

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

COMMISSION IMPLEMENTING DIRECTIVE 2014/98/EU

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THE EUROPEAN COMMISSION,

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

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⁽¹⁾, and in particular Article 4 and Articles 6(4), 9(1) and 13(3) thereof,

Whereas:

- (1) Provisions for the certification and marketing of pre-basic, basic and certified material should take into account the different production cycles of the various genera and species covered by this Directive.
- (2) It is necessary that pre-basic material complies with very strict requirements concerning health and quality in order to ensure health and quality of the propagating material and fruit plants derived from pre-basic material.
- (3) In order to ensure the identification and quality of pre-basic material, it is appropriate to lay down rules concerning the establishment and verification of its trueness to the variety to which that material belongs. Moreover, identification and quality of pre-basic material should be ensured through rules concerning its propagation, which may include renewal and multiplication. In order to ensure the health of pre-basic material, it is important to lay down rules concerning the absence of pests, inspections, sampling and testing, as appropriate for the genus and species concerned. Furthermore, the quality of that material should be ensured through the adoption of rules concerning defects.
- (4) In order to ensure the identification and quality of rootstocks not belonging to a variety, those rootstocks should be true to the description of the species to which they belong.
- (5) It is necessary that plants from which material is intended to be taken for the production of basic material or certified material, other than fruit plants, are identified. Those plants are referred to as 'mother plants'. Mother plants for the production of pre-basic material (pre-basic mother plants) should fulfil the same requirements as pre-basic material. Pre-basic mother plants and pre-basic material should be identified throughout the production process. The responsible official body should establish the trueness of the pre-basic mother plant to the description of its variety by the observation of

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the expression of the characteristics of the variety. Furthermore, the trueness to the description of the variety of the pre-basic mother plant and of the derived pre-basic material should be verified regularly.

- (6) In the case of material intended for certification, the trueness to the description of a variety should be established on the basis of an official description of that variety, which ensures that the variety is distinct, uniform and stable, the description accompanying an application for registration or for a plant variety right or an officially recognised description. In case of a variety with an officially recognised description, it is appropriate to require that the variety has been registered in a national register in order to ensure that that description is appropriate for the material under certification.
- (7) In the case of pre-basic and basic material, the establishment of trueness to the description of the variety should also be possible on the basis of a description accompanying the application for registration of a variety in a Member State and of a description accompanying the application for registration of a plant variety right, provided that a report is already available in the Union or in a third country indicating that the respective variety is distinct, uniform and stable. The purpose of granting that possibility is to accelerate the initial phases of the certification process, in cases where the registration of the variety is close to completion but still pending. However, and in order to ensure transparency and informed choices for the users of that material, its marketing should only be allowed once the variety registration has been concluded.
- (8) It is important that strict provisions apply concerning the protection of pre-basic material from all types of infections by pests. Therefore the suppliers should maintain pre-basic mother plants and pre-basic material in designated facilities, which are insect proof and ensure freedom from infection through aerial vectors and any other possible sources. For the same reason, pre-basic mother plants and pre-basic material should be grown or produced, isolated from the soil, in pots of soil-free or of sterilised growing media. However, and in order to address particular production needs, Member States should be permitted to apply for the authorisation to produce pre-basic mother plants and pre-basic material in the field provided that appropriate measures are taken to prevent infection by the relevant pests.
- (9) Council Directive 2000/29/EC⁽²⁾ sets out the rules preventing the introduction into the Union of certain harmful organisms and their spread therein. This includes requirements for certain genera and species that complement the certification requirements in this Directive in respect of harmful organisms covered by Directive 2000/29/EC. Additional rules on other harmful organisms should be set out. Where a pest could cause unacceptable damage to the health or usefulness of pre-basic material of the genera or species concerned, its absence should be required. Those pests should be listed. Where a pest could cause such damage only when its presence exceeds certain levels, its presence should only be prohibited in quantities exceeding those levels. Those pests should be listed separately from those whose absence is required.
- (10) Candidate pre-basic mother plants constitute the starting point of the production and certification process of propagating material and fruit plants. For that reason, they should be subject to the most stringent phytosanitary requirements to ensure freedom

from the relevant pests. In view of the biology and characteristics of the respective genera or species of the plants and the relevant pests concerned, visual inspections of the candidate pre-basic mother plants should be required for the presence of the pests listed in Annex I. In case of doubts regarding the presence of those pests, each candidate pre-basic mother plant should be sampled and tested in order to ensure accurate findings. Each candidate pre-basic mother plant should be tested for the pests listed in Annex II to ensure with certainty the absence of the relevant pests. Very similar requirements should apply to pre-basic mother plants produced by renewal due to their importance for the further production and certification process.

- (11) In view of the biology and characteristics of the respective genera or species of the plants and the relevant pests concerned, visual inspections of the pre-basic mother plants or pre-basic material should be required for the presence of the pests listed in Annexes I and II. In case of doubts regarding the presence of those pests, pre-basic mother plants and pre-basic material should be sampled and tested in order to ensure accurate findings.
- (12) In view of the biology and characteristics of the respective genera or species of the plants and the pests concerned, appropriate rules should be established concerning the frequencies of visual inspections, sampling and testing of basic mother plants, basic material, certified mother plants and certified material. Those rules should be based on the experience gathered by the responsible official bodies and the fruit plant producers during the application of national certification schemes. Those rules should take into account the needs of the users of a particular category.
- (13) The presence of certain pests, and in particular nematodes, in the soil may cause unacceptable damage to the health and usefulness of the plants concerned, in case those pests host viruses affecting the genera or species concerned. Therefore those pests should be listed and identified separately, and their presence in the respective soil should not be permitted, unless they are shown by testing to be free of the relevant viruses. Sampling and testing should show whether those pests or the relevant viruses are present. For the setting of the rules concerning sampling and testing, the different categories of propagating material and fruit plants should be taken into account. However, it is proportionate to permit, under certain conditions, that sampling and testing does not need to be carried out where host plants have not been grown in the field of production for a period of at least five years.
- (14) Where sampling and testing is carried out, it should take place in accordance with the protocols of the European and Mediterranean Plant Protection Organization (EPPO), or other protocols which are internationally recognised. This is necessary to ensure that the practice of sampling and testing carried out in the Union is up to date with the international scientific and technical developments. Where such protocols are not available, sampling and testing should take place in accordance with relevant protocols established at national level.
- (15) The quality and usefulness of pre-basic mother plants and pre-basic material may be affected by injuries, discoloration, scar tissues, desiccation and other defects. Therefore, it should be laid down that pre-basic mother plants and pre-basic material must be practically free from any such defects.

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- (16) In order to guarantee the appropriate quality of the propagating material, rules should be laid down for its maintenance under appropriate conditions. Those conditions should depend on the category of the propagating material and fruit plants under certification. In view of recent developments it is important to also allow the maintenance method of cooling to ultra-low temperatures, known as cryopreservation. This is considered a useful alternative to *in vitro* culture because the properties of the propagating material will remain unchanged during storage at these temperatures.
- (17) Basic material constitutes the next stage of production process after pre-basic material. Therefore mother plants for the production of basic material (basic mother plants) should either be grown from pre-basic material or multiplied from other basic mother plants.
- (18) The requirements concerning basic material should be the same as the requirements for pre-basic material concerning identification, health and quality, because those requirements are equally important for the health and usefulness of basic material. However, basic material should be permitted to be produced in open fields to facilitate its effective propagation into the next generations and categories. Therefore, the requirements for the maintenance of basic material should allow maintenance in insect proof facilities or in fields isolated from potential sources of infection by aerial vectors, root contact, cross infection by machinery, grafting tools and any other possible sources.
- (19) Basic mother plants which are grown from pre-basic material should be permitted to be multiplied in a number of generations to attain the number of basic mother plants necessary for the production of basic and certified material. Different generations of basic mother plants should be kept separate from each other and identifiable throughout the production process.
- (20) Certified material and certified fruit plants may constitute the next stage of the production process after pre-basic material or basic material. Therefore mother plants for the production of certified material (certified mother plants) should be grown from either pre-basic material or basic material.
- (21) Minimum requirements should be adopted to ensure a harmonised procedure for the establishment and verification of the trueness to the description of the variety, concerning propagating material and fruit plants to be qualified as CAC material. Those requirements should be less stringent than the requirements for pre-basic, basic and certified material, since CAC material gives rise to lower expectations on the part of users concerning its health and quality, as simpler production procedures and stages are applied. However, suppliers should ensure the identification of material intended to be used for propagation. Moreover, it should be ensured that quality and health standards, appropriate as regards the cultivation of CAC material and the expectations of the users of that propagating material, apply. In view of the nature of the pests affecting certain *Citrus* L. species, *Fortunella* Swingle and *Poncirus* Raf., specific rules concerning visual inspection, sampling and testing are necessary in order to ensure that the respective propagating material or fruit plants are of adequate quality and health.

- (22) In order to allow the responsible official body to conduct official inspections and to verify if the propagating material and fruit plants comply with the quality and health standards for official certification set out in this Directive, the supplier should have in place a plan to identify and monitor critical points in the production process of propagating material and fruit plants for the relevant genera or species, and should keep records on that monitoring. The plan and records of field inspections, sampling and testing should be kept as long as the respective propagating material or fruit plants remain under the control of the supplier, and for a period of at least three years after that propagating material or those fruit plants are removed or marketed. That period is necessary to allow the detection of pests on woody plants where the symptoms may only become apparent several years after the infection has occurred.
- (23) Member States should ensure that propagating material and fruit plants are officially inspected during production and marketing in order to verify compliance with the requirements and conditions set out in this Directive. In order to ensure a harmonised procedure to carry out official inspections, rules should be laid down with respect to visual inspection and, where appropriate, sampling and testing.
- (24) In order to avoid any disruption of trade, Member States should be allowed to authorise, for a transitional period, the marketing in their own territory of propagating material and fruit plants produced from pre-basic, basic and certified mother plants or from CAC mother plants which already existed at the date of application of this Directive even if that material or those fruit plants do(es) not fulfil the new conditions.
- (25) Commission Directives 93/48/EEC⁽³⁾ and 93/64/EEC⁽⁴⁾ should be repealed.
- (26) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Propagating Material and Plants of Fruit Genera and Species,

HAS ADOPTED THIS DIRECTIVE:

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- (1) [OJ L 267, 8.10.2008, p. 8.](#)
- (2) Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ([OJ L 169, 10.7.2000, p. 1](#)).
- (3) Commission Directive 93/48/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by fruit plant propagating material and fruit plants intended for fruit production, pursuant to Council Directive 92/34/EEC ([OJ L 250, 7.10.1993, p. 1](#)).
- (4) Commission Directive 93/64/EEC of 5 July 1993 setting out the implementing measures concerning the supervision and monitoring of suppliers and establishments pursuant to Council Directive 92/34/EEC on the marketing of fruit plant propagating material and fruit plants intended for fruit production ([OJ L 250, 7.10.1993, p. 33](#)).