



Department  
for Environment  
Food & Rural Affairs



Llywodraeth Cymru  
Welsh Government

Dear Consultee

Consultation on EU Implementing Directives for the marketing of fruit plant and propagating material

1. On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

I am therefore writing to invite your views on proposed regulations, being made separately for England and for Wales, which revoke and replace the UK Marketing of Fruit Plant Material Regulations 2010. Their purpose is to implement new EU Directives introducing standards for the identity and quality of fruit propagating material. The underlying approach is to adapt the existing voluntary scheme managed by the Animal and Plant Health Agency (APHA) and the Nuclear Stock Association with as little change as possible, including to costs.

This consultation applies to England and Wales only. Separate consultations are being undertaken in Northern Ireland and Scotland.

2. If you would like to comment on the implementation of these EU Directives, please complete the consultation questionnaire provided through Citizen Space (Citizen Space is an on-line consultation tool). A link to the following documents and the online questionnaire may be found on Defra's website at:

<https://consult.defra.gov.uk/plant-and-bee-health-policy/the-marketing-of-fruit-plant-propagating-material>

- Consultation letter
- Directives 2014/96/EU; 2014/97/EU; 2014/98/EU
- List of Consultees
- Regulatory Triage assessment

Alternatively you can send your response or any queries to:

Alison Conder  
Defra  
Varieties & Seeds Team  
Eastbrook  
Cambridge  
CB2 8DR

Or email:

[fruitconsultation@defra.gsi.gov.uk](mailto:fruitconsultation@defra.gsi.gov.uk)

3. Responses should be received by **25 November 2016**.

#### 4. Background

The marketing of fruit plant propagating material of the main fruit species has in principle been regulated by EU directives since 1992. The underlying directive was revised in 2008 (Council Directive 2008/90/EC) and corresponding UK regulations were introduced in 2010. The legislation is now being updated to transpose three Implementing Directives which were agreed in 2014. They are:

- Commission Implementing Directive 2014/96/EU on requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production
- Commission Implementing Directive 2014/97/EU on requirements for the registration of suppliers and of varieties and the common list of varieties.
- Commission Implementing Directive 2014/98/EU giving requirements for named genera and species of fruit plants, requirements to be met by suppliers and detailed rules concerning official inspections.

These new directives give detailed requirements for the production and sale of propagating material of regulated species to assure identity and quality. The main species relevant to the UK are strawberry, raspberry, blackberry and blueberry. The directives introduce specific requirements for establishing the identity and quality of propagating material and for labelling and packaging, to provide assurance for buyers of the material. The directives set up harmonised EU certification schemes with high standards, while also permitting producers to market uncertified material meeting minimum standards. That is, certification is optional, but if the producer wishes to market certified material, it must meet the EU requirements.

The directives take the same underlying approach as longstanding legislation for the marketing of seed and other propagating material of agricultural and vegetable crops, young vegetable plants, ornamental plants and forestry material

The main points to note are:

- The introduction of EU harmonised certification schemes to replace various national schemes

- A requirement to label certified and non-certified propagating material with specified information and the possibility of using specified colours for the three certification grades. These colours match those used internationally for seed certification.

The consultation will be of interest to producers of propagating material of the regulated species and to fruit growers, particularly commercial ones. We encourage you to share this consultation widely with other organisations and individuals who may be interested in the legislation. Further detail is given in the Regulatory Triage Assessment, which we are seeking to validate through this consultation.

Thank you in advance for taking the time to consider and respond to this consultation. We welcome your views and comments.

Yours faithfully

Alison Conder

**Department for Environment, Food and Rural Affairs**