

The Marketing of Seed, Plant and Propagating Material (England) Regulations 2020

Note on the transposition of Commission Implementing Directive (EU) 2020/177 of 11 February 2020 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.

Note on the transposition of Article 5(3) of Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed and Article 6(2) of Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production.

These Regulations do what is necessary to implement Commission Implementing Directive (EU) 2020/177 and Article 5(3) of Council Directive 2008/72/EC and Article 6(2) of Council Directive 2008/90/EC.

Provision of Directive	Objectives	Implementation
Commission Implementing Directive (EU) 2020/177		
Article 1 and Annex I	Amends Annexes I and II to Council Directive 66/401/EEC on the marketing of fodder plant seed by replacing point 5 of Annex I and point 3 of Annex II to provide specific requirements concerning Union Regulated Non-Quarantine Pests ("RNQPs") and to require compliance with measures concerning pests provided for in implementing acts adopted pursuant to Regulation (EU) 2016/2031 on protective measures against pests of plants.	Regulation 4(3)(c). Combined with ambulatory references to EU Directives at regulation 3 of the Seed Marketing Regulations 2011.
Article 2 and Annex II	Amends Annexes I and II to Council Directive 66/402/EEC on the marketing of cereal seed by replacing part A of point 3 and point 6 of Annex I and point 3 of Annex II and adds point	Regulation 4(3)(b).

	<p>4 to Annex II to provide specific requirements concerning RNQPs and to require compliance with measures concerning pests provided for in implementing acts adopted pursuant to Regulation (EU) 2016/2031 on protective measures against pests of plants.</p>	<p>Combined with ambulatory references to EU Directives at regulation 3 of the Seed Marketing Regulations 2011.</p>
<p>Article 3 and Annex III</p>	<p>Amends Annexes I and II to Council Directive 68/193/EEC on the marketing of material for the vegetative propagation of vine.</p>	<p>Does not need to be transposed. The UK is derogated from the requirement to transpose and implement legislation concerned with vine propagating material.</p>
<p>Article 4 and Annex IV</p>	<p>Amends Commission Directive 93/49/EEC setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants by:</p> <p>replacing Article 3 to introduce specific requirements concerning the presence of RNQPs and requiring compliance with measures concerning pests provided for in implementing acts adopted pursuant to regulation (EU) 2016/2031 on plant health;</p> <p>deleting Article 3A on measures concerning <i>Rhynchochorus ferrugineus</i> and;</p> <p>replacing the Annex to Commission Directive 93/49/EEC as set out in Annex IV.</p>	<p>Regulation 3(3).</p> <p>Regulation 3(4).</p> <p>Regulation 3(2) and (3). The definition of Commission Directive 93/49/EEC is re-stated in regulation 3(2) this allows existing references to its Annex in the Marketing of Ornamental Plant Propagating Material Regulations 1999 to refer to the version of that Directive as at the date this instrument is made.</p>
<p>Article 5 and Annex V</p>	<p>Amends Commission Directive 93/61/EEC setting out the schedules indicating the conditions to be met by vegetable propagating</p>	

	<p>and planting material, other than seed pursuant to Council Directive 2008/72/EC by:</p> <p>replacing Article 3 to introduce specific requirements concerning the presence of RNQPs and requiring compliance with measures concerning pests provided for in implementing acts adopted pursuant to regulation (EU) 2016/2031 on plant health and;</p> <p>replacing the Annex to Commission Directive 93/61/EEC as set out in Annex V.</p>	<p>Regulation 2(3) and (5).</p> <p>Regulation 2(3). Combined with references to the Annex to Commission Directive 93/61/EEC in the Marketing of Vegetable Plant Material Regulations 1995.</p>
<p>Article 6 and Annex VI</p>	<p>Amends Annexes I and II to Council Directive 2002/55/EC on the marketing of vegetable seed by replacing point 5 of Annex I and point 2 of Annex II to provide specific requirements concerning RNQPs and to require compliance with measures concerning pests provided for in implementing acts adopted pursuant to Regulation (EU) 2016/2031 on protective measures against pests of plants.</p>	<p>Regulation 4(3)(d).</p> <p>Combined with ambulatory references to EU Directives at regulation 3 of the Seed Marketing Regulations 2011.</p>
<p>Article 7 and Annex VII</p>	<p>Amends Annexes I and II to Council Directive 2002/56/EC on the marketing of seed potatoes by replacing Annexes I and II to provide specific requirements concerning RNQPs.</p>	<p>Regulation 5(3), (4) and (6).</p>
<p>Article 8 and Annex VIII</p>	<p>Amends Annexes I and II to Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants by replacing point 4 of Annex I and point (5) of Section I of Annex II to provide specific requirements concerning RNQPs and to require compliance with measures</p>	<p>Regulation 4(3)(c).</p> <p>Combined with ambulatory references to EU Directives at regulation 3 of the Seed Marketing Regulations 2011.</p>

	concerning pests provided for in implementing acts adopted pursuant to Regulation (EU) 2016/2031 on protective measures against pests of plants.	
Article 9 and Annex IX	<p>Amends Commission Implementing Directive 2014/21/EU determining minimum conditions and Union grades for pre-basic seed potatoes by:</p> <p>replacing Articles 2 and 3 to provide specific requirements concerning RNQPs;</p> <p>replacing the Annex to provide specific requirements concerning RNQPs.</p>	Regulation 5(3), (4) and (5).
Article 10 and Annex X	<p>Amends Council Implementing Directive 2014/98/EU as regards specific requirements for the genus and species of fruit plants referred to in Annex I of 2008/90/EC, specific requirements to be met by suppliers and detailed rules concerning official inspections by:</p> <p>replacing Articles 10, 16, 21 and 26 concerning the health requirements of different categories of fruit material to introduce measures concerned with RNQPs;</p> <p>amending the titles to Articles 11, 17 and 22 to make clear the category of material the provisions apply to;</p> <p>amending the third subparagraph of Article 22(2) and;</p>	<p>Regulation 6(6)(a) to (c) and 6(7)(a), (b), (c), (e), (f), (g), (h) and (i).</p> <p>Already transposed - see the headings within Schedule 5 to the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017.</p> <p>Regulation 6(7)(i).</p>

	<p>adding Article 27a on requirements concerned with the production site, place or production or area; and</p> <p>replacing Annexes I to IV to provide specific requirements concerning RNQPs.</p>	<p>Regulation 6(6)(d) and 6(7)(a), (b), (d), (e), (h).</p> <p>Regulation 6(6)(c) and (d), 6(7)(c), (d), (g) and (i). Combined with ambulatory references to the Annexes to Council Implementing Directive 2014/98/EU at regulation 3(2) of the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017.</p>
Article 5(3) of Council Directive 2008/72/EC		
Article 5(3)	Requires a supplier to report the presence of pests, including RNQPs.	Regulation 2(4).
Article 6(2) of Council Directive 2008/90/EC		
Article 6(2)	Requires a supplier to report the presence of pests, including RNQPs.	Regulation 6(4).