
DRAFT STATUTORY INSTRUMENTS

2020 No.

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

PART 4

Functions relating to the marketing of seed, plant and plant propagating material

CHAPTER 3

Retention of functions in [Directive 2008/72/EC](#)

Power to modify the regulated species of vegetable plant material

- 15.—(1) The appropriate authority may, by regulations—
- (a) amend provision in any enactment which gave effect to provision made by Annex 2 to [Directive 2008/72/EC](#);
 - (b) make provision requiring (whether by amending an enactment, or otherwise) a reference to Annex 2 to [Directive 2008/72/EC](#) to be read as a reference to that Annex subject to modifications.
- (2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it is necessary or appropriate to do so—
- (a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;
 - (b) to address concerns relating to the quality of vegetable plant material; or
 - (c) due to the economic importance of the vegetable plant material.

Power to set conditions with which vegetable plant material must comply

- 16.—(1) The appropriate authority may, by regulations—
- (a) amend provision in any enactment which gave effect to provisions made by Article 3 of, and the Annex to, [Directive 93/61/EEC](#);
 - (b) make provision requiring (whether by amending an enactment, or otherwise) a reference to Article 3 of, and the Annex to, [Directive 93/61/EEC](#) to be read as a reference to that Article and Annex subject to modifications.
- (2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it is necessary or appropriate —
- (a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;

- (b) to address concerns relating to the quality of vegetable plant material;
- (c) due to the economic importance of the vegetable plant material; or
- (d) for consistency with international standards for pests and diseases affecting the quality of vegetable plant material.

Power to set labelling and document requirements for plant material

17.—(1) The appropriate authority may, by regulations, amend provision in any enactment which corresponds to Article 6 of [Directive 93/61/EEC](#).

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it—

- (a) necessary or appropriate to do so in the light of market conditions; or
- (b) necessary to do so to ensure traceability of vegetable plant material.

Power to derogate in the event of temporary supply difficulties

18.—(1) The appropriate authority may, by regulations, amend, supplement, revoke or derogate from the provisions of the Marketing of Vegetable Plant Material Regulations 1995⁽¹⁾ in the event of a temporary difficulty affecting the supply of vegetable plant material.

(2) But regulations may only be made under paragraph (1) where—

- (a) the appropriate authority has carried out an assessment that has taken account of available information regarding the temporary difficulty affecting the supply of vegetable plant material and the reasons for that difficulty;
- (b) the assessment has confirmed that—
 - (i) there is a temporary difficulty affecting the supply of vegetable plant material in the United Kingdom; and
 - (ii) the derogations provide safeguards to address any risk to plant health arising from vegetable plant material in relation to which the derogations apply; and
- (c) the assessment has been approved by the Secretary of State, the Welsh Ministers and the Scottish Ministers.

(1) [S.I. 1995/2652](#), amended by [S.I. 2011/1043](#) (in relation to the UK), [2014/487](#) (in relation to England), [2014/519 \(W. 61\)](#) (in relation to Wales) and [S.S.I. 2014/111](#) (in relation to Scotland), and prospectively from IP completion day by [S.I. 2019/131](#) (in relation to England and Wales) and [S.S.I. 2019/59](#) (in relation to Scotland); there are other amendments not relevant to these Regulations.