

## SCHEDULE 5

### Amendments to secondary legislation relating the marketing of seeds and plant propagating material and plant health fees

## PART 2

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

2.—(1) The Marketing of Ornamental Plant Propagating Material Regulations 1999(1) are amended as follows.

(2) In regulation 2(1)—

(a) in the appropriate place insert—

““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;”;

(b) omit the definition of “[Directive 2000/29/EC](#)”.

(3) In regulation 6A(4), in the definition of “responsible official body”, for the words from “a body” to the end, substitute “, in relation to Wales, the Welsh Ministers”.

(4) In regulation 7, for paragraph (4) substitute—

“(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) In regulation 8(3)—

(a) for the words from “notifiable” to “Order 2018” substitute “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;”;

(b) for “article 42 of that Order (notification of the presence or suspected presence of certain plant pests)” substitute “the EU Plant Health Regulation”.

(6) In regulation 9(2), for “[Directive 2000/29/EC](#)” substitute “the EU Plant Health Regulation”.

(7) In regulation 12(3), for the words from “if he delivers” to the end substitute “, in relation to Wales, if the supplier delivers a phytosanitary certificate for export or a phytosanitary certificate for re-export to the Welsh Ministers”.

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(1) [S.I. 1999/1801](#); relevant amending instruments are [S.I. 2018/974](#), [S.I. 2018/1216 \(W. 249\)](#) and [S.I. 2019/463 \(W. 111\)](#).