
WELSH STATUTORY INSTRUMENTS

2020 No. 311 (W. 70)

**PLANT HEALTH, WALES
SEEDS, WALES**

**The Marketing of Fruit Plant and Propagating
Material (Wales) (Amendment) Regulations 2020**

<i>Made</i>	- - - -	<i>17 March 2020</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>19 March 2020</i>
<i>Coming into force</i>	- -	<i>10 April 2020</i>

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to the common agricultural policy(2).

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

Title and commencement

1. The title of these Regulations is the Marketing of Fruit Plant and Propagating Material (Wales) (Amendment) Regulations 2020 and they come into force on 10 April 2020.

Amendment of the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017

2.—(1) The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017(3) are amended as follows.

(2) In regulation 28, in the heading, at the end insert—
“for plant material from parent plant existing pre-commencement”.

-
- (1) [1972 c. 68](#). The European Communities Act 1972 (“the 1972 Act”) was repealed by section 1 of the European Union (Withdrawal) Act [2018 \(c. 16\)](#) (“the 2018 Act”) with effect from exit day. “Exit day” is defined in section 20 of the 2018 Act as 31 January 2020 at 11pm. Despite that repeal the 1972 Act continues to have effect with modifications until IP completion day, by virtue of section 1A of the 2018 Act. Section 1A was inserted by section 1 of the European Union (Withdrawal Agreement) Act [2020 \(c. 1\)](#) (“the 2020 Act”). “IP completion day” is defined in section 1A as 31 December 2020 at 11pm (the meaning given in section 39 of the 2020 Act). Section 2(2) of the 1972 Act was previously amended by section 27(1) of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act [2008 \(c. 7\)](#).
- (2) [S.I. 2010/2690](#), which is prospectively revoked by [S.I. 2018/1011](#) from IP completion day.
- (3) [S.I. 2017/691 \(W. 163\)](#), amended prospectively on IP completion day by [S.I. 2019/368 \(W. 90\)](#).

(3) After regulation 28 insert—

“Transitional provision for supplier’s documents affixed to CAC material

28ZA.—(1) A supplier may market CAC material to which a supplier’s document which does not comply with paragraph 8A of Schedule 2 is affixed in the form of a label if that document—

- (a) is of a colour of supplier’s document that was in use before 10 April 2020; and
- (b) states that it is marketed in accordance with Article 3 of Commission Implementing Directive (EU) 2019/1813⁽⁴⁾.

(2) This regulation ceases to have effect on 1 July 2021.”.

(4) In Schedule 2—

- (a) in paragraph 8(b), omit paragraphs (ix) and (x); and
- (b) after paragraph 8 insert—

“**8A.** A supplier’s document affixed to CAC material in the form of a label must be yellow.”.

17 March 2020

Lesley Griffiths
Minister for Environment, Energy and Rural
Affairs, one of the Welsh Ministers

(4) OJ No. L 278, 30.10.2019, p. 7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017, which implement Council [Directive 2008/90/EC](#) on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ No. L 267, 8.10.2008, p. 8), and Commission Implementing [Directive 2014/96/EU](#) on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council [Directive 2008/90/EC](#) (OJ No. L 298, 16.10.2014, p. 12). These Regulations implement Commission Implementing Directive (EU) 2019/1813 (OJ No. L 278, 30.10.2019, p. 7), which amends [Directive 2014/96/EU](#) as regards the colour and content of a supplier's document.

Regulation 2 makes provision requiring a supplier's document affixed to CAC material in the form of a label to be yellow and reduces the information required in a supplier's document. It also contains transitional provision.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.