

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 3

Requirements for the certification of pre-basic material

1 Propagating material, other than mother plants and other than rootstocks not belonging to a variety, shall, on request, be officially certified as pre-basic material if it has been found to fulfil the following requirements:

- a it is directly propagated from a mother plant in accordance with Article 13 or Article 14;
- b it is true to the description of its variety and its trueness to the description of the variety is verified pursuant to Article 7;
- c it is maintained pursuant to Article 8;
- d it complies with the health requirements of Article 10;
- e where the Commission has granted a derogation pursuant to Article 8(4) to grow pre-basic mother plants and pre-basic material in the field under non-insect proof conditions, the soil complies with Article 11;
- f it complies with Article 12 concerning defects.

2 The mother plant referred to in paragraph (1)(a) shall either have been accepted in accordance with Article 5, or have been obtained by multiplication in accordance with Article 13 or micropropagation in accordance with Article 14.

3 Where a pre-basic mother plant or pre-basic material no longer fulfils the requirements of Articles 7 to 12, the supplier shall remove it from the vicinity of other pre-basic mother plants and pre-basic material. That removed mother plant or material may be used as basic, certified or CAC material provided that it fulfils the requirements set out in this Directive for the respective categories.

Instead of removing that mother plant or that material, the supplier may take appropriate measures in order to ensure that that mother plant or that material complies with those requirements again.

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Article 4

Requirements for the certification of rootstocks not belonging to a variety as pre-basic material

1 A rootstock not belonging to a variety, shall, on request, be officially certified as pre-basic material if it has been found to fulfil the following requirements:

- a it is directly propagated, by vegetative or sexual propagation from a mother plant; in the case of sexual propagation pollinating trees (pollenisers) are directly produced by vegetative propagation from a mother plant;
- b it is true to the description of its species;
- c it is maintained pursuant to Article 8;
- d it complies with the health requirements of Article 10;
- e where the Commission has granted a derogation pursuant to Article 8(4) to grow pre-basic mother plants and pre-basic material in the field under non-insect proof conditions, the soil complies with Article 11;
- f it complies with Article 12 concerning defects.

2 The mother plant referred to in paragraph (1)(a) shall either have been accepted in accordance with Article 6, or have been obtained by multiplication in accordance with Article 13 or micropropagation in accordance with Article 14.

3 Where a rootstock which is a pre-basic mother plant or pre-basic material no longer fulfils the requirements of Articles 8 to 12, the supplier shall remove it from the vicinity of other pre-basic mother plants and pre-basic material. That removed rootstock may be used as basic, certified or CAC material provided that it fulfils the requirements set out in this Directive for the respective categories.

Instead of removing that rootstock, the supplier may take appropriate measures in order to ensure that that rootstock complies with those requirements again.

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 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.

Article 6

Requirements for the acceptance of a rootstock not belonging to a variety

The responsible official body shall accept a rootstock not belonging to a variety as a pre-basic mother plant if it is true to the description of its species and if it complies with Articles 8 to 12.

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

Article 7

Verification of trueness to the description of the variety

The responsible official body and, where appropriate, the supplier shall regularly verify the trueness of pre-basic mother plants and of pre-basic material to the description of their variety, in accordance with Article 5(2) and (3), as appropriate for the variety concerned and the propagation method used.

In addition to the regular verification of pre-basic mother plants and pre-basic material, the responsible official body and, where appropriate, the supplier shall, after each renewal, verify the pre-basic mother plants resulting from it.

Article 8

Requirements concerning the maintenance of pre-basic mother plants and pre-basic material

1 The suppliers shall maintain pre-basic mother plants and pre-basic material in facilities, which are designated for the genera or species concerned, and which are insect

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proof and ensure freedom from infection through aerial vectors and any other possible sources throughout the production process.

Candidate pre-basic mother plants shall be kept under insect proof conditions, and physically isolated from pre-basic mother plants in the facilities referred to in the first subparagraph, until all tests concerning compliance with Article 9(1) and (2) have been concluded.

2 Pre-basic mother plants and pre-basic material shall be maintained in a manner that ensures that they are individually identified throughout the production process.

3 Pre-basic mother plants and pre-basic material shall be grown or produced, isolated from the soil, in pots of soil-free or of sterilised growing media. They shall be identified by labels ensuring their traceability.

4 By way of derogation from paragraphs 1, 2 and 3 a Member State may be granted authorisation to produce pre-basic mother plants and pre-basic material in the field under non-insect proof conditions for specific genera or species. Such material shall be identified by labels to ensure its traceability. That authorisation shall be granted provided that the Member State concerned ensures that appropriate measures are taken to prevent infection of the plants by aerial vectors, root contact, cross infection by machinery, grafting tools and any other possible sources.

5 Pre-basic mother plants and pre-basic material may be maintained by cryopreservation.

6 Pre-basic mother plants may only be used for a period calculated on the basis of the stability of the variety or the environmental conditions under which they are grown and any other determinants having an impact on the stability of the variety.

Article 9

Health requirements for candidate pre-basic mother plants and for pre-basic mother plants produced by renewal

1 A candidate pre-basic mother plant shall be free from the pests listed in Annex I, as regards the genus or species concerned.

The candidate pre-basic mother plant concerned shall, by visual inspection in the facilities and fields be found free from the pests listed in Annex I, as regards the genus or species concerned.

That visual inspection shall be carried out by the responsible official body and, where appropriate, the supplier.

In case of doubts concerning the presence of those pests, the responsible official body and, where appropriate, the supplier shall carry out sampling and testing of the candidate pre-basic mother plant concerned.

2 A candidate pre-basic mother plant shall be free from the pests listed in Annex II, as regards the genus or species concerned.

The candidate pre-basic mother plant concerned shall, by visual inspection in the facilities and fields, and by sampling and testing, be found free from the pests listed in Annex II, as regards the genus or species concerned.

That visual inspection, sampling and testing shall be carried out by the responsible official body and, where appropriate, the supplier.

That sampling and testing shall take place in the most appropriate period of the year taking into account the climatic conditions and the growing conditions of the plant, and the biology of the pests relevant for that plant. Sampling and testing shall also take place at any time of the year in case of doubts concerning the presence of those pests.

3 As regards the sampling and testing, as provided for in paragraphs 1 and 2, Member States shall apply protocols of the European and Mediterranean Plant Protection Organization (EPPO), or other protocols which are internationally recognised. Where such protocols do not exist, the responsible official body shall apply the relevant protocols established at national level. In that case, Member States shall, on request, make available those protocols to the other Member States and to the Commission.

The responsible official body and, where appropriate, the supplier shall submit the samples to laboratories officially accepted by the responsible official body.

The testing method for viruses, viroids, virus-like diseases and phytoplasmas applied to candidate pre-basic mother plants shall be biological indexing on indicator plants. Other test methods may be applied in case the Member State considers, on the basis of peer reviewed scientific evidence, that they produce results as reliable as biological indexing on indicator plants.

4 By way of derogation from paragraph 2, where a candidate pre-basic mother plant is a seedling, visual inspection, sampling and testing shall only be required in respect of viruses, viroids or virus-like diseases transmitted by pollen and listed in Annex II, as regards the genus or species concerned, provided that an official inspection has confirmed that the seedling concerned was grown from a seed produced by a plant free from symptoms caused by those viruses, viroids and virus-like diseases and that that seedling has been maintained in accordance with Article 8(1) and (3).

5 Paragraphs 1 and 3 shall also apply to a pre-basic mother plant produced by renewal.

A pre-basic mother plant produced by renewal shall be free from the viruses and viroids listed in Annex II, as regards the genus or species concerned.

That pre-basic mother plant shall, by visual inspection in the facilities, fields and lots, and by sampling and testing, be found free from those viruses and viroids.

That visual inspection, sampling and testing shall be carried out by the responsible official body and, where appropriate, the supplier.

[^{F1}Article 10

Health requirements for pre-basic mother plants and for pre-basic material

1 A pre-basic mother plant or pre-basic material shall, by visual inspection in the facilities, fields and lots, be found free from the regulated non-quarantine pests (RNQPs), listed in Annexes I and II, and subject to the requirements of Annex IV, as regards the genus or species concerned. That visual inspection shall be carried out by the responsible official body and, where appropriate, the supplier.

The responsible official body and, where appropriate the supplier, shall carry out sampling and testing of the pre-basic mother plant or pre-basic material for the RNQPs

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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 responsible official body and, where appropriate the supplier, shall carry out sampling and testing of the pre-basic mother plant or pre-basic material concerned.

2 As regards sampling and testing, as provided for in paragraph 1, Member States shall apply protocols of EPPO, or other internationally recognised protocols. Where such protocols do not exist, the responsible official body shall apply the relevant protocols established at national level. In that case, Member States shall, on request, make available those protocols to the other Member States and to the Commission.

The responsible official body and, where appropriate, the supplier shall submit the samples to laboratories officially accepted by the responsible official body.

3 In the case of a positive test result for any of the RNQPs, listed in Annexes I and II, as regards the genus or species concerned, the supplier shall remove the infested pre-basic mother plant or pre-basic material from the vicinity of other pre-basic mother plants and pre-basic material pursuant to Article 3(3) or Article 4(3), or take appropriate measures pursuant to Annex IV.

4 The measures to ensure compliance with the requirements of paragraph 1 are set out in Annex IV, with regard to the genus or species concerned and category.

5 Paragraph 1 shall not apply to pre-basic mother plants and pre-basic material during cryopreservation.]

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 11

[^{F1}Soil requirements for pre-basic mother plants and pre-basic material]

1 Pre-basic mother plants and pre-basic material may only be grown in soil that is free from any pests which are listed in Annex III, for the genus or species concerned, and which host viruses affecting that genus or species. Freedom from such pests shall be established by sampling and testing.

That sampling shall be carried out by the responsible official body and, where appropriate, the supplier.

That sampling and testing shall be carried out before the pre-basic mother plants or the pre-basic material concerned is planted, and it shall be repeated during growth where there is suspicion concerning the presence of the pests referred to in subparagraph 1.

That sampling and testing shall be carried out taking into account the climatic conditions and the biology of the pests listed in Annex III, and where those pests are relevant for the pre-basic mother plants or the pre-basic material concerned.

2 Sampling and testing shall not be carried out where plants which are hosts for the pests listed in Annex III, for the genus or species concerned, have not been grown in the soil of production for a period of at least five years and where there is no doubt concerning the absence of the relevant pests in that soil.

Sampling and testing shall not be carried out when the responsible official body concludes on the basis of an official inspection that the soil is free from any pests which are listed in Annex III, for the genus or species concerned, and which host viruses affecting that genus or species.

3 In the case of sampling and testing as referred to in paragraph 1, Member States shall apply protocols of the EPPO, or other protocols which are internationally recognised. Where such protocols do not exist, Member States shall apply the relevant protocols established at national level. In that case, Member States shall, on request, make available those protocols to the other Member States and to the Commission.

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 12

Requirements concerning defects likely to impair quality

Pre-basic mother plants and pre-basic material shall be found practically free from defects on the basis of visual inspection. That visual inspection shall be carried out by the responsible official body and, where appropriate, the supplier. Injuries, discoloration, scar tissues or desiccation shall be considered as defects, if they affect the quality and usefulness as propagating material.

Article 13

Requirements concerning multiplication, renewal and propagation of pre-basic mother plants

1 The supplier may multiply or renew a pre-basic mother plant accepted in accordance with Article 5(1).

2 The supplier may propagate a pre-basic mother plant to produce pre-basic material.

3 Multiplication, renewal and propagation of pre-basic mother plants shall take place in accordance with the protocols referred to in paragraph 4.

4 Member States shall apply protocols concerning multiplication, renewal and propagation of pre-basic mother plants. Member States shall apply protocols of EPPO, or other

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protocols which are internationally recognised. Where such protocols do not exist, Member States shall apply relevant protocols established at national level. In that case, Member States shall, on request, make available those protocols to the other Member States and to the Commission.

The protocols referred to in subparagraph 1 of this paragraph shall have been tested on the relevant genera or species for a period of time considered appropriate for those genera or species. That period of time shall be considered appropriate when it allows phenotype validation of the plants as regards the trueness to the description of the variety based on the observation of the fruit production or of the vegetative development of rootstocks.

5 The supplier may only renew the pre-basic mother plant before the end of the period referred to in Article 8(6).

Article 14

Requirements concerning multiplication, renewal and propagation by micropropagation of pre-basic mother plants

1 In the case of multiplication, renewal and propagation by micropropagation of pre-basic mother plants, for the production of other pre-basic mother plants or pre-basic material, it shall take place in accordance with the protocols set out in paragraph 2.

2 Member States shall apply protocols concerning micropropagation of pre-basic mother plants and pre-basic material which are protocols of EPPO, or other protocols which are internationally recognised. Where such protocols do not exist, Member States shall apply relevant protocols established at national level. In that case, Member States shall, on request, make available those protocols to the other Member States and to the Commission.

Member States shall only apply protocols which have been tested on the relevant genus or species for a period of time considered sufficient to allow phenotype validation of the plants as regards the trueness to the description of the variety based on the observation of the fruit production or of the vegetative development of rootstocks.

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- (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).