

Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (Recast version)

CHAPTER 1

SCOPE AND DEFINITIONS

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

1. 'propagating material' means seeds, parts of plants and all plant material, including rootstocks, intended for the propagation and production of fruit plants;
2. 'fruit plants' means plants intended to be planted or replanted, after marketing;
3. 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, which can be:
 - (a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes;
 - (b) distinguished from any other plant grouping by the expression of at least one of the said characteristics; and
 - (c) considered as an entity in view of its ability to be propagated unchanged;
4. 'clone' means the vegetative genetically uniform progeny of a single plant;
5. 'pre-basic material' means propagating material which:
 - (a) has been produced, according to generally accepted methods, for the maintenance of the identity of the variety including the relevant pomological characteristics and for the prevention of diseases;
 - (b) is intended for the production of basic material or certified material other than fruit plants;
 - (c) satisfies the specific requirements for pre-basic material established pursuant to Article 4; and
 - (d) has been found by official inspection to satisfy the conditions in (a), (b) and (c);
6. 'basic material' means propagating material which:
 - (a) has been produced either directly or in a known number of stages in a vegetative way from pre-basic material, according to generally accepted methods, for the maintenance of the identity of the variety including the relevant pomological characteristics and for the prevention of diseases;
 - (b) is intended for the production of certified material;

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- (c) satisfies the specific requirements for basic material, established pursuant to Article 4; and
 - (d) has been found by official inspection to satisfy the conditions in (a), (b) and (c);
7. 'certified material' means:
- (a) propagating material which:
 - (i) has been produced directly in a vegetative way from basic material or pre-basic material or, if intended to be used for the production of rootstocks, by certified seeds from basic or certified material of rootstocks;
 - (ii) is intended for the production of fruit plants;
 - (iii) satisfies the specific requirements for certified material, established pursuant to Article 4; and
 - (iv) has been found by official inspection to satisfy the conditions in (i), (ii) and (iii);
 - (b) fruit plants which:
 - (i) have been produced directly from certified, basic or pre-basic propagating material;
 - (ii) are intended for the production of fruits;
 - (iii) satisfy the specific requirements for certified material, established pursuant to Article 4; and
 - (iv) have been found by official inspection to satisfy the conditions in (i), (ii) and (iii);
8. 'CAC (*Conformitas Agraria Communitatis*) material' means propagating material and fruit plants which:
- (a) have varietal identity and adequate varietal purity;
 - (b) are intended for:
 - the production of propagating material,
 - the production of fruit plants, and/or
 - the production of fruits;
 - (c) satisfy the specific requirements for CAC material established pursuant to Article 4;
9. 'supplier' means any natural or legal person carrying out professionally at least one of the following activities with regard to propagating material or fruit plants: reproducing, producing, preserving and/or treating, importing and marketing;
10. 'marketing' means the sale, holding with a view to sale, offer for sale, and any disposal, supply or transfer aimed at commercial exploitation of propagating material or fruit plants to third parties, whether or not for consideration;
11. 'responsible official body' means:

- (a) an authority, established or designated by the Member State under the supervision of the national government and responsible for questions concerning the quality of propagating material and fruit plants;
 - (b) any State authority established:
 - either at national level, or
 - at regional level, under the supervision of the national authorities, within the limits set by the national legislation of the Member State concerned;
12. 'official inspection' means inspection carried out by the responsible official body or under the responsibility of the responsible official body;
13. 'lot' means a number of units of a single commodity, identifiable by its homogeneity of composition and origin.