

The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017

Transition note for:

- (i) Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production;
- (ii) 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 scope of Council Directive 2008/90/EU;
- (iii) Commission Implementing Directive 2014/97/EU implementing Council Directive 2008/90/EC as regards the registration of suppliers and of varieties and the common list of varieties;
- (iv) 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 I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections

1. References in the table to Article numbers are to the relevant Directive.
2. References in the table to regulations are to the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017.

Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production	
Article	Objective
Scope and definitions	
Article 1	Scope
Article 2	Definitions; Basic material, CAC material; certified material; fruit plants; pre-basic material; propagating material; supplier; variety
Requirements for propagating	Regulation 4 and Schedule 3 Regulation 2

<i>material and fruit plants</i>			
Article 3	General requirements for placing on the market		Regulation 5
Article 3(3)	Additional requirements for products to be used as genetically modified food or feed		Paragraph 4 of Schedule 4
Article 3(4)	Exceptions to marketing requirements		Regulation 6
Article 4	Specific requirements for genus and species		See transposition of Commission Implementing Directive 2014/98/EU
Article 5	Registration of suppliers (see also transposition of Directive 2014/97/EU)		Regulation 11
Article 6	Specific requirements to be met by suppliers (see also transposition of Directive 2014/98/EU)		Regulation 15
<i>Variety identification and labelling</i>			
Article 7	Variety identification (see also transposition of Directive 2014/98/EU)		Regulation 7 & 8
Article 8	Lot composition and identification		Regulation 15(1)(d)
Article 9	Labelling		Regulation 10
<i>Exemptions</i>			
Article 10	Exemptions – local circulation		Regulation 10(3)
Article 11	Temporary difficulties in supply		No transposition required
<i>Propagating material and fruit plants produced in third countries</i>			
Article 12	Propagating material and fruit plants produced in third countries		Regulation 4(3)
<i>Control measures</i>			

Article 13	Official inspection	Regulations 16 to 25
Article 14	Community monitoring	Transposition not required
Article 15	Community checks in Member States	Transposition not required
Article 16	Follow up action by Member States	Regulations 5, 20 and 21
<i>General and final provisions</i>		
Article 17	Free movement clause	No transposition required
Article 18	Amendments and adaptation of Annexes	No transposition required
Article 19	Committee	No transposition required
Article 20	Transposition	n/a
Article 21	Transitional measures	Regulation 28
Article 22	Repeal	No transposition required
Article 23 & 24	Entry into force	No transposition required

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 scope of Council Directive 2008/90/EU

Article	Objective	Implementation
Article 1	Labelling, sealing and packaging requirements	Regulation 10 and Schedule 2
Article 2	Label for pre-basic, basic or certified material	Regulation 10 and Schedule 2
Article 3	Accompanying document for pre-basic, basic or certified material	Not transposed
Article 4	Sealing and packaging requirements for pre-basic, basic or certified material	Regulation 10(7) & (8)
Article 5	Supplier's document for CAC material	Regulations 2, 5(2)(e) & Part 2 of Schedule 2
Article 6	Transposition	Regulation 1
Articles 7, 8 and 9	Review clause, Entry into force and Addresses	No transposition required.

Commission Implementing Directive 2014/97/EU implementing Council Directive 2008/90/EC as regards the registration of suppliers and of varieties and the common list of varieties

Article	Objective	Implementation
Article 1	Register of suppliers	Regulation 11
Article 2	Notification obligations of suppliers	Regulation 11
Article 3	Variety register	Regulation 7 and Schedule 4
Article 4	Conditions for registration of varieties	Regulation 7 and Schedule 4
Article 5	Application for registration of a variety	Regulation 7 and paragraph 2 of Schedule 4
Article 6	Examination of applications	Regulation 7 and paragraph 6 of Schedule 4
Article 7	Period of validity of variety registration	Regulation 7 and paragraph 7(1) of Schedule 4
Article 8	Renewal of variety registration	Regulation 7 and paragraph 7(3) to (5)
Article 9	Removal of a variety from the variety register	Regulation 7 and paragraph 8 of Schedule 4
Article 10	Notifications	No transposition required
Article 11	Common list	No transposition required
Article 12	Transposition	Regulation 1
Articles 13, 14 and 15	Repeal, Entry into force, Addressees	No transposition required
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 I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections		
Article	Objective	Implementation
<i>Definitions and general provisions</i>		
Article 1	Definitions (mother plant; pre-basic mother plant; basic mother plant; certified mother plant; visual inspection; micropropagation; practically free from defects; cryopreservation)	Regulation 2
Article 1	Definitions (Candidate pre-basic mother plant; multiplication; renewal)	Paragraph 1 of Schedule 5
Article 2	General provisions	Regulation 9 and Schedule 5
<i>Requirements for pre-</i>		

<i>basic material</i>		
Article 3	Requirements for the certification of pre-basic material	Paragraph 3 of Schedule 5
Article 4	Requirements for the certification of rootstocks not belonging to a variety as pre-basic material	Paragraph 4 of Schedule 5
Article 5	Requirements for the acceptance of a pre-basic mother plant	Paragraph 5 of Schedule 5
Article 6	Requirements for the acceptance of a rootstock not belonging to a variety	Paragraph 6 of Schedule 5
Article 7	Verification of trueness to the description of the variety	Paragraph 7 of Schedule 5
Article 8	Requirements concerning the maintenance of pre-basic mother plants and pre-basic material	Paragraph 8 of Schedule 5
Article 9	Health requirements for candidate pre-basic mother plants and for pre-basic mother plants produced by renewal	Paragraph 9 of Schedule 5
Article 10	Health requirements for pre-basic mother plants and for pre-basic material	Paragraph 10 of Schedule 5
Article 11	Soil requirements	Paragraph 11 of Schedule 5
Article 12	Requirements concerning defects likely to impair quality	Paragraph 12 of Schedule 5
Article 13	Requirements concerning multiplication, renewal and propagation of pre-basic mother plants	Paragraph 13 of Schedule 5
Article 14	Requirements concerning multiplication, renewal and propagation by micropropagation of pre-basic mother plants	Paragraph 13 of Schedule 5
<i>Requirements for basic material</i>		
Article 15	Requirements for the certification of basic material	Paragraphs 14 & 15 of Schedule 5
Article 16	Health requirements	Paragraph 16 of Schedule 5
Article 17	Soil requirements	Paragraph 17 of Schedule 5
Article 18	Requirements concerning the maintenance of basic mother plants and basic material	Paragraph 18 of Schedule 5
Article 19	Conditions for multiplication	Paragraph 19 of Schedule 5
<i>Requirements for certified material</i>		
Article 20	Requirements for certification of certified material	Paragraphs 20 & 21 of Schedule 5
Article 21	Health requirements	Paragraph 22 of Schedule 5
Article 22	Soil requirements	Paragraph 23 of Schedule 5
<i>Requirements for CAC material</i>		
Article 23	Conditions for CAC material, other than rootstocks not belonging to a variety	Paragraph 1 of Schedule 1

Article 24	Conditions for CAC material in the case of rootstocks not belonging to a variety	Paragraph 2 of Schedule 1
Article 25	Trueness to the description of the variety	Paragraph 3 of Schedule 1
Article 26	Health requirements	Paragraph 4 of Schedule 1
Article 27	Requirements concerning defects	Paragraph 5 of Schedule 1
<i>Specific requirements for suppliers</i>		
Article 28	Plan to identify and monitor critical points in the production process	Regulation 14
Article 29	Keeping information on the monitoring available for examination	Regulation 15
<i>Official inspections</i>		
Article 30	General requirements concerning official inspections	Paragraph 2 of Schedule 5
<i>Final provisions</i>		
Article 31	Transposition	Regulation 1
Article 32	Transitional measures	Regulation 29
Article 33	Repeal	No transposition required