

## SCHEDULE 2

Regulation 5(3)(b) and (c)

### DISTINCTNESS, STABILITY, SUFFICIENT UNIFORMITY AND SATISFACTORY VALUE FOR CULTIVATION AND USE

#### Part I

##### **Distinctness, stability and sufficient uniformity**

###### **Distinctness**

1.—(1) A plant variety shall be regarded as distinct if, whatever the origin, artificial or natural, of the initial variation from which it has resulted, it is clearly distinguishable in one or more important characteristics from any other variety known in the Community at the time when the application for acceptance of the variety is duly made.

(2) The characteristics of a variety must be capable of precise recognition and precise definition.

(3) Where a variety is known in the Community at the time when an application for acceptance of a variety is duly made, but is no longer known in the Community when that application is determined, for the purpose of determining distinctness as part of that application the variety no longer known in the Community shall be disregarded.

###### **Stability**

2. A variety shall be regarded as stable if, after successive propagation or multiplications, or, where the applicant has defined a particular cycle of propagations or multiplications, at the end of each cycle, it remains true to the description of its essential characteristics.

###### **Sufficient uniformity**

3. A plant variety shall be regarded as sufficiently uniform if, apart from a very few aberrations, the plants of which it is composed are, account being taken of the distinctive features of the reproductive system of the plants, similar or genetically identical as regards the characteristics, taken as a whole, considered by the National Authorities for the purpose of determining whether the variety is sufficiently uniform.

#### Part II

##### **Satisfactory value for cultivation and use**

###### **Satisfactory value for cultivation and use**

1.—(1) The value of a variety for cultivation or use shall be regarded as satisfactory if compared to other varieties accepted in a National List its qualities taken as a whole offer, at least as far as production in any given region is concerned, a clear improvement either for cultivation or as regards the uses which can be made of the crops or the products derived from the crops.

(2) Where other superior characteristics are present individual inferior characteristics may be disregarded.

**Status:** Point in time view as at 01/12/2001.

**Changes to legislation:** There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) Regulations 2001, SCHEDULE 2. (See end of Document for details)

### **Satisfactory value for cultivation and use of component varieties of varietal associations**

2.—(1) Where a variety is intended solely for use as a component of a varietal association the value of the variety for cultivation or use shall be regarded as satisfactory if compared to other varieties accepted in a National List the qualities of the varietal association taken as a whole offer, at least as far as production in any given region is concerned, a clear improvement either for cultivation or as regards the uses which can be made of the crops or the products derived from the crops resulting from the varietal association.

(2) Where other superior characteristics are present in the varietal association individual inferior characteristics in it may be disregarded.

## **Part III**

### **Varieties National Authorities do not need to be satisfied are of satisfactory value for cultivation and use**

Part II of this Schedule does not apply to—

- (a) varieties of vegetables;
- (b) varieties of grasses not intended for the production of fodder plants if the applicant declares that the seed of the variety is not intended for the production of fodder plants;
- (c) any plant variety whose seed is to be marketed in another member State which has already accepted it on to a list corresponding to a National List, having regard to its value for cultivation and use; or
- (d) any variety intended for use only as a component of a final plant variety.

**Status:**

Point in time view as at 01/12/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the The Seeds (National Lists of Varieties) Regulations 2001, SCHEDULE 2.