

SCHEDULES

SCHEDULE 5

Certification requirements

PART 2

Certification of pre-basic material

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.

Status: This is the original version (as it was originally made).

(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](#).