

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 1

Requirements for pre-basic material

Article 5

Requirements for the acceptance of a pre-basic mother plant

1 The responsible official body shall accept a plant as a pre-basic mother plant if it complies with Articles 7 to 12, and if its trueness to the description of its variety is established in accordance with paragraphs 2, 3 and 4.

That acceptance shall take place on the basis of an official inspection and the testing results, records and procedures pursuant to Article 30.

2 The responsible official body shall establish the trueness of the pre-basic mother plant to the description of its variety 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 varieties registered in any of the national registers, and for varieties legally protected by a plant variety right;
- 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 Article 5(1) of Commission Implementing Directive 2014/97/EU⁽¹⁾;
- c the description accompanying the application for varieties which are the subject of an application for registration of a plant variety right;
- d the officially recognised description, if the variety subject to that description is registered in a national register.

3 Where point (b) or point (c) of paragraph 2 applies, the pre-basic mother plant shall only be accepted if a report, produced by any responsible official body in the Union or in a third country, is available proving that the respective variety is distinct, uniform and stable. However, pending the registration of the variety, the mother plant concerned and the material produced from it may only be used for the production of basic or certified material and shall not be marketed as pre-basic, basic or certified material.

4 Where the establishment of the trueness to the description of the variety is only possible on the basis of the characteristics of a fruiting plant, the observation of the expression of the characteristics of the variety shall be carried out on the fruits of a fruiting plant propagated

Status: This is the original version (as it was originally adopted).

from the pre-basic mother plant. Those fruiting plants shall be kept separate from the pre-basic mother plants and pre-basic material.

Fruiting plants shall be visually inspected in the most appropriate periods of the year taking into account climatic and growing conditions of plants of the genera or species concerned.

- (1) Commission Implementing Directive 2014/97/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards the registration of suppliers and of varieties and the common list of varieties (see page 16 of this Official Journal).