

SCHEDULE 1

Regulation 2

CAC material

Modifications etc. (not altering text)

- C1** Sch. 1: power to amend conferred (31.12.2020) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(b), **20(1)** (with [reg. 20\(2\)](#))

Conditions for CAC material (other than rootstocks not belonging to a variety)

1.—(1) CAC material (other than rootstocks not belonging to a variety) may only be marketed if it fulfils the requirements in sub-paragraph (2).

(2) The requirements are that the CAC material—

- (a) is propagated from an identified source of material recorded by the supplier;
- (b) is true to the description of its variety in accordance with paragraph 3;

[^{F1}(c) complies with health requirements in paragraph 4;

- (d) complies with requirements concerning defects in paragraph 5; and
- (e) complies with production site requirements in paragraph 6.]

(3) Where CAC material no longer complies with sub-paragraph (2), the supplier—

- (a) must remove it from the vicinity of other CAC material;
- (b) may take appropriate measures to ensure that that material complies with sub-paragraph (2) again.

Textual Amendments

- F1** Sch. 1 para. 1(2)(c)-(e) substituted for Sch. 1 para. 1(2)(c)(d) (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, **6(6)(a)**

Commencement Information

- I1** Sch. 1 para. 1 in force at 19.6.2017, see [reg. 1\(1\)](#)

Rootstocks not belonging to a variety

2.—(1) CAC material consisting of rootstocks not belonging to a variety may only be marketed if it fulfils the requirements in sub-paragraph (2).

(2) The requirements are that the CAC material—

- (a) is true to the description of its species;

[^{F2}(b) complies with health requirements in paragraph 4;

- (c) complies with requirements concerning defects in paragraph 5; and
- (d) complies with production site requirements in paragraph 6.]

(3) Where CAC material no longer complies with sub-paragraph (2), the supplier—

- (a) must remove it from the vicinity of other CAC material;

- (b) may take appropriate measures to ensure that that material complies with sub-paragraph (2) again.

Textual Amendments

- F2** Sch. 1 para. 2(2)(b)-(d) substituted for Sch. 1 para. 2(2)(b)(c) (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, **6(6)(b)**

Commencement Information

- I2** Sch. 1 para. 2 in force at 19.6.2017, see [reg. 1\(1\)](#)

Trueness to the description of the variety

3.—(1) A supplier must establish and regularly verify the trueness of CAC material to the description of its variety in accordance with this paragraph.

(2) This is done by observing the expression of the characteristics of a variety, that observation being based on one of the following elements—

- (a) its official description;
- (b) the description accompanying an application for registration;
- (c) the description accompanying an application for plant variety rights;
- (d) where the variety is registered with an officially recognised description, or subject to an application for registration with an officially recognised description, that description.

Commencement Information

- I3** Sch. 1 para. 3 in force at 19.6.2017, see [reg. 1\(1\)](#)

Health requirements

4.—^{F3}(1) CAC material must be found, on visual inspection by the supplier at the stage of production, to be practically free from the RNQPs listed in Annex 1 or 2 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, unless stated otherwise in Annex 4 to that Directive.

(2) The supplier must sample and test the identified source of material or CAC material—

- (a) in cases of doubt as to the presence of any RNQP listed in Annex 1 to [Directive 2014/98/EU](#), for such pests;
- (b) for the RNQPs listed in Annex 2 to [Directive 2014/98/EU](#), subject to the requirements of Annex 4 to that Directive specified in relation to the genus or species concerned, and category.

(3) CAC material must be found after production, on visual inspection by the supplier, to be free from signs or symptoms of any RNQP listed in Annex 1 or 2 to [Directive 2014/98/EU](#).

(4) Visual inspections and sampling and testing must be conducted in accordance with the requirements specified in Annex 4 to [Directive 2014/98/EU](#) in relation to the genus or species concerned, and category.

(5) But sub-paragraphs (1) to (3) do not apply to CAC material during cryopreservation.]

(6) In this paragraph, “practically free from pests” means that the extent to which pests are present on the propagating material or fruit plants is sufficiently low to ensure acceptable quality and usefulness of the propagating material.

Textual Amendments

F3 Sch. 1 para. 4(1)-(5) substituted (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, **6(6)(c)**

Commencement Information

I4 Sch. 1 para. 4 in force at 19.6.2017, see [reg. 1\(1\)](#)

Requirements concerning defects likely to impair quality

- 5.—(1) CAC material must be practically free from defects.
- (2) This is established on the basis of a visual inspection.
- (3) Injuries, discoloration, scar tissues or desiccation are considered as defects, if they affect the quality and usefulness of CAC material as propagating material.

Commencement Information

I5 Sch. 1 para. 5 in force at 19.6.2017, see [reg. 1\(1\)](#)

[^{F4}Requirements concerning production site

6. CAC material must be produced in accordance with the requirements for the production site, place of production or area set out in Annex 4 to [Directive 2014/98/EU](#) and specified in relation to the genus or species concerned.]

Textual Amendments

F4 Sch. 1 para. 6 inserted (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, **6(6)(d)**

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017, SCHEDULE 1.