

Commission Implementing Directive 2014/98/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections

CHAPTER 2

REQUIREMENTS FOR PROPAGATING MATERIAL AND, WHERE APPLICABLE, FRUIT PLANTS

SECTION 4

Requirements for CAC material

Article 23

Conditions for CAC material, other than rootstocks not belonging to a variety

- 1 CAC material, other than rootstocks not belonging to a variety, may only be marketed if it has been found to fulfil the following requirements:
 - a it is propagated from an identified source of material recorded by the supplier;
 - b it is true to the description of the variety, in accordance with Article 25;
 - c it complies with the health requirements of Article 26;
 - d it complies with Article 27 concerning defects.
- 2 The actions to comply with paragraph 1 shall be carried out by the supplier.
- 3 In case CAC material no longer complies with paragraph 1, the supplier shall carry out one of the following actions:
 - a remove that material, from the vicinity of other CAC material; or
 - b take appropriate measures to ensure that that material complies with those requirements again.

Article 24

Conditions for CAC material in the case of rootstocks not belonging to a variety

- 1 In the case of rootstocks not belonging to a variety, CAC material shall comply with the following requirements:
 - a it is true to the description of its species;
 - b it complies with the health requirements of Article 26;
 - c it complies with Article 27 concerning defects.
- 2 The actions to comply with the requirements of paragraph 1 shall be carried out by the supplier.
- 3 In case CAC material no longer complies with the requirements of paragraph 1, the supplier shall carry out one of the following actions:

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- a remove that material, from the vicinity of other CAC material; or
- b take appropriate measures to ensure that that material complies with those requirements again.

Article 25

Trueness to the description of the variety

1 The trueness of CAC material to the description of its variety shall be established by the observation of the expression of the characteristics of the variety. That observation shall be based on one of the following elements:

- a the official description for registered varieties, as referred to in Implementing Directive 2014/97/EU and for varieties legally protected by a plant variety right; or
- b the description accompanying the application for varieties which are the subject of an application for registration in any Member State, as referred to in Implementing Directive 2014/97/EU;
- c the description accompanying the application for a plant variety right;
- d the officially recognised description of a variety as referred to in Article 7(2)(c)(iii) of Directive 2008/90/EC.

2 The trueness of the CAC material to the description of its variety, shall be regularly verified through the observation of the expression of the characteristics of the variety in the CAC material concerned.

[^{F1}Article 26

Health requirements for CAC material

1 CAC material shall, by visual inspection carried out by the supplier in the facilities, fields and lots at the stage of production, be found practically free from the pests listed in Annexes I and II, as regards the genus or species concerned, unless stated otherwise in Annex IV.

The supplier shall carry out sampling and testing of the identified source of material or CAC material for the RNQPs listed in Annex II, and subject to the requirements of Annex IV, with regard to the genus or species concerned and category.

In case of doubts concerning the presence of the RNQPs listed in Annex I, the supplier shall carry out sampling and testing of the identified source of material or CAC material concerned.

CAC propagating material and CAC fruit plants in lots, after the stage of production, shall only be marketed if found free from signs or symptoms of the pests listed in Annexes I and II, upon visual inspection carried out by the supplier.

The supplier shall carry out the measures to ensure compliance with the requirements of paragraph 1 pursuant to Annex IV, with regard to the genus or species concerned and category.

2 Paragraph 1 shall not apply to CAC material during cryopreservation.]

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Textual Amendments

- F1** Substituted by [Commission Implementing Directive \(EU\) 2020/177 of 11 February 2020 amending Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC and 2002/57/EC, Commission Directives 93/49/EEC and 93/61/EEC and Implementing Directives 2014/21/EU and 2014/98/EU as regards pests of plants on seeds and other plant reproductive material \(Text with EEA relevance\).](#)

Article 27

Requirements concerning defects

CAC material shall be found practically free from defects, on the basis of visual inspection. Injuries, discoloration, scar tissues or desiccation shall be considered as defects, if they affect the quality and usefulness as propagating material.

^{F2}Article 27a

Requirements with regard to the production site, place of production or area

In addition to the health and soil requirements of Articles 9, 10, 11, 16, 17, 21, 22 and 26, propagating material and fruit plants shall be produced in accordance with the requirements for the production site, place of production, or area as laid down in Annex IV, in order to limit the presence of the RNQPs listed in that Annex for the genus or species concerned.]

Textual Amendments

- F2** Inserted by [Commission Implementing Directive \(EU\) 2020/177 of 11 February 2020 amending Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC and 2002/57/EC, Commission Directives 93/49/EEC and 93/61/EEC and Implementing Directives 2014/21/EU and 2014/98/EU as regards pests of plants on seeds and other plant reproductive material \(Text with EEA relevance\).](#)