
STATUTORY INSTRUMENTS

2017 No. 595

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

PART 2

Marketing of Plant Material

Varieties that may be marketed

7.—(1) Plant material is of a variety that may be marketed if the variety fulfils one or more of the requirements of paragraph (2).

(2) The variety must—

- (a) have been granted plant variety rights;
- (b) be registered as a variety;
- (c) be the subject of an application for—
 - (i) plant variety rights; or
 - (ii) registration as a variety;
- (d) have been marketed prior to 30th September 2012 within the European Union and have an officially recognised description; or
- (e) in relation to varieties with no intrinsic value for commercial crop production being marketed within the United Kingdom—
 - (i) have an officially recognised description; and
 - (ii) is CAC material.

(3) A supplier who markets plant material of a variety described in paragraph (2)(e) must ensure the plant material is accompanied by a supplier's document stating that it is marketed in accordance with the second paragraph of Article 7(2) of [Directive 2008/90/EC](#).

(4) In this regulation, “registered as a variety” (and “registration” is to be construed accordingly) means—

- (a) registration in England as a variety in accordance with Schedule 4; or
- (b) registration outside England as a variety by the responsible authority in the country or territory in accordance with Article 4 of [Directive 2014/97/EU](#).