i>Frankliniella occidentalis</i> <p><i>Bacteria</i></p> <ul style="list-style-type: none"> — <i>Erwinia chrysanthemi</i> — <i>Rhodococcus fascians</i> — <i>Xanthomonas campestris</i> pv. <i>begoniae</i> <p><i>Fungi</i></p> <ul style="list-style-type: none"> — Powdery mildew — Stem rot pathogens (<i>Phytophthora</i> spp., <i>Pythium</i> spp. and <i>Rhizoctonia</i> spp.) <p><i>Viruses and virus-like organisms, and in particular</i></p>

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<i>Column 1</i> <i>Genus / species</i>	<i>Column 2</i> <i>Specific harmful organisms and diseases</i>
	<ul style="list-style-type: none"> — Leafcurl disease — Tospoviruses (Tomato spotted wilt virus, Impatiens necrotic spot virus)
Citrus	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <ul style="list-style-type: none"> — <i>Aleurothrixus floccosus</i> (Mashell) — <i>Meloidogyne</i> spp. — <i>Parabemisia myricae</i> (Kuwana) — <i>Tylenchulus semipenetrans</i> <p><i>Fungi</i></p> <ul style="list-style-type: none"> — <i>Phytophthora</i> spp. <p><i>Viruses and virus-like organisms, and in particular</i></p> <ul style="list-style-type: none"> — Viroids such as exocortis, cachexia-xyloporosis — Diseases that induce psorosis - like young leaves symptoms such as psorosis, ring spot, cristacortis, impietratura, concave gum — Infectious variegation — Citrus leaf rugose
<i>Dendranthema x grandiflorum</i> (Ramat) Kitam	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <ul style="list-style-type: none"> — Agromyzidae — Aleurodidae, in particular, <i>Bemisia tabaci</i> — <i>Aphelencoides</i> spp. — <i>Diarthronomia chrysanthemi</i> — Lepidoptera, in particular, <i>Cacoecimorpha pronubana</i>, <i>Epichoristodes acerbella</i> — Thysanoptera, in particular, <i>Frankliniella occidentalis</i> <p><i>Bacteria</i></p> <ul style="list-style-type: none"> — <i>Agrobacterium tumefaciens</i> — <i>Erwinia chrysanthemi</i> <p><i>Fungi</i></p> <ul style="list-style-type: none"> — <i>Fusarium oxysporum</i> f. sp. <i>chrysanthemi</i> — <i>Puccinia chrysanthemi</i>

Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
	<p>— <i>Pythium</i> spp.</p> <p>— <i>Rhizoctonia solani</i></p> <p>— <i>Verticillium</i> spp.</p> <p>Viruses and virus-like organisms, and in particular</p> <p>— Chrysanthemum B mosaic virus</p> <p>— Tomato aspermy cucumovirus</p>
<i>Dianthus caryophyllus</i> L. and hybrids	<p>Insects, mites and nematodes at all stages of their development</p> <p>— Agromyzidae</p> <p>— Aleurodidae, in particular, <i>Bemisia tabaci</i></p> <p>— Thysanoptera, in particular, <i>Frankliniella occidentalis</i></p> <p>— Lepidoptera, in particular, <i>Cacoecimorpha pronubana</i>, <i>Epichoristodes acerbella</i></p> <p>Fungi and fungus-like organisms</p> <p>— <i>Alternaria dianthi</i></p> <p>— <i>Alternaria dianthicola</i></p> <p>— <i>Fusarium oxysporum</i> f. sp. <i>dianthi</i></p> <p>— <i>Mycosphaerella dianthi</i></p> <p>— <i>Phytophthora nicotiana</i> var. <i>parasitica</i></p> <p>— <i>Rhizoctonia solani</i></p> <p>— Stem rot: <i>Fusarium</i> spp. and <i>Pythium</i> spp.</p> <p>— <i>Uromyces dianthi</i></p> <p>Viruses and virus-like organisms, and in particular</p> <p>— Carnation etched ring caulimovirus</p> <p>— Carnation mottle carmovirus</p> <p>— Carnation necrotic fleck closterovirus</p> <p>— Tosspoviruses (Tomato spotted wilt virus, Impatiens necrotic spot virus)</p>
<i>Euphorbia pulcherrima</i>	<i>Insects, mites and nematodes at all stages of their development</i>

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<i>Column 1</i> <i>Genus / species</i>	<i>Column 2</i> <i>Specific harmful organisms and diseases</i>
Willd ex Klotzch	<p>— Aleurodidae, in particular, <i>Bemisia tabaci</i></p> <p>Bacteria</p> <p>— <i>Erwinia chrysanthemi</i></p> <p>Fungi</p> <p>— <i>Fusarium</i> spp.</p> <p>— <i>Pythium ultimum</i></p> <p>— <i>Phytophthora</i> spp.</p> <p>— <i>Rhizoctonia solani</i></p> <p>— <i>Thielaviopsis basicola</i></p> <p>Viruses and virus-like organisms, and in particular</p> <p>Tospoviruses (Tomato spotted wilt virus, Impatiens necrotic spot virus)</p>
Gerbera L.	<p>Insects, mites and nematodes at all stages of their development</p> <p>— Agromyzidae</p> <p>— Aleurodidae, in particular, <i>Bemisia tabaci</i></p> <p>— <i>Aphelenchoides</i> spp.</p> <p>— <i>Lepidoptera</i></p> <p>— <i>Meloidogyne</i></p> <p>— <i>Thysanoptera</i>, in particular, <i>Frankliniella occidentalis</i></p> <p>Fungi</p> <p>— <i>Fusarium</i> spp.</p> <p>— <i>Phytophthora cryptogea</i></p> <p>— Powdery mildew</p> <p>— <i>Rhizoctonia solani</i></p> <p>— <i>Verticillium</i> spp.</p> <p>Viruses and virus-like organisms, and in particular</p> <p>Tospoviruses (Tomato spotted wilt virus, Impatiens necrotic spot virus)</p>
Gladiolus L.	<p>Insects, mites and nematodes at all stages of their development</p> <p>— <i>Ditylenchus dipsaci</i></p>

Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
	<p>— <i>Thysanoptera</i>, in particular, <i>Frankliniella occidentalis</i></p> <p>Bacteria</p> <p>— <i>Pseudomonas marginata</i></p> <p>— <i>Rhodococcus fascians</i></p> <p>Fungi</p> <p>— <i>Botrytis gladiolorum</i></p> <p>— <i>Curvularia trifolii</i></p> <p>— <i>Fusarium oxysporum</i> f. sp. <i>gladioli</i></p> <p>— <i>Penicillium gladioli</i></p> <p>— <i>Sclerotinia</i> spp.</p> <p>— <i>Septoria gladioli</i></p> <p>— <i>Urocystis gladiolicola</i></p> <p>— <i>Uromyces trasversalis</i></p> <p>Viruses and virus-like organisms, and in particular</p> <p>— Aster yellow mycoplasma</p> <p>— Corky pit agent</p> <p>— Cucumber mosaic virus</p> <p>— Gladiolus ringspot virus (syn. Narcissus latent virus)</p> <p>— Tobacco rattle virus</p> <p>Other harmful organisms:</p> <p>— <i>Cyperus esculentus</i></p>
<i>Lilium L.</i>	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <p>— <i>Aphelenchoides</i> spp.</p> <p>— <i>Rhizoglyphus</i> spp.</p> <p>— <i>Pratylenchus penetrans</i></p> <p>— <i>Rotylenchus robustus</i></p> <p>— <i>Thysanoptera</i>, in particular, <i>Frankliniella occidentalis</i></p> <p>Bacteria</p>

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	<p>— <i>Erwinia carotovora</i> subsp. <i>carotovora</i></p> <p>— <i>Rhodococcus fascians</i></p> <p>Fungi</p> <p>— <i>Cylindrocarpon destructans</i></p> <p>— <i>Fusarium oxysporum</i> f. sp. <i>lilii</i></p> <p>— <i>Pythium</i> spp.</p> <p>— <i>Rhizoctonia</i> spp.</p> <p>— <i>Rhizopus</i> spp.</p> <p>— <i>Sclerotium</i> spp.</p> <p>Viruses and virus-like organisms, and in particular</p> <p>— Cucumber mosaic virus</p> <p>— Lily symptomless virus</p> <p>— Lily virus x</p> <p>— Tobacco rattle virus</p> <p>— Tulip breaking virus</p> <p>Other harmful organisms</p> <p>— <i>Cyperus esculentus</i></p>
Malus Miller	<p>Insects, mites and nematodes at all stages of their development</p> <p>— <i>Anarsia lineatella</i></p> <p>— <i>Eriosoma lanigerum</i></p> <p>— Scale insects, in particular, <i>Epidiaspis leperii</i>, <i>Pseudaulacaspis pentagona</i>, <i>Quadraspidiotus perniciosus</i></p> <p>Bacteria</p> <p>— <i>Agrobacterium tumefaciens</i></p> <p>— <i>Pseudomonas syringae</i> pv. <i>syringae</i></p> <p>Fungi</p> <p>— <i>Armillariella mellea</i></p> <p>— <i>Chondrostereum purpureum</i></p>

Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
	<ul style="list-style-type: none"> — <i>Nectria galligena</i> — <i>Phytophthora cactorum</i> — <i>Rosellinia necatrix</i> — <i>Venturia</i> spp. — <i>Verticillium</i> spp. <p>Viruses and virus-like organisms</p> <p>All</p>
Narcissus L.	<p>Insects, mites and nematodes at all stages of their development</p> <ul style="list-style-type: none"> — <i>Aphelenchoides subtenuis</i> — <i>Ditylenchus destructor</i> — <i>Eumerus</i> spp. — <i>Merodon equestris</i> — <i>Pratylenchus penetrans</i> — <i>Rhizoglyphidae</i> — <i>Tarsonemidae</i> <p>Fungi</p> <ul style="list-style-type: none"> — <i>Fusarium oxysporum</i> f. sp. <i>narcissi</i> — <i>Sclerotinia</i> spp. — <i>Sclerotium bulborum</i> <p>Viruses and virus-like organisms, and in particular</p> <ul style="list-style-type: none"> — Tobacco rattle virus — Narcissus white streak agent — Narcissus yellow stripe virus <p>Other harmful organisms</p> <ul style="list-style-type: none"> — <i>Cyperus esculentus</i>
<p>the following genera and species as regards Palmae</p> <ul style="list-style-type: none"> — <i>Areca catechu</i> L. 	<p>Insects, mites and nematodes at all stages of their development</p> <ul style="list-style-type: none"> — <i>Rhynchophorus ferrugineus</i> (Olivier)

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Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
— <i>Arenga pinnata</i> (Wurmb) Merr.	
— <i>Bismarckia</i> Hildebr. & H.Wendl.	
— <i>Borassus flabellifer</i> L.	
— <i>Brahea armata</i> S. Watson	
— <i>Brahea edulis</i> H.Wendl.	
— <i>Butia capitata</i> (Mart.) Becc.	
— <i>Calamus merrillii</i> Becc.	
— <i>Caryota cumingii</i> Lodd. ex Mart.	
— <i>Caryota maxima</i> Blume	
— <i>Chamaerops humilis</i> L.	
— <i>Cocos nucifera</i> L.	
— <i>Copernicia</i> Mart.	
— <i>Corypha utan</i> Lam.	
— <i>Elaeis guineensis</i> Jacq.	
— <i>Howea forsteriana</i> Becc.	
— <i>Jubaea chilensis</i> (Molina) Baill.	
— <i>Livistona australis</i> C. Martius	
— <i>Livistona decora</i> (W. Bull) Dowe	
— <i>Livistona rotundifolia</i> (Lam.) Mart.	
— <i>Metroxylon sagu</i> Rottb.	
— <i>Roystonea regia</i> (Kunth) O.F. Cook	

Column 1 <i>Genus / species</i>	Column 2 <i>Specific harmful organisms and diseases</i>
<p>— <i>Phoenix canariensis</i> Chabaud</p> <p>— <i>Phoenix dactylifera</i> L.</p> <p>— <i>Phoenix reclinata</i> Jacq.</p> <p>— <i>Phoenix roebelenii</i> O'Brien</p> <p>— <i>Phoenix sylvestris</i> (L.) Roxb.</p> <p>— <i>Phoenix theophrasti</i> Greuter</p> <p>— <i>Pritchardia</i> Seem. & H.Wendl.</p> <p>— <i>Ravenea rivularis</i> Jum. & H.Perrier</p> <p>— <i>Sabal palmetto</i> (Walter) Lodd. ex Schult. & Schult.f.</p> <p>— <i>Syagrus romanzoffiana</i> (Cham.) Glassman</p> <p>— <i>Trachycarpus fortunei</i> (Hook.) H. Wendl.</p> <p>— <i>Washingtonia</i> H. Wendl.</p>	
<p><i>Pelargonium</i> L.</p>	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <p>— Aleurodidae, in particular, <i>Bemisia tabaci</i></p> <p>— <i>Lepidoptera</i></p> <p>— Thysanoptera, in particular, <i>Frankliniella occidentalis</i></p> <p><i>Bacteria</i></p> <p>— <i>Rhodococcus fascians</i></p> <p>— <i>Xanthomonas campestris</i> pv. <i>pelargonii</i></p> <p><i>Fungi</i></p> <p>— <i>Puccinia pelargonii zonalis</i></p> <p>— Stem rot pathogens (<i>Botrytis</i> spp., <i>Pythium</i> spp.)</p> <p>— <i>Verticillium</i> spp.</p> <p><i>Viruses and virus-like organisms, and in particular</i></p>

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<i>Column 1</i> <i>Genus / species</i>	<i>Column 2</i> <i>Specific harmful organisms and diseases</i>
	<ul style="list-style-type: none"> — Pelargonium flower break carmovirus — Pelargonium leaf curl tobusvirus — Pelargonium line pattern virus — Tospoviruses (Tomato spotted wilt virus, Impatiens necrotic spot virus)
Phoenix	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <ul style="list-style-type: none"> — <i>Thysanoptera</i> <p><i>Fungi</i></p> <ul style="list-style-type: none"> — <i>Exosporium palmivorum</i> — <i>Gliocladium wermoeseni</i> — <i>Graphiola phoenicis</i> — <i>Pestalozzia Phoenicis</i> — <i>Pythium</i> spp. <p><i>Viruses and virus-like organisms</i></p> <p>All</p>
<i>Pinus nigra</i>	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <ul style="list-style-type: none"> — <i>Blastophaga</i> spp. — <i>Rhyacionia buoliana</i> <p><i>Fungi</i></p> <ul style="list-style-type: none"> — <i>Ophodermium seditiosum</i> <p><i>Viruses and virus-like organisms, and in particular</i></p> <p>All</p>
<i>Prunus L.</i>	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <ul style="list-style-type: none"> — <i>Capnodis tenebrionis</i> — <i>Meloidogyne</i> spp. — Scale insects, in particular, <i>Epidiaspis leperii</i>, <i>Pseudaulacaspis pentagona</i>, <i>Quadraspidiotus perniciosus</i> <p><i>Bacteria</i></p> <ul style="list-style-type: none"> — <i>Agrobacterium tumefaciens</i> — <i>Pseudomonas syringae</i> pv. <i>mors prunorum</i>

Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
	<p>— <i>Pseudomonas syringae</i> pv. <i>syringae</i></p> <p>Fungi</p> <p>— <i>Armillariella mellea</i></p> <p>— <i>Chondrostereum purpureum</i></p> <p>— <i>Nectria galligena</i></p> <p>— <i>Rosellinia necatrix</i></p> <p>— <i>Taphrina deformans</i></p> <p>— <i>Verticillium</i> spp.</p> <p>Viruses and virus-like organisms, and in particular</p> <p>— Prune dwarf virus</p> <p>— Prunus necrotic ringspot virus</p>
Pyrus L.	<p>Insects, mites and nematodes at all stages of their development</p> <p>— <i>Anarsia lineatella</i></p> <p>— <i>Eriosoma lanigerum</i></p> <p>— Scale insects, in particular, <i>Epidiaspis leperii</i>, <i>Pseudaulacaspis pentagona</i>, <i>Quadraspidiotus perniciosus</i></p> <p>Bacteria</p> <p>— <i>Agrobacterium tumefaciens</i></p> <p>— <i>Pseudomonas syringae</i> pv. <i>syringae</i></p> <p>Fungi</p> <p>— <i>Armillariella mellea</i></p> <p>— <i>Chondrostereum purpureum</i></p> <p>— <i>Nectria galligena</i></p> <p>— <i>Phytophthora</i> spp.</p> <p>— <i>Rosellinia necatrix</i></p> <p>— <i>Verticillium</i> spp.</p> <p>Viruses and virus-like organisms</p> <p>All</p>
Rosa	Insects, mites and nematodes at all stages of their development

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<i>Column 1</i> <i>Genus / species</i>	<i>Column 2</i> <i>Specific harmful organisms and diseases</i>
	<p>— <i>Lepidoptera</i>, in particular, <i>Epichoristodes acerbella</i>, <i>Cacoecimorpha pronubana</i></p> <p>— <i>Meloidogyne</i> spp.</p> <p>— <i>Pratylenchus</i> spp.</p> <p>— <i>Tetranychus urticae</i></p> <p>Bacteria</p> <p>— <i>Agrobacterium tumefaciens</i></p> <p>Fungi</p> <p>— <i>Chondrostereum purpureum</i></p> <p>— <i>Coniothyrium</i> spp.</p> <p>— <i>Diplocarpon rosae</i></p> <p>— <i>Peronospora sparsa</i></p> <p>— <i>Phragmidium</i> spp.</p> <p>— <i>Rosellinia necatrix</i></p> <p>— <i>Sphaeroteca pannosa</i></p> <p>— <i>Verticillium</i> spp.</p> <p>Viruses and virus-like organisms, and in particular</p> <p>— Apple mosaic virus</p> <p>— Arabis mosaic nepovirus</p> <p>— Prunus necrotic ringspot virus²⁷.</p>

St Andrew's House,
Edinburgh
19th September 2018

MAIRI GOUGEON
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marketing of Ornamental Plant Propagating Material Regulations 1999 (S.I. 1991/1801) (“the principal Regulations”). The principal Regulations implemented Council Directive 98/56/EC on the marketing of propagating material of ornamental plants (OJ L 226, 13.8.98, p.16). These Regulations amend the principal Regulations in order to fully transpose that Directive. They also transpose Commission Implementing Directive (EU) 2018/484 (OJ L 81, 23.3.2018, p.10) and update out of date references to domestic legislation and EU instruments.

Regulation 3 makes, in particular, the following amendments to the principal Regulations:

- replaces references to Council Directive 77/93/EEC (OJ L 26, 31.1.77, p.20) with references to Council Directive 2000/29/EC (OJ L 169, 10.7.2000, p.1);
- replaces references to the Plant Health (Great Britain) Order 1993 (S.I. 1993/1320) with references to the Plant Health (Scotland) Order 2005 (S.S.I. 2005/613); and
- inserts a new regulation 6A providing for additional requirements to be met when marketing propagating material of the Palmae family of the genera and species listed in schedule 2 (which is also inserted by these Regulations).

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.