

## SCHEDULES

### SCHEDULE 1

Regulation 2(1)

#### CAC material

#### **Conditions for CAC material (other than rootstocks not belonging to a variety)**

1.—(1) CAC material (other than rootstocks not belonging to a variety) may only be marketed if it complies with the requirements in sub-paragraph (2).

(2) The requirements are that the CAC material—

- (a) is propagated from an identified source of material recorded by the supplier;
- (b) is true to the description of its variety in accordance with paragraph 3;
- (c) complies with the health requirements in paragraph 4; and
- (d) complies with the requirements concerning defects in paragraph 5.

(3) Where CAC material no longer complies with the requirements in sub-paragraph (2), the supplier must—

- (a) remove it from the vicinity of other CAC material; or
- (b) take appropriate measures to ensure that that material complies with those requirements again.

#### **Rootstocks not belonging to a variety**

2.—(1) CAC material consisting of rootstocks not belonging to a variety may only be marketed if it complies with the requirements in sub-paragraph (2).

(2) The requirements are that the CAC material—

- (a) is true to the description of its species;
- (b) complies with the health requirements in paragraph 4; and
- (c) complies with requirements concerning defects in paragraph 5.

(3) Where CAC material no longer complies with the requirements in sub-paragraph (2), the supplier must—

- (a) remove it from the vicinity of other CAC material; or
- (b) take appropriate measures to ensure that that material complies with those requirements again.

#### **Trueness to the description of the variety**

3.—(1) A supplier must establish and regularly verify the trueness of CAC material to the description of its variety in accordance with this paragraph.

(2) This must be done by observing the expression of the characteristics of the variety, that observation being based on one of the following elements—

- (a) its official description;

*Status: This is the original version (as it was originally made).*

- (b) the description accompanying an application for registration;
- (c) the description accompanying an application for plant variety rights; or
- (d) where the variety is registered with an officially recognised description, or subject to an application for registration with an officially recognised description, that description.

#### **Health requirements: CAC material**

4.—(1) CAC material (but not CAC material during cryopreservation) must be practically free from the pests listed in Annex I and in Annex II to Directive 2014/98, as regards the genus or species concerned.

(2) This must be established by a visual inspection by the supplier in the facilities, fields and lots, and where there is doubt as to the presence of those pests, by sampling and testing of the CAC material concerned.

(3) A visual inspection and sampling and testing must be carried out in accordance with Annex IV to [Directive 2014/98/EU](#).

(4) In addition, CAC material belonging to the species *Citrus* L., *Fortunella* Swingle, or *Poncirus* Raf must comply with the requirements in sub-paragraph (5).

(5) The requirements are that the CAC material—

- (a) must be produced from an identified source of material that has been found to be free, on sampling and testing, from the pests listed in Annex II to [Directive 2014/98/EU](#) for those species; and
- (b) since the beginning of the last cycle of vegetation, has been found, on visual inspection and sampling and testing, to be practically free from the pests listed in Annex II to [Directive 2014/98/EU](#), as regards the species concerned.

(6) In this paragraph, “practically free from pests” means that the extent to which pests are present on the propagating material or fruit plants is sufficiently low to ensure acceptable quality and usefulness of the propagating material.

#### **Defects: CAC material**

5.—(1) CAC material must be practically free from defects.

(2) This must be established on the basis of a visual inspection.

(3) Injuries, discolouration, scar tissues or desiccation are considered as defects, if they affect the quality and usefulness of the CAC material as propagating material.

## SCHEDULE 2

Regulation 2(1) and 10

### Official labels and supplier’s documents

## PART 1

### Official labels

1. An official label used in relation to pre-basic material must be white with a diagonal violet stripe.
2. An official label used in relation to basic material must be white.

3. An official label used in relation to certified material must be blue.
4. An official label must—
  - (a) contain the statement “EU rules and standards”; and
  - (b) state the following particulars—
    - (i) the name of the responsible authority and member State or their distinguishing abbreviations;
    - (ii) the name of the supplier or their registration number;
    - (iii) the crop inspection certificate number;
    - (iv) the botanical name of the plant material;
    - (v) the category of the plant material and, for basic material, the generation number;
    - (vi) the denomination of the variety, and where appropriate, the clone;
    - (vii) in the case of rootstocks not belonging to a variety, the name of the species or the interspecific hybrid concerned;
    - (viii) in the case of grafted plants, the information in sub-paragraph (vi) (in relation to the top graft) and (vii) (in relation to the rootstock);
    - (ix) for varieties in respect of which an application to be a registered variety or for the grant of a plant variety right is pending, any information given in relation to sub-paragraphs (vi) to (viii) must be pre-fixed with the words “proposed denomination” and “application pending”;
    - (x) for varieties in respect of which an application to be a registered variety or for the grant of a plant variety right is pending, any information given in relation to sub-paragraphs (vi) to (viii) must be pre-fixed with the words “proposed denomination” and “application pending”;
    - (xi) where appropriate, the words “variety with an officially recognised description”;
    - (xii) the quantity of plant material;
    - (xiii) where different from the member State of labelling, the country of production and its respective code or abbreviation;
    - (xiv) the year of issue, or in the case of a replacement label, the year of issue of the original label;
    - (xv) in the case of a genetically modified variety—
      - (aa) a statement that the variety has been genetically modified; and
      - (bb) a list of the genetically modified organisms.
5. The information and particulars required on an official label must be indelibly printed in one of the official languages of the European Union, easily visible and legible.

## PART 2

### Supplier’s documents

6. A supplier’s document must—
  - (a) contain the statement “EU rules and standards”;
  - (b) state the following particulars—
    - (i) the name of the responsible Authority and member State where the supplier’s document was prepared or their distinguishing abbreviations;

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

- (ii) the name or the registration number of the supplier;
  - (iii) the individual serial, week or batch number;
  - (iv) the botanical name of the plant material;
  - (v) CAC material;
  - (vi) the denomination of the variety and, where appropriate, the clone;
  - (vii) in the case of rootstocks not belonging to a variety, the name of the species or the interspecific hybrid concerned;
  - (viii) in the case of grafted fruit plants, the denomination of the variety of the rootstock and of the top-graft;
  - (ix) for varieties for which an application for registration of plant variety is pending, any information given in relation to sub-paragraphs (vi) and (viii) must be pre-fixed with the words “proposed denomination” and “application pending”;
  - (x) the quantity;
  - (xi) the country of production and its distinguishing abbreviation where different from the member State in which the supplier’s document was prepared;
  - (xii) the date of issue of the supplier’s document; and
- (c) in the case of a variety of plant material of no intrinsic value for commercial crop production which may be marketed pursuant to regulation 7(2)(e), contain a reference to the second sub-paragraph of Article 7(2) of the Directive

7. The information and particulars required in a supplier’s document must be indelibly printed in one of the official languages of the European Union, easily visible and legible.

### SCHEDULE 3

Regulation 2(1) and 16(1)

#### Registration of varieties

##### **Registration**

1.—(1) Subject to paragraphs 6 and 7, the Department may register a variety with an official description if satisfied that the variety is distinct, uniform and stable (within the meaning of paragraphs 8 to 10).

(2) The Department must base acceptance that a variety is distinct, uniform and stable on the results of official measures, particularly growing trials, carried out in respect of the variety by or on behalf of—

- (a) the Department;
- (b) a responsible authority elsewhere in the United Kingdom; or
- (c) a responsible authority in any other member State.

(3) The Department may register a variety that has been marketed within the European Union prior to September 2012 with an officially recognised description.

##### **Application for registration with an official description**

2.—(1) An application for registration of a variety with an official description must be made in writing to the Department in such form as the Department may require.

(2) An application must be accompanied by—

- (a) the information required in a technical questionnaire at the time of the application or, where no technical questionnaire is available in relation to the relevant species, such information as the department may require;
- (b) information on whether the variety is officially registered elsewhere in the UK, in another member State, or is the subject of an application for such a registration;
- (c) a proposed denomination;
- (d) such other information as the Department may require.
- (e) where applicable, an application may be accompanied by details of an official description established by a responsible authority elsewhere in the United Kingdom or in another member State.
- (f) where a growing trial is required, a sample of the material of the variety must be submitted on request.

### **Growing trials**

3.—(1) Growing trials must—

- (a) establish whether a variety is distinct, uniform and stable (within the meaning of paragraphs 8 to 10);
- (b) be conducted, as regards trial design, growing conditions and characteristics of the variety to be covered, in accordance with—
  - (i) CPVO protocols;
  - (ii) where no protocols have been published for the relevant species, UPOV guidelines; or
  - (iii) in the absence of CPVO protocols and UPOV guidelines, protocols produced by the Department.

(2) Growing trials are not required if the Department is satisfied an official description submitted in accordance with paragraph 2(3), or information submitted along with the official description, demonstrates the variety is distinct, uniform and stable (within the meaning of paragraphs 8 to 10).

### **Duration and renewal of acceptance**

4.—(1) Registration of a variety is valid—

- (a) in the case of a genetically modified variety, for the period for which the genetically modified organism of which the variety consists is authorised for cultivation pursuant to [Directive 2001/18/EC](#) or [Regulation \(EC\) No 1829/2003](#);
- (b) in any other case until the end of the 30th calendar year from the date of registration.

(2) Subject to sub-paragraphs (3) and (4), the department may, on the basis of a written application, renew the registration of a variety for a further period of 30 years provided—

- (a) the requirements of distinctness, uniformity and stability are still satisfied in respect of the variety;
- (b) there is still material of that variety available.

(3) In the case of a genetically modified variety, registration may only be renewed for the period for which the genetically modified organism concerned continues to be authorised for the cultivation pursuant to [Directive 2001/18/EC](#) or [Regulation \(EC\) No 1829/2003](#).

(4) The Department may renew the registration in the absence of a written application where satisfied renewal serves to preserve genetic diversity and sustainable production.

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

### **Removal from register**

5.—(1) The Department must revoke the registration of a variety if—

- (a) it is no longer distinct, uniform or stable;
- (b) there is no longer available any material of that variety that is sufficiently uniform or which corresponds to the description of the variety at the time of registration;
- (c) false or misleading information material to registration was provided to the Department in connection with the application for registration;
- (d) in the case of a genetically modified variety, the genetically modified organism of which the variety consists ceases to be authorised for cultivation pursuant to [Directive 2001/18/EC](#) or Regulation (EC) No 1829/2003.

(2) But sub-paragraphs (1)(a) to (c) do not apply if the Department is satisfied that the variety should remain on the register in the interests of preserving the genetic diversity of varieties.

### **Additional requirements for genetically modified varieties**

6. Before registering a genetically modified variety, the Department must be satisfied that the genetically modified organism of which that variety consists has been authorised pursuant to [Directive 2001/18/EC](#) or Regulation (EC) No 1829/2003.

### **Additional requirements for products to be used as genetically modified food or feed**

7.—(1) This paragraph applies to any variety from which products are derived for use as, or in—

- (a) food within the scope of Article 3 of Regulation (EC) No 1829/2003; or
- (b) feed within the scope of Article 15 of that regulation.

(2) Before registering any such variety, the Department must be satisfied that the food or feed has been authorised pursuant to that Regulation.

### **Distinctness**

8. A variety is distinct if it is clearly distinguishable by one or more characteristics that result from a particular genotype or combination of genotypes, from any other variety whose existence is a matter of common knowledge at the time of the application for registration.

### **Uniformity**

9. A variety is uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in those characteristics which are included in the examination for distinctness, as well as any other characteristics used for the variety description.

### **Stability**

10. A variety is stable if those characteristics which are included in the examination for distinctness, as well as any others used for the variety description, remain unchanged after repeated propagation or, in the case of micropropagation, at the end of each cycle.

### **Interpretation**

11. In this Schedule—

“CPVO” means the Community Plant Variety Office, being an agency of the European Union(1);

“CPVO protocol” means a protocol produced by the CPVO for distinctness, uniformity and stability tests’ in relation to the relevant species that is available at the beginning of the growing trial;

“Directive 2001/18/EC” means Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC;

“Regulation (EC) No 1829/2003” means Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed(2);

“technical questionnaire” means the technical questionnaire set out in—

- (a) Annex II to the ‘Protocols for distinctness, uniformity and stability tests’ produced by the CPVO for the relevant species for which such a protocol has been published; or
- (b) where no protocol has been published by the CPVO for the relevant species, in the relevant section for the relevant species contained within the ‘Guidelines for the conduct of tests for distinctness, uniformity and stability’ (UPOV test guidelines) of the International Union for the Protection of New Varieties of Plants (UPOV) and the Annex to the test guidelines concerned for the relevant species for which such guidelines have been published;

“UPOV” means the International Union for the Protection of New Varieties of Plants, being an intergovernmental organisation established by the International Convention for the Protection of New Varieties of Plants(3);

“UPOV test guidelines” mean test guidelines for the conduct of tests for distinctness, uniformity and stability that have been produced for the relevant species by the UPOV that are applicable at the beginning of the growing trial.

#### SCHEDULE 4

Regulation 4 and 16(4)

##### Genera and species to which these Regulations apply

<i>Genera and species</i>	<i>Common name (for guidance only)</i>
<i>Castanea sativa</i> Mill.	Chestnut
<i>Citrus</i> L.	Includes Grapefruit, Lemon, Lime, Mandarin and Orange
<i>Corylus avellana</i> L.	Hazel
<i>Cydonia oblonga</i> Mill.	Quince
<i>Ficus carica</i> L.	Common edible fig
<i>Fortunella</i> Swingle	Kumquat
<i>Fragaria</i> L.	All cultivated strawberry species

(1) The Community Plant Variety Office manages the European Union system of plant variety rights and is located at 3 boulevard Marechal Foch, CS10121, 49101 ANGERS CEDEX 2-France.

(2) OJ L 268, 18.10.2003, p.1; last amended by Regulation (EC) No 298/2008 of the European Parliament and of the Council (OJ L 97.9.4.2008, p.64).

(3) UPOV is located at 34, chemin des Colombettes, CH-1211 Geneve 20, Switzerland.

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

<i>Genera and species</i>	<i>Common name (for guidance only)</i>
<i>Juglans regia</i> L.	Walnut
<i>Malus</i> Mill.	Apple
<i>Olea europea</i> L.	Olive
<i>Pistacia vera</i> L.	Pistachio
<i>Poncirus</i> Raf.	Trifoliolate orange
<i>Prunus armeniaca</i> L.	Apricot
<i>Prunus avium</i> (L.) L.	Sweet cherry
<i>Prunus cerasus</i> L.	Sour cherry
<i>Prunus domestica</i> L.	Plum
<i>Prunus dulcis</i> (Mill.) D A Webb (also known as <i>Prunus amygdalus</i> Batsch)	Almond
<i>Prunus persica</i> (L.) Batsch	Peach
<i>Prunus salicina</i> Lindley	Japanese plum
<i>Pyrus</i> L.	All cultivated edible pears, including perry pears
<i>Ribes</i> L.	Blackcurrant, gooseberry, red currant and white currant
<i>Rubus</i> L.	Blackberry, raspberry and hybrid berries
<i>Vaccinium</i> L.	Includes blueberry, cranberry and bilberry

## SCHEDULE 5

Regulation 9(2)

### Certification requirements

## PART 1

### Interpretation

#### Interpretation

1. In this Schedule—

“appropriate protocol” means—

- (a) a protocol published by the European and Mediterranean Plant Protection Organisation (EPPO)(4) in relation to the particular activity (such as, but not limited to, sampling and testing or multiplication, renewal and propagation of mother plants) and the particular genus or species concerned;
- (b) where no such protocol mentioned at (a) exists, a protocol in relation to the same matters which has international recognition; or

(4) EPPO is an intergovernmental organisation responsible for co-operation and harmonization in plant protection within the European and Mediterranean region. Information may be obtained at the official website [www.eppo.int](http://www.eppo.int).



(c) where neither protocol mentioned at (a) or (b) exists, a protocol established by the Department in relation to the same matters;

“candidate pre-basic mother plant” means a mother plant which the supplier intends to have accepted as a pre-basic mother plant;

“multiplication” means vegetative production of a mother plant in order to obtain a sufficient number of mother plants in the same category;

“official inspection” means a visual inspection, and, where appropriate, sampling and testing carried out by an inspector in accordance with paragraph 2;

“pest” means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products and listed in Annexes I, II and III of [Directive 2014/98/EU](#);

“renewal of a mother plant” means replacing a mother plant by a plant vegetatively produced from it;

“sampling and testing” means—

- (a) sampling and testing by an inspector and, where appropriate, the supplier in accordance with the appropriate protocol through submissions of samples to laboratories officially accepted by the Department for the purpose of such sampling and testing; and
- (b) in relation to viruses, viroids, virus-like diseases and phytoplasmas, testing by the method of biological indexing on indicator plants or such other testing method as the Department considers on the basis of peer reviewed scientific evidence, produces results as reliable as biological indexing on indicator plants.

### **Official inspections**

2.—(1) During an official inspection, an inspector must pay attention to—

- (a) the suitability and use of methods by the supplier for checking each of the critical points in the production process;
- (b) the overall competence of the supplier’s staff to carry out the production or reproduction of propagating material and fruit plants and, in particular, to carry out the following activities—
  - (i) identify and monitor critical points in their production process which influence the quality of the material;
  - (ii) keep information on the monitoring referred to in (i) available for examination when requested by the Department;
  - (iii) take samples where necessary for analysis in a laboratory; and
  - (iv) ensure that, during production, lots of propagating material remain separate.

(2) An inspector must keep records of the results and dates of all field inspections and sampling and testing carried out by that inspector.

## **PART 2**

### **Certification of pre-basic material**

#### **Propagating material (other than mother plants and rootstocks)**

3.—(1) Propagating material (other than mother plants and other than rootstocks not belonging to a variety) may be certified as pre-basic material if that material meets the requirements in subparagraph (2).

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

- (2) The requirements are that the propagating material—
- (a) is directly propagated from a mother plant that has been—
    - (i) accepted in accordance with paragraph 5; or
    - (ii) obtained by multiplication or by micropropagation in accordance with paragraph 13;
  - (b) has been verified by an inspector as being true to the description of its variety in accordance with paragraph 7;
  - (c) has been maintained in accordance with paragraph 8;
  - (d) complies with the health requirement in paragraph 10;
  - (e) where authorised by the Department under paragraph 8(2) to be grown in the field under non-insect proof conditions, has been grown in soil that is found, by sampling and testing, to comply with paragraph 11; and
  - (f) complies with the requirements concerning defects in paragraph 12;
- (3) Where a pre-basic mother plant or pre-basic material no longer fulfils the requirements in sub-paragraphs 2(b) to (f) or paragraph 8, the supplier must—
- (a) remove the mother plant or material from the vicinity of other pre-basic mother plants and pre-basic 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 sub-paragraph (3)(a) as basic material, certified material or CAC material provided the mother plant or material fulfils the requirements set out in these Regulations for the respective categories.

#### **Rootstocks not belonging to a variety**

- 4.—(1) A rootstock not belonging to a variety may be certified as pre-basic material if it meets the requirements in sub-paragraph (2).
- (2) The requirements are that the rootstock—
- (a) is directly propagated from a mother plant that has been—
    - (i) accepted in accordance with paragraph 6; or
    - (ii) obtained by multiplication or by micropropagation in accordance with paragraph 13;
  - (b) is directly propagated from the mother plant by vegetative or sexual propagation, and in the case of sexual propagation, pollinating trees (pollenisers) are directly produced by vegetative propagation from the mother plant;
  - (c) has been verified by an inspector as being true to the description of its species;
  - (d) has been maintained in accordance with paragraph 8;
  - (e) complies with the health requirements in paragraph 10;
  - (f) where authorised under paragraph 7(2) to be grown in the field under non-insect proof conditions, has been grown in soil that is found, by sampling and testing, to comply with paragraph 11; and
  - (g) complies with the requirements concerning defects in paragraph 12.
- (3) Where a rootstock, which is a pre-basic mother plant or pre-basic material, no longer fulfils the requirements in sub-paragraphs (2)(d) to (g) or paragraph 8, the supplier must—
- (a) remove the rootstock from the vicinity of other pre-basic mother plants and pre-basic material; or

(b) take appropriate measures to ensure that the rootstock complies with those requirements again.

(4) A supplier may use any rootstock removed in accordance with sub-paragraph (3)(a) as basic material, certified material or CAC material provided the rootstock fulfils the requirements set out in these Regulations for the respective categories.

### **Requirements for the acceptance of a pre-basic mother plant**

5.—(1) A plant may be accepted as a pre-basic mother plant if an official inspection confirms—

- (a) it complies with paragraphs 7 to 12; and
- (b) its trueness to the description of its variety is established in accordance with this paragraph.

(2) An inspector must 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.

(3) That observation must be based on one of the following elements—

- (a) the official description for varieties registered in a register of varieties, 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 [Directive 2014/97/EU](#);
- (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.

(4) Where sub-paragraph (3)(b) or (c) applies—

- (a) the pre-basic mother plant may only be accepted if a report, produced by an inspector or by a responsible authority outside Northern Ireland, is available proving that the respective variety is distinct, uniform and stable;
- (b) 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 material or certified material and must not be marketed as pre-basic material, basic material or certified material.

(5) 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—

- (a) the observation of the expression of the characteristics of the variety must be carried out on the fruits of a fruiting plant propagated from the pre-basic mother plant; and
- (b) those fruiting plants must be kept separate from the pre-basic mother plants and pre-basic material.

(6) Fruiting plants must 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.

(7) In this paragraph—

“fruiting plant” means a plant propagated from a mother plant and grown for the production of fruit in order to permit the verification of the varietal identity of that mother plant;

“register of varieties” means—

- (a) in relation to the registration of varieties in Northern Ireland, the register maintained in accordance with paragraph 2(1) of Schedule 3;
- (b) in relation to the registration of varieties outside Northern Ireland, the register maintained in accordance with Article 3(1) of [Directive 2014/97/EU](#).

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

6. The Department may 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 paragraphs 8 to 12.

### **Verification of trueness to the description of the variety**

7.—(1) The Department and, where appropriate, the supplier must regularly verify the trueness of pre-basic mother plants and pre-basic material to the description of their variety in accordance with paragraph 4(2) and (3), as appropriate for the variety concerned and the propagation method used..

(2) In addition to the regular verification of pre-basic mother plants and pre-basic material, the Department and, where appropriate, the supplier must, after each renewal of a mother plant, verify the pre-basic mother plants resulting from it.

### **Maintenance requirements: pre-basic material and pre-basic mother plants**

8.—(1) Subject to sub-paragraph (2), a supplier must—

- (a) maintain pre-basic mother plants and pre-basic material in facilities designated for the genera or species concerned, which are insect proof and ensure freedom from infection through aerial vectors and any other possible sources throughout the production process; and
- (b) grow or produce pre-basic mother plants and pre-basic material isolated from the soil, in pots of soil-free or of sterilised growing media identified by labels to ensure their traceability;
- (c) ensure that pre-basic mother plants and pre-basic material are individually identified throughout the production process;
- (d) keep candidate pre-basic mother plants under insect proof conditions, and physically isolated from pre-basic mother plants in the facilities referred to in sub-paragraph (1)(a), until all tests concerning compliance with paragraph 9 have been concluded.

(2) Sub-paragraph (1) does not apply where the Department authorises the production of pre-basic mother plants (including candidate pre-basic mother plants) and pre-basic material in a field under non-insect proof conditions, which the Department may do if satisfied—

- (a) the European Commission has authorised the United Kingdom to do so under Article 8(4) of [Directive 2014/98/EU](#);
- (b) the plants and material are identified by labels that ensure traceability; and
- (c) appropriate measures are taken to prevent infection of the plants and material by aerial vectors, root contact, cross infection by machinery, grafting tools or any other possible source.

(3) Pre-basic mother plants and pre-basic material may be maintained by cryopreservation.

(4) 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.

### **Health requirements: candidate pre-basic mother plants and pre-basic mother plants produced by renewal**

9.—(1) A candidate pre-basic mother plant must be free from the pests listed in Annex I and Annex II to [Directive 2014/98/EU](#), as regards the genus or species concerned.

(2) Pre-basic mother plants produced by renewal must be free from the pests listed in Annex I to [Directive 2014/98/EU](#) and the viruses and viroids, listed in Annex II to [Directive 2014/98/EU](#), as regards the genus or species concerned.

(3) This is established—

- (a) in the case of pests listed in Annex I to [Directive 2014/98/EU](#), by visual inspection in the facilities and fields and, in case of doubts concerning the presence of those pests, by sampling and testing;
- (b) in the case of pests listed in Annex II to [Directive 2014/98/EU](#), by visual inspection in the facilities and fields and, in relation to pre-basic mother plants produced by renewal, also of the lots, and by sampling and testing.

(4) Subject to paragraph 5, sampling and testing for pests listed in Annex II to [Directive 2014/98/EU](#) must take place—

- (a) 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 and, in the case of doubts concerning the presence of those pests, at any time of the year.

(5) Where a candidate pre-basic mother plant is a seedling, visual inspection and sampling and testing is only required in respect of the viruses, viroids or virus-like diseases that are transmitted by pollen and listed in Annex II to [Directive 2014/98/EU](#), as regards the genus or species concerned if—

- (a) an official inspection confirms the seedling concerned was grown from a seed produced by a plant free from symptoms caused by those viruses, viroids and virus-like diseases;
- (b) the seedling has been maintained in accordance with paragraph 8.

#### **Health requirements: pre-basic material and pre-basic mother plants**

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

(2) The percentage of pre-basic mother plants or pre-basic 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) Compliance with sub-paragraphs (1) and (2) is established by visual inspection in the facilities and fields of the 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 carried out 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 pre-basic mother plants and pre-basic material during cryopreservation.

#### **Soil requirements**

11.—(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 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—

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

- (a) before the pre-basic mother plants or the pre-basic material is planted and must be repeated during growth where there is suspicion concerning the presence of the pests referred to in sub-paragraph (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 pre-basic mother plants or the pre-basic material concerned.
- (4) Sampling and testing is not required—
- (a) 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;
  - (b) 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 [Directive 2014/98/EU](#), for the genus or species concerned, and which host viruses affecting that genus or species.

#### **Requirements concerning defects likely to impair quality**

12.—(1) Pre-basic mother plants and pre-basic material must be found practically free from defects on the basis of visual inspection.

(2) That visual inspection must be carried out by the Department and, where appropriate, the supplier.

(3) Injuries, discoloration, scar tissues or desiccation are considered as defects if they affect the quality and usefulness of a pre-basic mother plant or pre-basic material as propagating material.

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

13.—(1) A supplier may multiply or renew a pre-basic mother plant accepted in accordance with paragraph (4).

(2) A supplier may propagate a pre-basic mother plant to produce pre-basic material.

(3) Multiplication, renewal and propagation (including micropropagation) of pre-basic mother plants must take place in accordance with the appropriate protocol.

(4) In the case of micropropagation, the appropriate protocol must have been tested on the relevant genus or species for a period of time considered sufficient to allow phenotype validation of the plant 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) A supplier may only renew a pre-basic mother plant before the end of the period referred to in paragraph 8(4).

## **PART 3**

### **Certification of basic material**

#### **Propagating material (other than mother plants and other than rootstocks not belonging to a variety)**

14.—(1) Propagating material (other than basic mother plants and other than rootstocks not belonging to a variety) may be certified as basic material if that material meets the requirements in sub-paragraph (2).

- (2) The requirements are that the propagating material—
  - (a) is propagated from a basic mother plant that has been—
    - (i) grown from pre-basic material; or
    - (ii) produced by multiplication from a basic mother plant in accordance with paragraph 19;
  - (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 16;
  - (f) has been grown in soil that is found, by sampling and testing, to comply with paragraph 17;
  - (g) has been maintained in accordance with paragraph 18; and
  - (h) where grown from pre-basic material, has been multiplied in accordance with paragraph 19.
- (3) Where a basic mother plant or basic material no longer fulfils the requirements in sub-paragraphs 2(b) to (f) or paragraph 8(1), the supplier must either—
  - (a) remove the mother plant or material from the vicinity of other basic mother plants and basic 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 sub-paragraph (3)(a) as certified material or CAC material provided the mother plant or material fulfils the requirements set out in these Regulations for the respective categories.
- (5) For the purpose of this paragraph, any reference to pre-basic mother plants or to pre-basic material in paragraphs 7, 8(1) and (4) and 12 is to be construed as reference to basic mother plants or, as the case may be, to basic material.

#### **Rootstock not belonging to a variety**

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

- (2) The requirements are that the rootstock—
  - (a) is true to the description of its species;
  - (b) is individually identified throughout the production process;
  - (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 16;
  - (f) has been grown in soil that is found, by sampling and testing, to comply with paragraph 17;
  - (g) has been maintained in accordance with paragraph 18; and
  - (h) where grown from pre-basic material, has been multiplied in accordance with paragraph 19.
- (3) Where a rootstock not belonging to a variety is a basic mother plant or basic material that no longer fulfils the requirements in sub-paragraphs 2(b) to (f), the supplier must—
  - (a) remove the rootstock from the vicinity of other basic mother plants and basic 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 sub-paragraph (3)(a) as certified material or CAC material provided the rootstock fulfils the requirements set out in these Regulations for the respective categories.

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

#### **Health requirements: basic mother plant or basic material**

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

(2) The percentage of basic mother plants or basic 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) Compliance with sub-paragraphs (1) and (2) is established 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 carried out 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, in accordance with the appropriate protocol.

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

#### **Soil requirements: basic material**

17.—(1) Basic mother plants and basic material may only be grown in soil that is free from any pests which are 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—

(a) before the basic mother plants or the basic material is planted, and must be repeated during growth where there is suspicion concerning the presence of the pests referred to in sub-paragraph (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 basic mother plants or the basic material concerned.

(4) Sampling and testing is not required—

(a) 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;

(b) 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 [Directive 2014/98/EU](#), for the genus or species concerned, and which host viruses affecting that genus or species.



### **Maintenance of basic mother plants and basic material**

18. Basic mother plants and basic material must be maintained in fields isolated by distance from potential sources of infection including aerial vectors, root contact, cross infection by machinery, grafting tools and any other possible sources.

### **Conditions for multiplication**

19.—(1) Basic mother plants grown from pre-basic material may be multiplied in a number of generations to obtain the necessary number of basic mother plants.

(2) A basic mother plant must be multiplied in accordance with paragraph 13 and, for the purposes of this sub-paragraph, a reference to a pre-basic mother plant in paragraph 13 is to be construed as a reference to a basic mother plant.

(3) The maximum permitted number of generations, and the maximum permitted life span of basic mother plants must not exceed the limits set out in Annex V to [Directive 2014/98/EU](#) for the relevant genera or species.

(4) Where multiple generations of basic mother plants are permitted, each generation, other than the first one, may derive from any previous generation.

(5) Propagating material of different generations must be kept separate.

## **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 sub-paragraph (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 sub-paragraphs (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.

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

(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.

### **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—

(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.