

SCHEDULES

SCHEDULE 5

Certification requirements

PART 4

Certification of certified material

Propagating material (other than mother plants) and fruit plants

20.—(1) Propagating material (other than mother plants) and fruit plants may be certified as certified material if the propagating material or fruit plant meets the requirements in subparagraph (2).

(2) The requirements are that the propagating material or fruit plant—

(a) is propagated from a certified mother plant that—

(i) has been grown from pre-basic material or basic material; and

(ii) has been grown in soil that is found, by sampling and testing, to comply with paragraph 23;

(b) has been verified by an inspector as being true to the description of its variety in accordance with paragraph 7;

(c) complies with the time period referred to in paragraph 8(4);

(d) complies with the requirements concerning defects in paragraph 12;

(e) complies with the health requirements in paragraph 22; and

(f) has been grown in soil that is found, by sampling and testing, to comply with paragraph 23.

(3) Where a certified mother plant or certified material no longer fulfils the requirements in subparagraphs (2)(b) to (f) the supplier must—

(a) remove the mother plant or material from the vicinity of other certified mother plants and certified material; or

(b) take appropriate measures to ensure that the mother plant or the material complies with those requirements again.

(4) A supplier may use any mother plant or material removed in accordance with paragraph (3)

(a) as CAC material provided the mother plant or material fulfils the requirements in Schedule 1 for CAC material.

(5) For the purpose of this paragraph, any reference to pre-basic mother plants or to pre-basic material in paragraphs 7, 8(4) and 12 is to be construed as reference to certified mother plants or, as the case may be, to certified material.

Status: Point in time view as at 29/06/2017.

Changes to legislation: There are currently no known outstanding effects for the *The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017, PART 4.* (See end of Document for details)

Rootstock not belonging to a variety

21.—(1) A rootstock not belonging to a variety may be certified as certified material if it meets the requirements in sub-paragraph (2).

(2) The requirements are that the rootstock—

- (a) is grown from a certified mother plant grown from pre-basic or basic material;
- (b) is true to the description of its species;
- (c) complies with the time period referred to in paragraph 8(4);
- (d) complies with the requirements concerning defects in paragraph 12;
- (e) complies with the health requirements in paragraph 22; and
- (f) has been grown in soil that is found by sampling and testing, to comply with paragraph 223.

(3) Where a rootstock not belonging to a variety is a certified mother plant or certified material that no longer fulfils the requirements in sub-paragraphs (2)(b) (e) the supplier must—

- (a) remove the rootstock from the vicinity of other certified mother plants and certified material; or
- (b) take appropriate measures to ensure the rootstock complies with those requirements again.

(4) A supplier may use any rootstock removed in accordance with paragraph (3)(a) as CAC material provided the rootstock fulfils the requirements set out in Schedule 1 for CAC material.

(5) For the purpose of this paragraph, any reference to pre-basic mother plants or to pre-basic material in paragraphs 8(4) and 12 is to be construed as reference to certified mother plants or, as the case may be, to certified material.

Health requirements: certified material

22.—(1) A certified mother plant or certified material must be free from the pests listed in Part A of Annex I to Directive 2014/98/EU and in Annex II of Directive 2014/98/EU, as regards the genus or species concerned.

(2) The percentage of certified mother plants or certified material infested by the pests listed in the table in Part B of Annex I to Directive 2014/98/EU, must not exceed the tolerance levels set out in the relevant column of that table.

(3) The Department, and, where appropriate, a supplier, establishes compliance with paragraphs (1) and (2) by visual inspection in the facilities, fields and lots and, in case of doubts concerning the presence of those pests, by sampling and testing.

(4) Visual inspections and sampling and testing must be conducted in accordance with Annex IV to Directive 2014/98/EU, as regards the genus or species concerned and, in the case of sampling and testing, also in accordance with the appropriate protocol.

(5) Sub-paragraphs (1) and (2) do not apply to certified mother plants and certified material during cryopreservation.

Soil requirements: certified mother plants and certified material

23.—(1) Certified mother plants and certified material may only be grown in soil that is free from any pests listed in Annex III to Directive 2014/98/EU, for the genus or species concerned and which host viruses affecting that genus or species.

(2) Freedom from such pests must be established by sampling and testing.

(3) Sampling and testing for pests listed in Annex III to Directive 2014/98/EU must be carried out—

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- (a) before the certified mother plant or the certified material is planted, and must be repeated during growth where there is suspicion the presence of the pests referred to in subparagraph (1);
 - (b) taking into account the climatic conditions and the biology of the pests listed in Annex III to Directive 2014/98/EU, and where those pests are relevant for the certified mother plants or the certified material concerned;
- (4) Sampling and testing is not required—
- (a) in the case of certified fruit plants;
 - (b) where plants, which are hosts for the pests listed in Annex III to Directive 2014/98/EU 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;
 - (c) where the Department concludes, on the basis of an official inspection, that the soil is free from any pests which are listed in Annex III to the Directive 2014/98/EU, for the genus or species concerned, and which host viruses affecting that genus or species.

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