

SCHEDULE 5

Certification of plant material

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) compliance with paragraphs 7 to 12; and
 - (b) its trueness to the description of its variety is established in accordance with this regulation.
- (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 a register of varieties;
 - (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 register of varieties.
- (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 Wales, 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 or certified material and must not be marketed as pre-basic, basic 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” (“*planhigyn sy’n dwyn ffrwyth*”) 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” (“*cofrestr amrywogaethau*”) means—
- (a) in relation to the registration of varieties in Wales, the register maintained in accordance with paragraph 4(1) of Schedule 4;

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- (b) in relation to the registration of varieties outside Wales, the register maintained in accordance with Article 3(1) of [Directive 2014/97/EU](#).