

Transposition Note

Transposing Commission Implementing Directive (EU) 2019/1813

1. Commission Implementing Directive (EU) 2019/1813 (“the Amending Directive”) amends Commission Implementing Directive 2014/96/EU (“the Principal Directive”). The Principal Directive sets down certain requirements for the labelling, sealing and packaging of officially certified fruit plant propagating material, officially certified fruit plants that are intended for fruit production, and propagating material and fruit that qualifies as *Conformitas Agraria Communitatis* (“CAC”) material. The requirements that are set down by the Principal Directive include the colour that labels of officially certified categories of propagating material and fruit plants must be, and the information that must be contained in the supplier’s document that must accompany CAC material (“the Supplier’s Document”). Both the Principal Directive and the Amending Directive fall within the scope of and are made under Council Directive 2008/90/EC.

2. The Principal Directive is transposed into domestic law by the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017 (“the Principal SSI”). The Marketing of Fruit Plant and Propagating Material (Scotland) Amendment Regulations 2020 (“the Amending SSI”) amends the Principal SSI to reflect the changes made to the Principal Directive by the Amending Directive. The Amending SSI clarifies the colour that labels of officially certified categories of propagating material and fruit plants must be, reduces the amount of information that must be included in the Supplier’s Document, requires that a Supplier’s Document that is affixed in the form of a label to CAC material must be yellow in colour, and makes transitional provision that permits for a limited time the continued use of Supplier’s Documents that do not conform with the new colour requirements.

Provision of the Amending Directive	Transposing provision of the Amending SSI	Notes (references to provisions are to the Principal SSI unless otherwise stated)
Article 1 Implementing Directive 2014/96/EU is amended as follows:	-	-
(1) In Article 2, paragraph 4 is replaced by the following:	-	-
‘4. The colour of the label shall be:	-	-
(a) white with a diagonal violet stripe for pre-basic-material	Reg. 2(3)(a)	N/A

(b) white for basic material;	Transposed previously	See schedule 5, part 1, para. 2
(c) blue for certified material.;	Reg. 2(3)(a)	N/A
(2) Article 5 is replaced by the following:	Reg. 2(3)(b)(i)	Article 1(2) of the Amending Directive effectively amends article 5 of the Principal Directive to omit the requirement for quantity of material and country of production to be included in the CAC material supplier's document. This change is made domestically by reg. 2(3)(b)(i) of the Amending SI.
'Article 5	-	-
Supplier's document for CAC material		
1. Member States shall ensure that CAC material is marketed with a document prepared by the supplier in compliance with paragraphs 2, 3 and 4 ('the supplier's document').	Transposed previously	See reg. 5(1)(h)
2. The supplier's document shall contain at least the following information:	Transposed previously	See schedule 5, part 2, para. 6
(a) the indication 'EU rules and standards';	Transposed previously	See schedule 5, part 2, para. 6(a)
(b) the name of the Member State where the document has been prepared, or the respective code;	Transposed previously	See schedule 5, part 2, para. 6(b)(i)
(c) the responsible official body or the respective code;	Transposed previously	See schedule 5, part 2, para. 6 (b)(i)
(d) the name of the supplier or its registration number/code issued by the responsible official body;	Transposed previously	See schedule 5, part 2, para. 6(b)(ii)
(e) the individual serial number, week number or batch number;	Transposed previously	See schedule 5, part 2, para. 6(b)(iii)
(f) the botanical name;	Transposed previously	See schedule 5, part 2, para. 6 (b)(iv)
(g) the indication "CAC material";	Transposed previously	See schedule 5, part 2, para. 6(b)(v)
(h) the denomination of the variety and, where appropriate, the clone. In the case of rootstocks not belonging to a variety: the name of the species or the interspecific hybrid concerned. For grafted fruit plants, such information shall be given for the rootstock and the top-graft. For varieties for which an application for official registration or for a plant variety right is pending, such information shall indicate: "proposed denomination" and "application pending";	Transposed previously	See schedule 5, part 2, para. 6(b)(vi)
(i) the date of issue of the document.	Transposed previously	See schedule 5, part 2, para. 6(b)(ix)

3. Where it is affixed to the CAC material, the colour of the supplier's document shall be yellow.	Reg. 2(3)(b)(ii)	N/A
4. The supplier's document shall be indelibly printed in one of the official languages of the Union, clearly visible and legible.'	Transposed previously	Schedule 5
Article 2		
Transposition requirements.	N/A	N/A
Article 3		
1. Member States may, until 30 June 2021, allow <i>Conformitas Agraria Communitatis</i> ('CAC') material to which labels in a colour other than yellow are affixed, to be marketed in their own territory, where those coloured labels were already in use up to 1 April 2020.	Reg. 2(2)	See new reg. 23ZA(1), (2) and (4)
2. Member States shall ensure that, when marketed, fruit plant propagating material and fruit plants which qualify as CAC material shall be identified by a reference to this Article in the supplier's document when used as a label.	Reg. 2(2)	See new reg. 23ZA(3)
Article 4		
Entry into force provisions	N/A	N/A
Article 5		
Addressees	N/A	N/A

Scottish Government
Agriculture, Food and Rural Communities Directorate
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