
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement—

[Commission Implementing Directive \(EU\) 2019/990](#) amending the list of genera and species in Annex II to Council [Directive 2008/72/EC](#) and in the Annex to Commission [Directive 93/61/EEC](#) (O.J. No. L 160, 18.6.2019, p. 14); and

[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 (O.J. No. L 41, 13.2.2020, p. 1).

These Regulations amend the following Regulations (“the Marketing Regulations”)—

- the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 ([S.R. 1995 No. 415](#)) (“the 1995 Regulations”)
- the Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999 ([S.R. 1999 No. 502](#)) (“the 1999 Regulations”)
- the Seed Potatoes Regulations (Northern Ireland) 2016 ([S.R. 2016 No. 190](#)) (“the 2016 Regulations”)
- the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 ([S.R. 2017 No. 119](#)) (“the 2017 Regulations”).

The 1995 Regulations implement Council [Directive 2008/72/EC](#) on the marketing of vegetable propagating and planting material, other than seed (O.J. 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](#) (O.J. No. L 157, 28.4.1992, p. 1-9).

The 1999 Regulations implement Council [Directive 98/56/EC](#) on the marketing of propagating material of ornamental plants (O.J. 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](#) (O.J. No. L 250, 7.10.1993, p. 9).

The 2016 Regulations implement various EU instruments, in particular Council [Directive 2002/56/EC](#) on the marketing of seed potatoes (O.J. 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 (O.J. 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 (O.J. No. L267, 8.10.2008, p. 8) 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 1 thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections (O.J. No. L 298, 16.10.2014, p. 22).

These Regulations amend provisions in the 2017 Regulations to require plants and plant propagating material (“plant material”) intended for marketing in Northern Ireland to be practically free from

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Union 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 amends and updates the 1995 Regulations to ensure the correct implementation of Council [Directive 2008/72/EC](#).

Regulation 3 amends the 1999 Regulations to ensure correct implementation of Commission [Directive 93/49/EEC](#).

Regulation 4 amends the 2016 Regulations to ensure correct implementation of Council [Directive 2002/56/EC](#) and Commission Implementing [Directive 2014/21/EU](#).

Regulation 5 amends the 2017 Regulations to ensure correct implementation of Council [Directive 2008/90/EC](#) and Commission Implementing [Directive 2014/98/EU](#).

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 will be published alongside this instrument on www.legislation.gov.uk.