

COMMISSION IMPLEMENTING DECISION (EU) 2020/2219**of 22 December 2020****concerning the equivalence of vegetable propagating and planting material, other than seed, and fruit plant propagating material and fruit plants intended for fruit production produced in the United Kingdom***(notified under document C(2020) 9590)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed ⁽¹⁾, and in particular Article 16(1) thereof,Having regard to Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production ⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) Directive 2008/72/EC sets out provisions on the marketing within the Union of vegetable propagating material other than seed.
- (2) Directive 2008/90/EC sets out provisions on the marketing within the Union of fruit plant propagating material and fruit plants intended for fruit production.
- (3) The United Kingdom has transposed and effectively implemented those Directives.
- (4) Union law, including Directives 2008/72/EC and 2008/90/EC, is applicable to and in the United Kingdom during a transition period that ends on 31 December 2020 in accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement), and in particular Articles 126 and Article 127(1).
- (5) In view of the end of the transition period provided for in the Withdrawal Agreement, the United Kingdom submitted to the Commission a request for the recognition of equivalence of vegetable propagating and planting material other than seed, as well as for the recognition of equivalence of fruit plant propagating material and fruit plants intended for fruit production produced in the United Kingdom with the respective material produced in the Union and complying with Directives 2008/72/EC and 2008/90/EC.
- (6) The United Kingdom has informed the Commission that its legislation transposing those Directives, will not change and will continue to apply from 1 January 2021.
- (7) The Commission has examined the relevant legislation of the United Kingdom and has concluded that vegetable propagating and planting material, other than seed, produced in the United Kingdom and complying with the aforementioned United Kingdom legislation is equivalent to vegetable propagating and planting material produced in the Union and complying with Directive 2008/72/EC, as it affords the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, as the respective material produced in the Union.

⁽¹⁾ OJ L 205, 1.8.2008, p. 28.

⁽²⁾ OJ L 267, 8.10.2008, p. 8.

- (8) It should be therefore decided that vegetable propagating and planting material other than seed produced in the United Kingdom is equivalent in those respects to vegetable propagating and planting material produced in the Union and complying with Directive 2008/72/EC, provided that vegetable propagating and planting material produced in the United Kingdom continues to comply with that Directive and its implementing acts after the end of the transition period provided for in the Withdrawal Agreement.
- (9) The Commission has examined the relevant legislation of the United Kingdom and has concluded that fruit plant propagating material and fruit plants intended for fruit production produced in the United Kingdom are equivalent to fruit plant propagating material and fruit plants intended for fruit production produced in the Union and complying with Directive 2008/90/EC, as they afford the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, as the respective material produced in the Union in compliance with that Directive.
- (10) It should be therefore decided that fruit plant propagating material and fruit plants intended for fruit production produced in the United Kingdom is equivalent to fruit plant propagating material and fruit plants intended for fruit production produced in the Union in compliance with Directive 2008/90/EC provided that fruit plant propagating material and fruit plants intended for fruit production, produced in the United Kingdom continue to comply with that Directive and its implementing acts after the end of the transition period provided for in the Withdrawal Agreement.
- (11) This decision is without prejudice to the application of Union law to and in the United Kingdom in respect of Northern Ireland in accordance with Article 5(4) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement in conjunction with Annex 2 to that Protocol.
- (12) As the transition period provided for in the Withdrawal Agreement ends on 31 December 2020, this Decision should apply from 1 January 2021.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Equivalence of vegetable propagating and planting material

Vegetable propagating and planting material, other than seed, produced in the United Kingdom ^(?) is equivalent to vegetable propagating and planting material, other than seed, produced in the Union and complying with Directive 2008/72/EC in respect of affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, provided that the said material produced in the United Kingdom continues to comply with that Directive and its implementing acts after the end of the transition period provided for in the Withdrawal Agreement.

Article 2

Equivalence of fruit plant propagating material and fruit plants intended for fruit production

Fruit plant propagating material and fruit plants intended for fruit production produced in the United Kingdom are equivalent to fruit plant propagating material and fruit plants intended for fruit production produced in the Union and complying with Directive 2008/90/EC in respect of affording the same guarantees as regards obligations on the supplier,

^(?) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Article, references to the United Kingdom do not include Northern Ireland.

identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, provided that the said material produced in the United Kingdom continues to comply with that Directive and its implementing acts after the end of the transition period provided for in the Withdrawal Agreement.

Article 3

Date of application

This Decision shall apply from 1 January 2021.

Article 4

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 22 December 2020.

For the Commission
Stella KYRIAKIDES
Member of the Commission
