
STATUTORY INSTRUMENTS

1999 No. 1801

PLANT HEALTH SEEDS

**The Marketing of Ornamental Plant
Propagating Material Regulations 1999**

<i>Made</i>	- - - -	<i>23rd June 1999</i>
<i>Laid before Parliament</i>		<i>25th June 1999</i>
<i>Coming into force</i>		
<i>(a) in the case of all provisions other than regulation 7 and regulation 9</i>		<i>1st July 1999</i>
<i>(b) in the case of regulation 7</i>		<i>1st August 1999</i>
<i>(c) in the case of regulation 9</i>		<i>31st December 1999</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, being Ministers designated for the purposes of section 2(2) of the European Communities Act 1972^{F1} in relation to the common agricultural policy of the European Community^{F2}, in exercise of the powers conferred on them by the said section 2(2) hereby make the following Regulations:

Textual Amendments

- F1** 1972 c. 68.
F2 S.I. 1972/1811.

Modifications etc. (not altering text)

- C1** Regulations: transfer of functions (16.2.2000) by The National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253), arts. 1(1), 2, **Sch. 1**

Title, commencement and extent

1.—(1) These Regulations may be cited as the Marketing of Ornamental Plant Propagating Material Regulations 1999 and shall come into force on—

- (a) in the case of all provisions other than regulation 7 and regulation 9, 1st July 1999;

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

- (b) in the case of regulation 7, 1st August 1999;
 - (c) in the case of regulation 9, 31st December 1999.
- (2) These Regulations extend to Great Britain.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

^{F3}
...

“Directive [98/56/EC](#)” means Council Directive [98/56/EC](#) on the marketing of propagating material of ornamental plants ^{F4}[^{F5}, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council];

^{F6}
...

[^{F7}“the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;]

[^{F8}“the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives [69/464/EEC](#), [74/647/EEC](#), [93/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC](#)];

“inspector” means any person authorised by the Minister to be an inspector for the purposes of these Regulations;

“lot” means a number of units of a single commodity, identifiable by its homogeneity of composition and origin;

“marketing” means holding available or in stock, display with a view to sale, offering for sale, sale or delivery by a supplier to another person;

“the Minister” means, as respects England, the Minister of Agriculture, Fisheries and Food and, as respects Scotland or Wales, the Secretary of State;

[^{F9}“the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019;]

“propagating material” means plant material intended for—

- (a) the propagation of ornamental plants; or
- (b) the production of ornamental plants; however, in the case of production from complete plants, the material used shall only be considered to be propagating material if the resulting ornamental plant is intended for further marketing;

“propagation” means reproduction by vegetative or other means;

“Regulation 2100/94” means Council Regulation 2100/94/EC on Community Plant Variety Rights ^{F10};

“supplier” means any person professionally engaged in the marketing or in the importation from third countries of propagating material; and

“third country” means a country other than a member State.

(2) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered in these Regulations.

Textual Amendments

- F3** Words in [reg. 2\(1\)](#) omitted (E.) (1.6.2018) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018](#) (S.I. 2018/575), [regs. 1\(2\), 26\(2\)\(a\)](#); (S.) (17.11.2018) by virtue of [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018](#) (S.S.I. 2018/284), [regs. 1, 3\(2\)\(a\)](#); and (W.) (17.12.2018) by virtue of [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018](#) (S.I. 2018/1216), [regs. 1\(3\), 22\(2\)\(a\)](#)
- F4** O.J. No. L226, 13.8.98, p. 16.
- F5** Words in [reg. 2\(1\)](#) inserted (E.) (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018](#) (S.I. 2018/575), [regs. 1\(2\), 26\(2\)\(b\)](#) and (W.) (17.12.2018) by [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018](#) (S.I. 2018/1216), [regs. 1\(3\), 22\(2\)\(b\)](#)
- F6** Words in [reg. 2\(1\)](#) omitted (S.) (14.12.2019) by virtue of [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/421), [reg. 1\(1\), sch. 5 para. 2\(2\)\(a\)](#); (E.) (14.1.2020) by virtue of [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019](#) (S.I. 2019/1517), [reg. 1, Sch. 5 para. 2\(2\)\(b\)](#); and (W.) (27.3.2020) by virtue of [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020](#) (S.I. 2020/206), [reg. 1, Sch. 5 para. 2\(2\)\(b\)](#)
- F7** Words in [reg. 2\(1\)](#) inserted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019](#) (S.I. 2019/1517), [reg. 1, Sch. 5 para. 2\(2\)\(a\)](#) and (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020](#) (S.I. 2020/206), [reg. 1, Sch. 5 para. 2\(2\)\(a\)](#)
- F8** Words in [reg. 2\(1\)](#) inserted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/421), [reg. 1\(1\), sch. 5 para. 2\(2\)\(b\)](#)
- F9** Words in [reg. 2\(1\)](#) inserted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/421), [reg. 1\(1\), sch. 5 para. 2\(2\)\(c\)](#)
- F10** O.J. No. L227, 1.9.94, p. 1, as last amended by [Council Regulation 2506/95/EC](#) (O.J. No. L258, 28.10.95, p. 3).

Marketing requirements and exceptions

3.—(1) Subject to paragraph (2) below, no supplier shall market any propagating material unless it complies with the requirements of these Regulations.

(2) These Regulations shall not apply to propagating material intended for—

- (a) export to third countries, if identified as such and kept sufficiently isolated from plant material not intended for such export;
- (b) trials or scientific purposes;
- (c) selection work;
- (d) use in the conservation of genetic diversity.

Quality requirements for propagating material

4. Propagating material shall, when marketed—

- (a) be substantially free from any defects likely to impair its quality as propagating material and in particular, at least on visual inspection, be substantially free from any harmful organisms impairing quality, or any signs or symptoms of such organisms, which reduce its usefulness;

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

- [^{F11}(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;]
- (b) have satisfactory vigour and dimensions in respect of its usefulness as propagating material;
 - (c) in the case of seeds, have a satisfactory germination capacity;
 - (d) have satisfactory identity and purity relative to the genus or species or group of plants to which it belongs; and
 - (e) if marketed with reference to a variety pursuant to regulation 11, have satisfactory varietal identity and purity.

Textual Amendments

F11 [Reg. 4\(aa\)](#) inserted (S.) (17.11.2018) by [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(3)**

Further provisions relating to citrus propagating material

5. In addition to meeting the requirements of regulation 4, citrus propagating material shall—
- (a) have been derived from initial source material which has been checked and found to show no symptoms of any viruses, virus-like organisms or diseases;
 - (b) have been checked and found to be substantially free of viruses, virus-like organisms and diseases since the beginning of the last cycle of vegetative growth; and
 - (c) where grafting has taken place, have been grafted on to rootstocks of a kind which are not susceptible to viroids.

Further provision relating to flower bulbs

6. In addition to meeting the requirements of regulation 4, flower bulbs shall have been derived directly from material which, at the time the crop of bulbs concerned was growing, was checked and found to be substantially free from any harmful organisms and diseases or any signs or symptoms of such organisms and diseases.

[^{F12}Further provision relating to *Palmae*: England and Wales **E+W**]

6A.—(1) In addition to meeting the requirements of regulation 4, propagating material of *Palmae* belonging to the genera and species referred to in the Annex to 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](#) and having a diameter of the stem at the base of over 5 cm must meet the condition set out in paragraph 2 or the conditions set out in paragraph 3.

(2) The condition is that the material has been grown for its entire life in an area which has been established as free from the organism by a responsible official body in accordance with relevant International Standards for Phytosanitary Measures.

(3) The conditions are that the material has been grown in the two years prior to its marketing in a site subject to visual inspections carried out at least once every four months confirming the freedom of that material from the organism and it has been grown in a site—

- (a) with complete physical protection against the introduction of the organism, or

(b) where the appropriate preventative treatments have been applied with respect to the organism.

(4) For the purposes of 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 Organisation of the United Nations;

“the organism” means “*Rhynchophorus ferrugineus* (Olivier)”;

“responsible official body” means [^{F13}, in relation to Wales, the Welsh Ministers][^{F14}, in relation to England, the Secretary of State].]

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F12 Reg. 6A inserted (E.W.) (1.10.2018) by [The Marketing of Ornamental Plant Propagating Material \(Amendment\) \(England and Wales\) Regulations 2018 \(S.I. 2018/974\)](#), regs. 1(1), 3

F13 Words in reg. 6A(4) substituted (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 2(3)**

F14 Words in reg. 6A(4) substituted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 2(3)**

[^{F25}Further provisions relating to propagating material of *Palmae* **S**

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; and

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

“responsible official body” means [^{F26}the Scottish Ministers].]

Extent Information

E6 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F25 Reg. 6A inserted (S.) (17.11.2018) by [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(4)**

F26 Words in reg. 6A(4) substituted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(3)**

Registration **E+W**

7.—(1) Subject to paragraph (2) below, no person shall carry on business as a supplier unless he is registered as such by the Minister.

(2) Paragraph (1) above shall not apply to a supplier marketing only to persons who are not professionally engaged in the production or sale of ornamental plants or propagating material.

(3) An application for registration as a supplier shall be made in writing and shall be accompanied by the following information—

- (a) the name of the applicant;
- (b) the address of the main premises at which the applicant carries on or intends to carry on business as a supplier;
- (c) the activities which the applicant carries on or intends to carry on which are or will be covered by these Regulations.

[^{F15}(4) Registration of a supplier on the register of professional operators for the purposes of the EU Plant Health Regulation is deemed to constitute registration for the purposes of paragraph (1) above.]

(5) A supplier registered in accordance with this regulation shall keep records of his sales and purchases of propagating material and shall retain them for a period of not less than 12 months.

Extent Information

E2 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F15 Reg. 7(4) substituted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 2(4)** and (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 2(4)**

Registration **S**

7.—(1) Subject to paragraph (2) below, no person shall carry on business as a supplier unless he is registered as such by the Minister.

(2) Paragraph (1) above shall not apply to a supplier marketing only to persons who are not professionally engaged in the production or sale of ornamental plants or propagating material.

(3) An application for registration as a supplier shall be made in writing and shall be accompanied by the following information—

- (a) the name of the applicant;
- (b) the address of the main premises at which the applicant carries on or intends to carry on business as a supplier;
- (c) the activities which the applicant carries on or intends to carry on which are or will be covered by these Regulations.

[^{F27}(4) Registration of a supplier on the register of professional operators for the purposes of the EU Plant Health Regulation is deemed to constitute registration for the purposes of paragraph (1).]

(5) A supplier registered in accordance with this regulation shall keep records of his sales and purchases of propagating material and shall retain them for a period of not less than 12 months.

Extent Information

E7 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F27 Reg. 7(4) substituted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), [sch. 5 para. 2\(4\)](#)

Measures to be taken by suppliers **E+W**

8.—(1) Suppliers engaged in the production of propagating material shall—

- (a) identify and monitor critical points in their production process which influence the quality of the material;
- (b) keep records on the monitoring required in sub-paragraph (a) above;
- (c) take samples where necessary and send them to be analysed in a laboratory with suitable facilities and expertise;
- (d) ensure that during production lots of propagating material remain separately identifiable.

(2) Without prejudice to paragraph (3) below, a supplier shall treat or, where appropriate, remove any propagating material which, on the basis of visible signs or symptoms, is not substantially free of harmful organisms impairing quality.

(3) If a supplier engaged in the production of propagating material finds on his premises a [^{F16}plant pest of a description specified in Annex 2, 3 or 4 to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants,] he shall, if he would not otherwise be required to notify it under [^{F17}the EU Plant Health Regulation], report it to the Minister and shall carry out any measures laid down by him.

Extent Information

E3 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Textual Amendments

- F16** Words in reg. 8(3) substituted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 2(5)(a)** and (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 2(5)(a)**
- F17** Words in reg. 8(3) substituted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 2(5)(b)** and (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 2(5)(b)**

Measures to be taken by suppliers **S**

- 8.—(1) Suppliers engaged in the production of propagating material shall—
- (a) identify and monitor critical points in their production process which influence the quality of the material;
 - (b) keep records on the monitoring required in sub-paragraph (a) above;
 - (c) take samples where necessary and send them to be analysed in a laboratory with suitable facilities and expertise;
 - (d) ensure that during production lots of propagating material remain separately identifiable.
- (2) Without prejudice to paragraph (3) below, a supplier shall treat or, where appropriate, remove any propagating material which, on the basis of visible signs or symptoms, is not substantially free of harmful organisms impairing quality.
- (3) If a supplier engaged in the production of propagating material finds on his premises a [^{F28}controlled plant pest as defined in regulation 2(1) of the Plant Health Official Controls Regulations] he shall, if he would not otherwise be required to notify it under [^{F29}the EU Plant Health Regulation], report it to the Minister and shall carry out any measures laid down by him.

Extent Information

- E8** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F28** Words in reg. 8(3) substituted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(5)(a)**
- F29** Words in reg. 8(3) substituted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(5)(b)**

Information on propagating material **E+W**

9.—(1) Subject to paragraphs (2) and (3) below, no supplier shall market any propagating material unless it is accompanied by a label or other document made out by him on which appears the appropriate information prescribed in the Schedule to these Regulations.

(2) Where propagating material is accompanied by a plant passport issued in accordance with [^{F18}the EU Plant Health Regulation], the plant passport may constitute the label or other document

for the purposes of paragraph (1) above if it contains the appropriate information prescribed in the Schedule to these Regulations.

(3) Paragraph (1) above shall not apply to propagating material which is marketed to persons who are not professionally engaged in the production or sale of ornamental plants or propagating material.

Extent Information

E4 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F18 Words in reg. 9(2) substituted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 2(6)** and (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 2(6)**

Information on propagating material **S**

9.—(1) Subject to paragraphs (2) and (3) below, no supplier shall market any propagating material unless it is accompanied by a label or other document made out by him on which appears the appropriate information prescribed in [^{F30}schedule 1 of] these Regulations.

(2) Where propagating material is accompanied by a plant passport issued in accordance with [^{F31}the EU Plant Health Regulation], the plant passport may constitute the label or other document for the purposes of paragraph (1) above if it contains the appropriate information prescribed in [^{F32}schedule 1 of] these Regulations.

(3) Paragraph (1) above shall not apply to propagating material which is marketed to persons who are not professionally engaged in the production or sale of ornamental plants or propagating material.

Extent Information

E9 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F30 Words in reg. 9(1) substituted (S.) (17.11.2018) by [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(7)(a)**

F31 Words in reg. 9(2) substituted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(6)**

F32 Words in reg. 9(2) substituted (S.) (17.11.2018) by [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(7)(b)(ii)**

Marketing in lots

10.—(1) Subject to paragraph (2) below, no supplier shall market any propagating material unless it is in lots.

(2) Paragraph (1) above shall not apply to—

- (a) the sale of different lots in a single consignment provided the supplier keeps records of the composition and origin of the different lots;

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

- (b) propagating material which is marketed to persons who are not professionally engaged in the production or sale of ornamental plants or propagating material.

Description of propagating material

11.—(1) Without prejudice to paragraph (2), no supplier shall market propagating material with reference to a variety unless—

- (a) it is the subject of Community plant variety rights pursuant to Regulation 2100/94 or national plant variety rights under any jurisdiction; or
- (b) the existence of that variety is a matter of common knowledge as defined in section 38 of the Plant Varieties Act 1997 ^{F19}; or
- (c) that variety is entered on a list kept by a supplier which includes:
- (i) the name of the variety together with its commonly known synonyms, where appropriate;
- (ii) information as to how the varietal identity and purity of the variety is being maintained and as to the propagation system used;
- (iii) a description of the variety which shall include, where appropriate, the characteristics of the variety which would be relevant for the purpose of an application for a Community plant variety right in respect of the variety under Regulation 2100/94;
- (iv) an explanation of how the variety differs from other varieties most closely resembling it.

(2) Sub-paragraphs (c)(ii) and (c)(iv) of paragraph (1) above shall not apply to a supplier engaged only in the marketing of propagating material.

(3) The list referred to at paragraph (1)(c) above shall be made available to the Minister on request.

(4) Where a supplier markets propagating material with reference to the group of plants to which it belongs, the supplier shall indicate the group of plants in such a way as to avoid confusion with any varietal denomination.

Textual Amendments

F19 1997 c. 66.

Propagating material produced in third countries **E+W**

12.—(1) No supplier shall import propagating material from a third country unless he has ensured prior to import that the material to be imported is of an equivalent standard to propagating material produced in accordance with Directive 98/56/EC.

(2) A supplier shall notify the Minister in writing of the importation of a consignment of propagating material from a third country within one month of its importation.

(3) A supplier shall be deemed to have complied with paragraph (2) above [^{F20}, in relation to England, if the supplier delivers a phytosanitary certificate for export or a phytosanitary certificate for re-export to the Secretary of State][^{F21}, in relation to Wales, if the supplier delivers a phytosanitary certificate for export or a phytosanitary certificate for re-export to the Welsh Ministers].

(4) A supplier shall retain documentary evidence of every contract relating to the import of propagating material from a third country during the subsistence of the contract and for at least twelve months after its termination.

Extent Information

- E5** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F20** Words in reg. 12(3) substituted (E.) (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 2(7)**
- F21** Words in reg. 12(3) substituted (W.) (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 2(7)**

Propagating material produced in third countries **S**

12.—(1) No supplier shall import propagating material from a third country unless he has ensured prior to import that the material to be imported is of an equivalent standard to propagating material produced in accordance with Directive [98/56/EC](#).

(2) A supplier shall notify the Minister in writing of the importation of a consignment of propagating material from a third country within one month of its importation.

(3) A supplier shall be deemed to have complied with paragraph (2) above if he delivers a phytosanitary certificate or [^{F33}phytosanitary certificate for re-export in respect of the consignment in accordance with [^{F34}the EU Plant Health Regulation]] .

(4) A supplier shall retain documentary evidence of every contract relating to the import of propagating material from a third country during the subsistence of the contract and for at least twelve months after its termination.

Extent Information

- E10** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F33** Words in reg. 12(3) substituted (S.) (17.11.2018) by [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(8)**
- F34** Words in reg. 12(3) substituted (S.) (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **sch. 5 para. 2(7)**

Powers of inspectors

13.—(1) An inspector, upon producing, if required to do so, some duly authenticated document showing his authority, may at any reasonable time enter any premises of a supplier where he reasonably suspects that any activity which is covered by these Regulations is being carried on for the purposes of ascertaining whether there is or has been any contravention of these Regulations.

(2) An inspector on entering any premises under paragraph (1) above may take with him such other persons as he reasonably considers to be necessary.

(3) An inspector may carry out all reasonable checks and examinations necessary to ensure compliance with these Regulations, and in particular may—

- (a) take any propagating material or sample from any propagating material and send it for analysis;

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

- (b) require the production of any relevant records, lists and other documents;
- (c) inspect any relevant records, lists and other documents;
- (d) take any relevant records, lists and other documents for copying.

(4) An inspector may by notice in writing served on a supplier in respect of any propagating material on the supplier's premises that the inspector has reasonable grounds for suspecting fails to comply with the requirements of these Regulations require the supplier not to market or to move from his premises or to permit or cause to be marketed or moved from his premises the propagating material until the supplier has carried out such reasonable measures as the notice may specify.

Service of notices

14.—(1) A notice under these Regulations shall be deemed to have been served on a supplier if it is delivered to him personally or left for him at his last known place of abode or business or sent through the post addressed to him at his last known place of abode or business.

(2) A notice under these Regulations may—

- (a) in the case of a body corporate, be served on the secretary or clerk of that body at the address of the registered or principal office of that body;
- (b) in the case of a partnership, be served on a partner or on a person having the control or management of the partnership business or, in Scotland, the firm at the principal office of the partnership.

Offences

15.—(1) A person who contravenes or fails to comply with any provision of these Regulations without reasonable excuse shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocations and transitional provisions

16.—(1) Subject to paragraphs (2) and (3) below, the Marketing of Ornamental Plant Material Regulations 1995^{F22} are revoked.

(2) Regulation 9 of those Regulations, and regulations 2, 3, 4, 12(1) to 12(3) and 14 of those Regulations to the extent that they apply for the purposes of regulation 9 of those Regulations, shall continue to have effect until 31st December 1999.

(3) Regulation 11 of those Regulations, and regulations 2, 3, 4, 12(1) to 12(3), 13 and 14 of those Regulations to the extent that they apply for the purposes of regulation 11 of those Regulations, shall continue to have effect until 1st August 1999.

(4) For the purposes of paragraph 4 of Schedule 2 to those Regulations (registration or accreditation number) an accreditation number in existence on 31st July 1999 shall be deemed to continue to exist until 31st December 1999, notwithstanding paragraph (3) above.

Textual Amendments

F22 [S.I. 1995/2651](#).

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

[^{F23}SCHEDULE]^{F23}SCHEDULE
1]

Regulation 9

INFORMATION TO APPEAR ON A SUPPLIER'S LABEL OR OTHER DOCUMENT

Textual Amendments

F23 Sch. renumbered as sch. 1 (S.) (17.11.2018) by [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(9)**

- (1) Indication that the material is of "EC quality".
- (2) Indication of EC Member State code.
- (3) Indication of responsible official body or its distinguishing code.
- (4) Supplier's registration number.
- (5) Individual serial, week or batch number.
- (6) Botanical name.
- (7) Where appropriate, denomination of the variety or, in the case of rootstock, denomination of the variety or its designation.
- (8) Where appropriate, denomination of the group of plants.
- (9) Quantity.
- (10) In the case of propagating material imported from a third country the name of the country of production.

[^{F24}SCHEDULE 2

Regulations 4 and 6A

Organisms and diseases

Textual Amendments

F24 Sch. 2 inserted (S.) (17.11.2018) by [The Marketing of Ornamental Plant Propagating Material Amendment \(Scotland\) Regulations 2018 \(S.S.I. 2018/284\)](#), regs. 1, **3(10)**

<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	<i>Insects, mites and nematodes at all stages of their development</i> — <i>Aleurodidae</i> , in particular, <i>Bemisia tabaci</i> — <i>Aphelenchoides</i> spp. — <i>Ditylenchus destructor</i> — <i>Meloidogyne</i> spp.

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
	<ul style="list-style-type: none"> — <i>Myzus ornatus</i> — <i>Otiorrhynchus sulcatus</i> — <i>Sciara</i> — Thysanoptera, in particular, <i>Frankliniella occidentalis</i> <p>Bacteria</p> <ul style="list-style-type: none"> — <i>Erwinia chrysanthemi</i> — <i>Rhodococcus fascians</i> — <i>Xanthomonas campestris</i> pv. <i>begoniae</i> <p>Fungi</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>Viruses and virus-like organisms, and in particular</p> <ul style="list-style-type: none"> — Leafcurl disease — Tospoviruses (Tomato spotted wilt virus, Impatiens necrotic spot virus)
Citrus	<p>Insects, mites and nematodes at all stages of their development</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>Fungi</p> <ul style="list-style-type: none"> — <i>Phytophthora</i> spp. <p>Viruses and virus-like organisms, and in particular</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, cristicortis, impietratura, concave gum — Infectious variegation — Citrus leaf rugose

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Column 1 <i>Genus / species</i>	Column 2 <i>Specific harmful organisms and diseases</i>
<p><i>Dendranthema x grandiflorum</i> (Ramat) Kitam</p>	<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> — <i>Pythium</i> spp. — <i>Rhizoctonia solani</i> — <i>Verticillium</i> spp. <p><i>Viruses and virus-like organisms, and in particular</i></p> <ul style="list-style-type: none"> — Chrysanthemum B mosaic virus — Tomato aspermy cucumovirus
<p><i>Dianthus caryophyllus</i> L. and hybrids</p>	<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> — Thysanoptera, in particular, <i>Frankliniella occidentalis</i> — Lepidoptera, in particular, <i>Cacoecimorpha pronubana</i>, <i>Epichoristodes acerbella</i> <p><i>Fungi and fungus-like organisms</i></p> <ul style="list-style-type: none"> — <i>Alternaria dianthi</i> — <i>Alternaria dianthicola</i>

Status: Point in time view as at 27/03/2020.**Changes to legislation:** There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

<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"> — <i>Fusarium oxysporum</i> f. sp. <i>dianthi</i> — <i>Mycosphaerella dianthi</i> — <i>Phytophthora nicotiana</i> var. <i>parasitica</i> — <i>Rhizoctonia solani</i> — Stem rot: <i>Fusarium</i> spp. and <i>Pythium</i> spp. — <i>Uromyces dianthi</i> <p>Viruses and virus-like organisms, and in particular</p> <ul style="list-style-type: none"> — Carnation etched ring caulimovirus — Carnation mottle carmovirus — Carnation necrotic fleck closterovirus — Tospoviruses (Tomato spotted wilt virus, Impatiens necrotic spot virus)
<p><i>Euphorbia pulcherrima</i> Willd ex Klotzch</p>	<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> <p>Bacteria</p> <ul style="list-style-type: none"> — <i>Erwinia chrysanthemi</i> <p>Fungi</p> <ul style="list-style-type: none"> — <i>Fusarium</i> spp. — <i>Pythium ultimum</i> — <i>Phytophthora</i> spp. — <i>Rhizoctonia solani</i> — <i>Thielaviopsis basicola</i> <p>Viruses and virus-like organisms, and in particular</p> <p>Tospoviruses (Tomato spotted wilt virus, Impatiens necrotic spot virus)</p>
<p><i>Gerbera</i> L.</p>	<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>Aphelenchoides</i> spp.

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
	<ul style="list-style-type: none"> — <i>Lepidoptera</i> — <i>Meloidogyne</i> — <i>Thysanoptera</i>, in particular, <i>Frankliniella occidentalis</i> <p>Fungi</p> <ul style="list-style-type: none"> — <i>Fusarium</i> spp. — <i>Phytophthora cryptogea</i> — Powdery mildew — <i>Rhizoctonia solani</i> — <i>Verticillium</i> spp. <p>Viruses and virus-like organisms, and in particular</p> <p>Tospoviruses (Tomato spotted wilt virus, Impatiens necrotic spot virus)</p>
<i>Gladiolus</i> L.	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <ul style="list-style-type: none"> — <i>Ditylenchus dipsaci</i> — <i>Thysanoptera</i>, in particular, <i>Frankliniella occidentalis</i> <p>Bacteria</p> <ul style="list-style-type: none"> — <i>Pseudomonas marginata</i> — <i>Rhodococcus fascians</i> <p>Fungi</p> <ul style="list-style-type: none"> — <i>Botrytis gladiolorum</i> — <i>Curvularia trifolii</i> — <i>Fusarium oxysporum</i> f. sp. <i>gladioli</i> — <i>Penicillium gladioli</i> — <i>Sclerotinia</i> spp. — <i>Septoria gladioli</i> — <i>Urocystis gladiolicola</i> — <i>Uromyces trasversalis</i> <p>Viruses and virus-like organisms, and in particular</p> <ul style="list-style-type: none"> — Aster yellow mycoplasm

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Column 1 <i>Genus / species</i>	Column 2 <i>Specific harmful organisms and diseases</i>
	<ul style="list-style-type: none"> — Corky pit agent — Cucumber mosaic virus — Gladiolus ringspot virus (syn. Narcissus latent virus) — Tobacco rattle virus <p>Other harmful organisms:</p> <ul style="list-style-type: none"> — <i>Cyperus esculentus</i>
<i>Lilium L.</i>	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <ul style="list-style-type: none"> — <i>Aphelenchoides</i> spp. — <i>Rhizoglyphus</i> spp. — <i>Pratylenchus penetrans</i> — <i>Rotylenchus robustus</i> — <i>Thysanoptera</i>, in particular, <i>Frankliniella occidentalis</i> <p><i>Bacteria</i></p> <ul style="list-style-type: none"> — <i>Erwinia carotovora</i> subsp. <i>carotovora</i> — <i>Rhodococcus fascians</i> <p><i>Fungi</i></p> <ul style="list-style-type: none"> — <i>Cylindrocarpon destructans</i> — <i>Fusarium oxysporum</i> f. sp. <i>lilii</i> — <i>Pythium</i> spp. — <i>Rhizoctonia</i> spp. — <i>Rhizopus</i> spp. — <i>Sclerotium</i> spp. <p><i>Viruses and virus-like organisms, and in particular</i></p> <ul style="list-style-type: none"> — Cucumber mosaic virus — Lily symptomless virus — Lily virus x — Tobacco rattle virus

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
	<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> <p>— <i>Nectria galligena</i></p> <p>— <i>Phytophthora cactorum</i></p> <p>— <i>Rosellinia necatrix</i></p> <p>— <i>Venturia</i> spp.</p> <p>— <i>Verticillium</i> spp.</p> <p>Viruses and virus-like organisms</p> <p>All</p>
Narcissus L.	<p>Insects, mites and nematodes at all stages of their development</p> <p>— <i>Aphelenchoides subtenuis</i></p> <p>— <i>Ditylenchus destructor</i></p> <p>— <i>Eumerus</i> spp.</p> <p>— <i>Merodon equestris</i></p> <p>— <i>Pratylenchus penetrans</i></p> <p>— <i>Rhizoglyphidae</i></p>

Status: Point in time view as at 27/03/2020.**Changes to legislation:** There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
	<p>— <i>Tarsonemidae</i></p> <p>Fungi</p> <p>— <i>Fusarium oxysporum</i> f. sp. <i>narcissi</i></p> <p>— <i>Sclerotinia</i> spp.</p> <p>— <i>Sclerotium bulborum</i></p> <p>Viruses and virus-like organisms, and in particular</p> <p>— Tobacco rattle virus</p> <p>— Narcissus white streak agent</p> <p>— Narcissus yellow stripe virus</p> <p>Other harmful organisms</p> <p>— <i>Cyperus esculentus</i></p>
<p>the following genera and species as regards Palmae</p> <p>— <i>Areca catechu</i> L.</p> <p>— <i>Arenga pinnata</i> (Wurmb) Merr.</p> <p>— <i>Bismarckia</i> Hildebr. & H.Wendl.</p> <p>— <i>Borassus flabellifer</i> L.</p> <p>— <i>Brahea armata</i> S. Watson</p> <p>— <i>Brahea edulis</i> H.Wendl.</p> <p>— <i>Butia capitata</i> (Mart.) Becc.</p> <p>— <i>Calamus merrillii</i> Becc.</p> <p>— <i>Caryota cumingii</i> Lodd. ex Mart.</p> <p>— <i>Caryota maxima</i> Blume</p> <p>— <i>Chamaerops humilis</i> L.</p> <p>— <i>Cocos nucifera</i> L.</p> <p>— <i>Copernicia</i> Mart.</p>	<p>Insects, mites and nematodes at all stages of their development</p> <p>— <i>Rhynchophorus ferrugineus</i> (Olivier)</p>

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
— <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	
— <i>Phoenix canariensis</i> Chabaud	
— <i>Phoenix dactylifera</i> L.	
— <i>Phoenix reclinata</i> Jacq.	
— <i>Phoenix roebelenii</i> O'Brien	
— <i>Phoenix sylvestris</i> (L.) Roxb.	
— <i>Phoenix theophrasti</i> Greuter	
— <i>Pritchardia</i> Seem. & H.Wendl.	
— <i>Ravenea rivularis</i> Jum. & H.Perrier	
— <i>Sabal palmetto</i> (Walter) Lodd. ex Schult. & Schult.f.	
— <i>Syagrus romanzoffiana</i> (Cham.) Glassman	

Status: Point in time view as at 27/03/2020.**Changes to legislation:** There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Column 1 <i>Genus / species</i>	Column 2 <i>Specific harmful organisms and diseases</i>
<p>— <i>Trachycarpus fortunei</i> (Hook.) H. Wendl.</p> <p>— <i>Washingtonia</i> H. Wendl.</p>	
<p><i>Pelargonium L.</i></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> <p>— Pelargonium flower break carmovirus</p> <p>— Pelargonium leaf curl tobusvirus</p> <p>— Pelargonium line pattern virus</p> <p>— Tospoviruses (Tomato spotted wilt virus, Impatiens necrotic spot virus)</p>
<p>Phoenix</p>	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <p>— <i>Thysanoptera</i></p> <p><i>Fungi</i></p> <p>— <i>Exosporium palmivorum</i></p> <p>— <i>Gliocladium wermoeseni</i></p> <p>— <i>Graphiola phoenicis</i></p> <p>— <i>Pestalozzia Phoenicis</i></p> <p>— <i>Pythium</i> spp.</p> <p><i>Viruses and virus-like organisms</i></p>

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
	All
<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> — <i>Pseudomonas syringae</i> pv. <i>syringae</i> <p><i>Fungi</i></p> <ul style="list-style-type: none"> — <i>Armillariella mellea</i> — <i>Chondrostereum purpureum</i> — <i>Nectria galligena</i> — <i>Rosellinia necatrix</i> — <i>Taphrina deformans</i> — <i>Verticillium</i> spp. <p><i>Viruses and virus-like organisms, and in particular</i></p> <ul style="list-style-type: none"> — Prune dwarf virus — Prunus necrotic ringspot virus
<i>Pyrus L.</i>	<p><i>Insects, mites and nematodes at all stages of their development</i></p> <ul style="list-style-type: none"> — <i>Anarsia lineatella</i>

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

Column 1 Genus / species	Column 2 Specific harmful organisms and diseases
	<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	<p>Insects, mites and nematodes at all stages of their development</p> <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>

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>
<i>Genus / species</i>	<i>Specific harmful organisms and diseases</i>
	<ul style="list-style-type: none"> — <i>Rosellinia necatrix</i> — <i>Sphaeroteca pannosa</i> — <i>Verticillium</i> spp. <p><i>Viruses and virus-like organisms, and in particular</i></p> <ul style="list-style-type: none"> — Apple mosaic virus — Arabis mosaic nepovirus — Prunus necrotic ringspot virus]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Marketing of Ornamental Plant Material Regulations 1995. The Regulations implement:

- 1) Council Directive [98/56/EC](#) on the marketing of propagating material of ornamental plants (O.J. No. L226, 13.8.98, p. 16);
- 2) a Commission Directive setting out additional provisions for lists of varieties of ornamental plants as kept by suppliers under Directive 98/56;
- 3) a Commission Directive setting out requirements as to the label or other document made out by the supplier pursuant to Council Directive 98/56; and
- 4) a Commission Directive amending 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](#); those provisions of Directive 93/49 which remain in force are re-enacted in the Regulations.

The bulk of the Regulations come into force on 1st July 1999; regulation 7 will come into force on 1st August 1999 and regulation 9 will come into force on 31st December 1999. The Regulations set quality standards to be met by ornamental plant propagating material when marketed and prescribe conditions to be satisfied by suppliers. They introduce the following principal changes—

- 1) The Regulations apply to the propagating material of all ornamental plants (regulations 2 and 3).
- 2) Propagating material intended for use in the conservation of genetic diversity is exempted from the Regulations (regulation 3).
- 3) The quality requirements for propagating material, including citrus material and flower bulbs, are modified (regulations 4, 5 and 6).

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999. (See end of Document for details)

4) The system of accreditation for those who market plant material is ended with effect from 1st August and a system of registration is introduced with effect from that date, although accreditation numbers can continue in use until 31st December (regulations 1, 7 and 16).

5) Suppliers must notify the Minister of the appearance on their premises of any plant pest which is listed in the Plant Health (Great Britain) Order 1993 (regulation 8).

6) The information to appear in suppliers' documentation is modified with effect from 31st December 1999, when the form of documentation prescribed under the 1995 Regulations ceases to have effect (regulations 1, 9, 16 and the Schedule).

7) Importers of propagating material from third countries are required to ensure that it is equivalent to material produced in accordance with Directive 98/56 and to notify the responsible official body (regulation 12).

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Plant Health Division of the Ministry of Agriculture, Fisheries and Food, Foss House, Kings Pool, 1-2 Peasholme Green, York YO1 7PX.

Status:

Point in time view as at 27/03/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Ornamental Plant Propagating Material Regulations 1999.