

2020 No. 294

PLANT HEALTH

**The Marketing of Fruit Plant and Propagating Material
(Amendment) Regulations (Northern Ireland) 2020**

Made - - - - 30th November 2020

Coming into operation - 23rd December 2020

The Department of Agriculture, Environment and Rural Affairs is a Northern Ireland department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b), in relation to the common agricultural policy of the European Union.

The Department of Agriculture, Environment and Rural Affairs makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(c).

Citation and Commencement

1. These Regulations may be cited as the Marketing of Fruit Plant and Propagating Material (Amendment) Regulations (Northern Ireland) 2020 and come into operation on 23rd December 2020.

Amendment of the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017

2.—(1) The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017(d) are amended as follows.

(2) In regulation 27, in the heading, at the end insert—

“for plant material from parent plant existing pre-commencement”.

(3) After regulation 27 insert—

(a) S.I. 2000/2812.

(b) 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 The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A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).

(c) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by section 3, and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(d) S.R. 2017 No. 119, amended prospectively on IP completion day by S.I. 2019/211; there are other amendments but none is relevant.

“Transitional provision for supplier’s documents affixed to CAC material

27A. A supplier may market CAC material to which a supplier’s document which does not comply with paragraph 6A of Schedule 2 is affixed in the form of a label if that document—

- (a) is of a colour of supplier’s document that was in use before 1st April 2020; and
- (b) states that it is marketed in accordance with Article 3 of Commission Implementing Directive (EU) 2019/1813(a).

(2) This regulation ceases to have effect on 1st July 2021.”.

(4) In Schedule 2—

- (a) in paragraph 4(b), omit sub-paragraph (x);
- (b) in paragraph 6(b), omit sub-paragraphs (x) and (xi);
- (c) after paragraph 6 insert—

“**6A.** A supplier’s document affixed to CAC material in the form of a label must be yellow.”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 30th November 2020.



John Joe O’Boyle
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 (S.R. 2017 No. 119), which implement Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production (O.J. No. L 267, 8.10.2008, p. 8), and Commission Implementing Directive 2014/96/EU on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC (O.J. No. L 298, 16.10.2014, p. 12). These Regulations implement Commission Implementing Directive (EU) 2019/1813 (O.J. No. L 278, 30.10.2019, p. 7), which amends Directive 2014/96/EU as regards the colour and content of a supplier’s document.

Regulation 2 makes provision requiring a supplier’s document affixed to a CAC material in the form of a label to be yellow and reduces the information required in a supplier’s document. It also contains transitional provision.

(a) O.J. No. L 278, 30.10.2019, p. 7.

The explanatory memorandum and transposition note in respect of these Regulations are published alongside the Regulations on www.legislation.gov.uk. A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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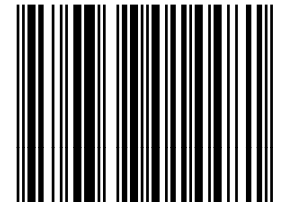
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