

SCHEDULE 2

Certification requirements

PART 2

Pre-basic material

Pre-basic material (other than mother plants and rootstocks not belonging to a variety)

3. Propagating material, other than mother plants and rootstocks which do not belong to a variety, may be officially certified as pre-basic material if it has been found on official inspection and, where appropriate, through administrative checks, to fulfil the following requirements:—

- (a) it is directly propagated from a pre-basic mother plant in accordance with paragraph 13 or 14;
- (b) the pre-basic mother plant mentioned in sub-paragraph (a)—
 - (i) is accepted in accordance with paragraph 5;
 - (ii) has been obtained by multiplication in accordance with paragraph 13; or
 - (iii) has been obtained by micropropagation in accordance with paragraph 14;
- (c) it is true to the description of its variety and this is verified in accordance with paragraph 7;
- (d) it is maintained in accordance with the requirements of paragraph 8;
- (e) it complies with the requirements concerning health in paragraph 10;
- (f) where it has been grown in the field under non-insect proof conditions, in accordance with a derogation granted by the European Commission under Article 8(4) of Commission Implementing [Directive 2014/98/EU](#), the soil in which it has been grown complies with paragraph 11; and
- (g) it complies with the requirements concerning defects in paragraph 12.

Rootstocks not belonging to a variety

4. A rootstock which does not belong to a variety may be certified as pre-basic material if it has been found on official inspection and, where appropriate, through administrative checks, to fulfil the following requirements:—

- (a) it is directly propagated by vegetative or sexual propagation from a mother plant;
- (b) the mother plant mentioned in (a)—
 - (i) is accepted in accordance with paragraph 6;
 - (ii) has been obtained by multiplication in accordance with paragraph 13; or
 - (iii) has been obtained by micropropagation in accordance with paragraph 14;
- (c) where it is directly propagated from a mother plant by sexual propagation, the pollinating trees are directly produced by vegetative propagation from a mother plant;
- (d) it is true to the description of its species;
- (e) it is maintained in accordance with the requirements of paragraph 8;
- (f) it complies with the requirements concerning health in paragraph 10;
- (g) where it has been grown in the field under non-insect proof conditions, in accordance with a derogation granted by the European Commission under Article 8(4) of Commission

Implementing [Directive 2014/98/EU](#), the soil in which it has been grown complies with paragraph 11; and

- (h) it complies with the requirements concerning defects in paragraph 12.

Acceptance of plants as pre-basic mother plants

5.—(1) Subject to sub-paragraph (4) the Scottish Ministers may accept a plant as a pre-basic mother plant if it has been found on official inspection and, where appropriate, through administrative checks, that—

- (a) there has been compliance with paragraphs 8 to 12; and
- (b) its trueness to the description of its variety is—
 - (i) established in accordance with sub-paragraphs (2) and (3); and
 - (ii) verified in accordance with paragraph 7.

(2) The trueness of the pre-basic mother plant to the description of its variety must be established by observation of the expression of the characteristics of the variety and such observation must be based on one of the following descriptions:—

- (a) the official description of the variety;
- (b) the description accompanying the application to be a registered variety;
- (c) the description accompanying the application for the grant of plant variety rights; or
- (d) the officially recognised description, if the variety in question is a registered variety.

(3) 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) the fruiting plant mentioned in head (a) must be kept separate from the pre-basic mother plant and pre-basic material.

(4) If the observation mentioned in sub-paragraph (2) is based on a description mentioned in either head (b) or (c) of sub-paragraph (2), the pre-basic mother plant may only be accepted—

- (a) following production of a report from the responsible official body in the European Union or by an equivalent official body in a third country which proves that the variety in question is distinct, uniform and stable; and
- (b) pending registration of the variety, the pre-basic mother plant and any material produced from it may only be used for the production of basic or certified material and may not be marketed as pre-basic, basic or certified material.

Acceptance of rootstocks not belonging to a variety as a pre-basic mother plant

6. The Scottish Ministers may accept a rootstock which does not belong to a variety as a pre-basic mother plant if it has been found on official inspection, and, where appropriate, through administrative checks, that—

- (a) it is true to the description of its species; and
- (b) there has been compliance with paragraphs 8 to 12.

Verification of trueness to the description of variety

7.—(1) The trueness of pre-basic mother plants and pre-basic material to the description of their variety must be regularly verified by the Scottish Ministers and, where appropriate, by the supplier,

in accordance with the requirements of paragraph 5(2) and (3) and in a manner appropriate to the variety concerned and the propagation method used.

(2) In addition to the regular verification mentioned in sub-paragraph (1), the Scottish Ministers and, where appropriate, the supplier must verify the trueness of pre-basic mother plants resulting from any renewal of the pre-basic mother plants or pre-basic material.

Maintenance of pre-basic mother plants and pre-basic material

8.—(1) Subject to sub-paragraph (6), candidate pre-basic mother plants, pre-basic mother plants and pre-basic material must be maintained by the supplier in facilities designated for the genera and species concerned and which are insect proof and ensure freedom from infection through aerial vectors and any other possible sources throughout the production process.

(2) Subject to sub-paragraph (6), candidate pre-basic mother plants must be kept physically isolated from pre-basic mother plants until it is established that they are free from the pests described in paragraph 9(1) and (2).

(3) Pre-basic mother plants and pre-basic material must be—

- (a) subject to sub-paragraph (6), grown or produced and isolated from the soil, in pots of soil-free or of sterilised growing media;
- (b) identified by labels to ensure their traceability; and
- (c) subject to sub-paragraph (6), maintained in a manner which ensures that they are individually identified throughout the production process.

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

(5) Pre-basic mother plants may only be used for a period as calculated in accordance with the appropriate EPPO protocol on the basis of—

- (a) the stability of the variety;
- (b) the environmental conditions under which they are grown; and
- (c) any other determinants having an impact on the stability of the variety.

(6) Where a derogation has been granted by the European Commission under Article 8(4) of Commission Implementing [Directive 2014/98/EU](#) in relation to the particular genus or species concerned, pre-basic mother plants and pre-basic material may be produced in the field under non-insect proof conditions provided that—

- (a) the pre-basic mother plants or pre-basic material concerned are identified by a label ensuring their traceability; and
- (b) appropriate measures are taken to prevent infection of the plants by any possible sources, including by—
 - (i) aerial vectors;
 - (ii) root contact; and
 - (iii) cross infection by machinery and grafting tools.

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

9.—(1) A candidate pre-basic mother plant must be found free, on the basis of visual inspection of the facilities and fields, from the pests listed in Tables IA and IB of schedule 6, in relation to the particular genus or species concerned and, if there are doubts concerning the presence of such pests, there must be sampling and testing of the candidate pre-basic mother plant concerned.

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(2) Subject to sub-paragraph (3), a candidate pre-basic mother plant must be found free, on the basis of visual inspection and by sampling and testing, from the pests listed in Table II in schedule 6, in relation to the particular genus or species concerned.

(3) Where a candidate pre-basic mother plant is a seedling, visual inspection, sampling and testing is only required in relation to viruses, viroids or virus-like diseases transmitted by pollen which are listed in Table II of schedule 6 in relation to the particular genus or species concerned, provided that an official inspection has confirmed that the seedling—

- (a) was grown from a seed produced by a plant free from symptoms caused by those viruses, viroids or virus-like diseases; and
- (b) it has been maintained in accordance with paragraph 8(1) and 8(3)(a) and (b).

(4) A pre-basic mother plant produced by renewal must be found free—

- (a) on the basis of visual inspection of the facilities and fields from the pests listed in Tables IA and IB in schedule 6 in relation to the particular genus or species concerned and, if there are doubts concerning the presence of such pests, there must be sampling and testing of the relevant pre-basic mother plant; and
- (b) on the basis of visual inspection of the facilities, fields and lots and by sampling and testing in relation to the viruses and viroids listed in Table II of schedule 6.

(5) In this paragraph, a reference to “sampling and testing” means sampling and testing carried out by or on behalf of the Scottish Ministers and, where appropriate, by the supplier—

- (a) at the most appropriate time of the year, taking into account the climatic conditions, the growing conditions of the plant and the biology of the pests relevant to that plant;
- (b) at any time of the year in the event of doubts concerning the presence of a relevant pest in accordance with the appropriate EPPO protocol;
- (c) through submission of samples to laboratories approved by the Scottish Ministers for the purposes of such sampling and testing; and
- (d) in the case of candidate pre-basic mother plants which are being tested for viruses, viroids, virus-like diseases and phytoplasmas, using the testing method of biological indexing on indicator plants or such other testing method as the Scottish Ministers may authorise, having regard to peer reviewed scientific evidence showing that the other testing method is as reliable as biological indexing on indicator plants.

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

10.—(1) Subject to sub-paragraph (2), a pre-basic mother plant or pre-basic material must be found free, on the basis of visual inspection of the facilities, fields and lots, of the pests listed in Table IA and Table II of schedule 6 in relation to the particular genus or species concerned and, if there are doubts concerning the presence of those pests, there must be sampling and testing of the relevant pre-basic mother plant or pre-basic material.

(2) The visual inspections mentioned in sub-paragraph (1) may not be conducted during cryopreservation.

(3) The percentage of pre-basic mother plants or pre-basic material which is found, on visual inspection of the facilities, fields and lots, to be infested by the pests listed in column 1 of Table IB of schedule 6, must not exceed the tolerance level set out in respect of those pests in column 2(a) of that Table (pre-basic category) and, if there are doubts concerning the presence of those pests, there must be sampling and testing of the relevant pre-basic mother plant or pre-basic material.

(4) In relation to the genera and species listed in column 1 of the Table of schedule 7, the visual inspection and sampling and testing of pre-basic mother plants and pre-basic material within those

genera and species must be carried out in accordance with the requirements set out for the pre-basic category in columns 3 (frequency of visual inspections) and 4 (sampling and testing) of that Table.

(5) Without prejudice to sub-paragraph (3), in this paragraph, a reference to “sampling and testing” means sampling and testing carried out by or on behalf of the Scottish Ministers and, where appropriate, by the supplier—

- (a) in accordance with the appropriate EPPO protocol; and
- (b) through submission of samples to laboratories approved by the Scottish Ministers for the purposes of such sampling and testing.

Soil requirements

11.—(1) Subject to sub-paragraphs (2) and (3), pre-basic mother plants and pre-basic material must only be grown in soil which is found, on the basis of sampling and testing carried out prior to the planting of such plants and material, to be free from any pest listed in Table III of schedule 6 for the genus or species concerned and which may host viruses affecting that genus or species.

(2) Sampling and testing is not required under sub-paragraph (1) if—

- (a) there have been no plants which are hosts for any of the pests listed in Table III of schedule 6 grown in the relevant soil for a period of at least 5 years prior to the planting of the pre-basic mother plants and pre-basic material mentioned in sub-paragraph (1) and where there is no doubt concerning the absence of the relevant pests in the soil; or
- (b) an official inspection is carried out which concludes that the soil is free from any of the pests listed in Table III of schedule 6 for the genus or species concerned and which may host viruses affecting that genus or species.

(3) Sampling and testing of the soil must be carried out during the growing period of the pre-basic mother plant or pre-basic material mentioned in sub-paragraph (1) where there is suspicion concerning the presence of the pests listed in Table III of schedule 6.

(4) In this paragraph, “sampling and testing” means sampling and testing carried out by or on behalf of the Scottish Ministers and, where appropriate, by the supplier—

- (a) in accordance with the appropriate EPPO protocol; and
- (b) taking into account the climatic conditions and the biology of the pests listed in Table III of schedule 6 and their relevance to the pre-basic mother plants or pre-basic material concerned.

Defects

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

(2) Injuries, discoloration, scar tissues or dessication must be considered as defects if they affect the quality and usefulness of a mother plant or plant material as propagating material.

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

13.—(1) Subject to sub-paragraph (4), a supplier may multiply a pre-basic mother plant which has been accepted under paragraph 5.

(2) Subject to sub-paragraph (4), the supplier may renew a pre-basic mother plant which—

- (a) has been accepted under paragraph 5; and
- (b) during the period described in paragraph 8(5).

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(3) Subject to sub-paragraph (4), the supplier may propagate a pre-basic mother plant which has been accepted under paragraph 5 to produce pre-basic material.

(4) The multiplication, renewal and propagation described in sub-paragraphs (1) to (3) must be carried out in accordance with the appropriate EPPO protocol, provided that such protocol has 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.

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

14. A supplier may multiply, renew or propagate a pre-basic mother plant which has been accepted under paragraph 5 by micropropagation for the purpose of producing other pre-basic mother plants or pre-basic material, provided that—

- (a) the multiplication, renewal or propagation by micropropagation is carried out in accordance with the appropriate EPPO protocol; and
- (b) the appropriate EPPO protocol has 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.