Guide to National Listing
Please note this guide is for general information only and you should always refer to the appropriate Regulations (Links in Appendix III of this guide) to ensure compliance with National List procedures.
Guide to National Listing of Varieties of Agricultural and Vegetable Crops in the UK

FOREWORD

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AMENDED SEPTEMBER 2010
Foreword

The National List system was adopted in 1973 following the UK entry into the European Community. EC Directives require Member States to prepare and publish National Lists of Varieties of the main agricultural and vegetable species which are eligible for certification and marketing in their territory. In the case of vegetable varieties, National Lists are divided into varieties which are eligible for certification and marketing and those which may be controlled as standard seed (the ‘B’ list). The European Commission is responsible for compiling Common Catalogues of agricultural and vegetable varieties eligible for certification and marketing throughout the European Community (or controlled as standard seed in the case of B list vegetable varieties). Common Catalogues are compiled from Member States National Lists.

The EC Directives are implemented in the UK by the Seeds (National Lists of Varieties) Regulations 2001 (as amended). Fera acts for the National Authorities (Secretary of State for Environment, Food and Rural Affairs, Scottish Ministers, Welsh Ministers and the Minister for Agriculture and Rural Development in Northern Ireland,) in administering National List matters.

The procedure for making an application for National Listing is briefly explained in this booklet. However, we cannot cover everything in detail in a short guide. If you have any questions or would like more information, please contact us. Our address for all applications and enquiries is:-

Food and Environment Research Agency (Fera)
Varieties and Seeds
Eastbrook
Shaftesbury Road
Cambridge
CB2 8DR

Telephone 0300 060 0740
Fax 0300 060 2115
email pvs.helpdesk@fera.gsi.gov.uk

The Office is open to the public from 9.00 a.m. to 5.00 p.m. Monday to Thursday and from 9.00 a.m. to 4.30 p.m. on Fridays. It is closed on Bank Holidays and at certain other times as advertised in NL/PBR Information Letters.

Data Protection Act 1998 – Fair Processing Notice

The purpose of this Fair Processing Notice is to inform you of the use that will be made of your personal data, as required by the Data Protection Act 1998.

Fera is the data controller in respect of any personal data that you provide when you complete NL and PBR Application Forms, Technical Questionnaires, Authorisation of Agent and Assignment of Rights forms.
Fera will use your personal data primarily for the purposes of producing the Public Record of National Lists and Grants of Plant Breeder’s Rights in accordance with The Seeds (National Lists of Varieties) Regulations 2001 (as amended) and the Plant Breeders’ Rights Regulations 1998. Your personal data will be disclosed to the Devolved Authorities, NIAB and the British Society of Plant Breeders for the administration of DUS tests and VCU trials.

Fera may also use your personal information where appropriate for purposes, including the production of the Common Catalogues of Agricultural and Vegetable Plant Species and the OECD List of Agricultural Plant Species Eligible for Seed Certification. Data may be passed to other bodies where necessary for any of the above-mentioned purposes. The data collected may also be used to provide publicly available statistics that will not identify individuals.

Fera may be required to release information, including personal data and commercial information, on request under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000. However, Fera will not permit any unwarranted breach of confidentiality nor will we act in contravention of our obligations under the Data Protection Act 1998.

Fera or its appointed agents may use the name, address and other details on your application form to contact you in connection with occasional customer research aimed at improving the services that Fera provides to you.

Defra’s Information Charter - Public Service Guarantee on Data Handling, which gives details of your rights in respect of the handling of your personal data, is on the Defra website at http://defra/corporate/policy/opengov/defra/your-info/handling-guarantee.htm. A document explaining the Guarantee is also on this website. If you don’t have access to the internet, please telephone the Defra helpline 08459 33 55 77 and ask to speak to the Data Protection Officer for a copy of the Information Charter and ‘explanation’ document.

If you believe that any of the information we hold concerning you is incorrect or out of date, please provide us with the accurate information in writing together with supporting evidence (if appropriate). You should address your correspondence to:

The Food and Environment Research Agency
Plant Varieties and Seeds
Eastbrook
Shaftesbury Road
Cambridge
CB2 8DR

Telephone 0300 060 0740
Fax 0300 060 2115
email nlpbr.serv.del@fera.gsi.gov.uk
1. What are National Lists?

1.1 UK National Lists are lists of varieties of the main agricultural and vegetable species which are eligible for certification and marketing in the UK. In the case of vegetables, the National Lists also include vegetable varieties which may be controlled as standard seed only (the ‘B’ list). The European Commission compiles Common Catalogues of varieties on Member States National Lists. Varieties on the Common Catalogue are eligible for certification and marketing throughout the European Community.

2. What species are covered by National Listing?

2.1 All the major agricultural and vegetable species grown in the UK are covered by National List Regulations. A full list is given at Appendix I.

3. Who can apply for National Listing?

3.1 Any person may apply for National Listing of a variety. However if Plant Breeders’ Rights are held in the variety then marketing or multiplying seed of the variety is dependent on the holder of Rights granting an authority for such acts. For more information please refer to the Plant Breeders’ Rights Handbook, also available from the Fera website [http://www.fera.defra.gov.uk/plants/plantVarieties/plantbreedersRights/documents/ukBreedersRightsGuide.pdf](http://www.fera.defra.gov.uk/plants/plantVarieties/plantbreedersRights/documents/ukBreedersRightsGuide.pdf).
4. What criteria must be met for addition of a variety to the National List?

4.1 A variety must meet the following criteria to be added to a National List.

- It must be distinct, stable and sufficiently uniform (DUS) and, for agricultural crops, have satisfactory value for cultivation and use (VCU).

- If the variety is genetically modified, it must have been accepted for marketing in accordance with Council Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms.

- If any material to be derived from the variety is intended for use as a food, or food ingredient, within the meaning of Council Regulation (EC) 258/97 (as amended) concerning novel foods and novel food ingredients, that food or food ingredient must be authorised under the novel foods regulation.

- The variety must have an approved name.

- The variety must have a maintainer.

5. How to make an application

5.1 Application forms, Technical Questionnaires and other related documents for National Listing can be found on the Fera web site at www.fera.defra.gov.uk/plants/forms/nationalListingForms.cfm. Once completed the forms should be emailed to: NLPBR-applications@fera.gsi.gov.uk

5.2 Closing dates for the receipt of applications are shown in Appendix 1 (these dates may vary slightly from year to year to fall on week days only). Dates are also published in the Plant Varieties and Seeds Gazette.

5.3 When making an application the following must be submitted:

- A completed application form

- A completed technical questionnaire for the particular species

- A completed confidential technical questionnaire (if applicable)

- The application fee. The preferred method is for payment by BACS or by credit card (we accept Visa, Delta, Maestro (UK only) and Mastercard), please telephone +44 (0)1904 462479 between 09:00 and 16:00 UK time. Form RAS 1 for payments in Sterling, or RAS 2 for payments in Euros, which are on our web site should be completed and sent to payment@fera.gsi.gov.uk at the same time as the payment is made.
• If the applicant resides outside the European Community an address for service in the EC may be requested or an agent may be appointed. If an agent is appointed an 'authorisation of agent' form must be completed by the applicant. Once an agent has been appointed correspondence will be sent directly to them and any instructions received from an authorised agent will be taken to be those of the applicant.

5.4 The following may also be submitted with the application:-

• An agent may be appointed for any application even if the applicant is not from outside the EC. If an agent is appointed an 'authorisation of agent' form must be completed by the applicant.

• A 'maintainer' form stating who will be maintainer of the variety when it is added to the National List. This form need not accompany the application but it must be submitted before a decision on whether to add a variety to a National List can be proposed.

5.5 Other points to note are:-

• All applications and documents must be in English.

• Unless emailed all forms must bear an original signature.

• Applications are given a reference number which will be quoted on acknowledgement of the application. This number should be used in all correspondence regarding the variety.

• Failure to provide any information, documents, or plant material that may be requested or to pay appropriate fees within the time allowed may result in the application being treated as having been withdrawn.

• Once a valid application has been made, it will be published in the Gazette. Copies of the application, including the technical questionnaire, form part of a public record which may be disclosed to any person.

• Plant material of the variety will be requested after an application has been made, for official tests and trials to establish whether the variety is distinct, stable and sufficiently uniform (DUS) and in the case of agricultural crops, whether it has value for cultivation and use (VCU).

Genetically Modified Varieties

5.6 Applicants must notify Fera if an application relates to a genetically modified (GM) plant variety within the meaning of Article 2(2) of EC Directive 90/220/EEC (or its successor). The relevant part of the application form and technical questionnaire must also be completed. No testing of GM varieties can take place unless and until the appropriate release consent has been issued under the Genetically Modified Organisms (Deliberate Release) Regulations 1992 (as amended), or unless a part C marketing consent has been issued under Directive 90/220/EEC (or its successor) which enables National List tests and trials to be carried out.
5.7 It is the applicant’s responsibility to obtain all the necessary consents and to inform Fera of any restrictions which have been imposed which may affect conduct of the statutory tests and trials. Copies of the consents must be provided with the application form. In cases where conditions have been applied to the release consent it may take longer to design the tests and trials and applicants are therefore urged to provide this information as quickly as possible. It would be helpful if Fera was notified informally as soon as a decision is taken to enter an application for a GM variety.

5.8 Frameworks which detail the basis on which GM candidates can be accommodated within tests and trials in the UK can be obtained from Fera Varieties and Seeds.

**Novel Foods and Novel Food Ingredients**

5.9 Applicant’s must notify Fera if an application relates to a plant variety, any material of which is intended for use as a food or food ingredient, within the meaning of Article 1(2) of the Council Regulation (EC)258/97 (as amended) concerning novel foods and novel food ingredients. The relevant part of the application form and technical questionnaire must also be completed.

5.10 It is the applicant’s responsibility to obtain all the necessary authorisation and to inform Fera of any restrictions which have been imposed which may affect conduct of the statutory tests and trials. Copies of any authorisation must be provided with the application form.

5.11 The Council Regulation (EC)258/97 (as amended) concerning novel foods and novel food ingredients can be found on the European Union on-line web site at the following location: [http://eur-lex.europa.eu/RECH_naturel.do](http://eur-lex.europa.eu/RECH_naturel.do)

### 6. Naming of Varieties

**General**

6.1 An applicant for National Listing must, either on application or within such time as may be specified, propose a name for the candidate variety. The same name must normally be used for a variety in all Member States.

6.2 A name may be rejected if it does not comply with the rules on suitability of denominations for agricultural and vegetable species set out in Appendix II or if it is liable to cause offence in a Member State.

6.3 Requests for a name will be sent to the applicant or his agent. If a name is not submitted within the required time then the National Authorities are not obliged to take any further steps in relation to the application until a name has been proposed. Continued failure to submit a name for consideration may result in the application being treated as withdrawn.

6.4 A variety cannot be added to the National List until it has an approved name.

6.5 An applicant may at any time propose a name in substitution for the name already submitted but this must comply with the rules set out in Appendix II. Where the application is still under consideration no charge will be made but if the variety is
already entered on the UK National List then a fee is payable on receipt of such a request.

**Objections to the Approval of a Name**

6.6 Proposed names which appear to be acceptable are advertised in the Gazette with a period of 3 months allowed for objections. Any person may object to a name proposed for a plant variety on grounds of suitability, for example if they feel the name may lead to confusion with the name of an existing variety or to the ownership or characteristics of the variety. A fee for making an objection is payable when the objection is delivered.

**Use of Names**

6.7 Once a variety has been added to the National List or EC Common Catalogue it may only be marketed under its registered name. This system should ensure the same name is used in each country where the variety is marketed.

### 7. Maintainers

**General**

7.1 The National List Regulations require that a variety on the National List is maintained by at least one person who can maintain the variety according to accepted practices. The maintainer must have the facilities and services available to enable them to maintain the variety. A maintainer must be accepted before a variety can be added to the National List.

7.2 No person may be indicated as a maintainer unless they have agreed to be so in writing. A 'maintainer' form can be obtained from Fera at the address shown in the Foreword or from the web site.

7.3 A maintainer can only maintain a variety in the UK, another Member State or in a Third Country referred to in Council Decision 97/788/EC (as amended) on the equivalence of checks on practices for the maintenance of varieties carried out in third countries.

7.4 The maintainer must keep records of all the generations of the varieties maintained and produce these for inspection if requested by the National Authorities. The maintainer must also allow authorised officers to inspect or examine any plants, plant material or records that may be required to ensure compliance with the Regulations and provide samples to the National Authorities on request.

**Additional Maintainers and Change of Maintainers**

7.5 Any person may apply to be indicated as an additional maintainer of a variety on a National List. Applications can also be made to take over maintenance of a variety if the original maintainer no longer wishes to continue to maintain the variety. Any applications received will be published in the Gazette. The main issues considered when applications are assessed are:
does the applicant have the facilities and services available for the purposes of enabling them to maintain the variety

has the applicant reproduced material in accordance with the characteristics to which regard was had when the variety was accepted on to the National List. (A DUS test may be required to verify this, for which a fee may be charged).

7.6 Following appropriate tests, examinations and payment of any fees due, a proposal to add the maintainer will be published in the Gazette. If no objections are received the maintainer will be indicated in the UK National List.

8. DUS Tests

8.1 Growing tests are undertaken normally over a minimum of two years to establish whether a variety is DUS as defined in the Regulations. The requirements of the Regulations against which a variety is assessed are as follows:

Distinctness

8.2 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.

8.3 The characteristics of a variety must be capable of precise recognition and precise definition.

8.4 Where a variety is known in the European 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.

8.5 A variety known in the Community is any variety -

a) accepted on to –

   (i) a National List;
   (ii) a list of another Member State corresponding to a National List; or
   (iii) a Common Catalogue, or

b) in respect of which an application for acceptance on to a National List or a list of a Member State corresponding to a National List has been submitted and has not been determined

Uniformity

8.6 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.

**Stability**

8.7 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.

**Tests carried out in other Member States**

8.8 DUS testing of certain species is carried out on behalf of the UK in other Member States. If DUS testing is already underway, or has been carried out in another Member State then a report may be purchased if requested by the applicant. For more information contact Fera at the address in the Foreword.

**Special DUS Tests**

8.9 If applicants consider there could be distinctness problems for a particular variety they should indicate on the Technical Questionnaire that a special DUS test may be needed. The Authorities will consider whether a special test is acceptable and, if so, what it will cost. The applicant will be invoiced separately for the work. Where possible special tests will be carried out in parallel with the final year of the standard DUS tests.

**9. VCU Trials**

**General**

9.1 Trials for all crops except potatoes are organised on behalf of the National Authorities by the British Society of Plant Breeders (BSPB). Those for potatoes are organised by Science and Advice for Scottish Agriculture (SASA). All trials will be conducted in accordance with protocols and procedures authorised by the National Authorities and the arrangements are subject to official supervision. The protocols and procedures are on the Fera web site at the following address [www.fera.defra.gov.uk/plants/plantVarieties/nationalListing/protocolsProcedures.cfm](http://www.fera.defra.gov.uk/plants/plantVarieties/nationalListing/protocolsProcedures.cfm).

Growing trials are undertaken normally over a minimum of two years to establish whether a variety has value for cultivation or use (VCU) as defined in the Regulations. The requirements of the Regulations against which a variety is assessed are as follows:

- 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.

- Where superior characteristics are present individual inferior characteristics may be disregarded. 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 assessed on the varietal association taken as a whole.

9.2 The requirement to undergo value for cultivation and use trials does not apply to:-

a) varieties of vegetables;

b) varieties of grasses 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.

Special VCU merit claims

9.3 If applicants consider their variety has a special VCU merit claim that they wish to be taken into consideration then they must indicate this on the Technical Questionnaire submitted with the application. The authorities will consider, in consultation with the applicant what, if any, further tests or trials might be required to test the special merit claim. The applicant will be invoiced separately for this work.

9.4 A more detailed guide on assessment of value for cultivation and use is available from Fera on request, at the address in the Foreword.

10. Addition to a National List

General

10.1 Once all the tests, trials and assessments are complete, and all the other conditions of the Regulations have been met (e.g. the variety has an acceptable maintainer), the National Authorities will propose a decision on whether or not to accept the variety onto a National List.

10.2 The applicant or his agent will be sent copies of the final DUS and VCU reports and informed of the proposed decision (acceptance or refusal) which will also be published in the Gazette. At this point, the results of DUS tests and VCU trials are also made available to anyone on request. A minimum 14 day period after publication of the Gazette is allowed in which any person affected may make representations and/or apply for a hearing on the proposed decision. If the proposed decision is to accept, no objections are received, no other evidence comes to light that the proposed decision was wrong and subject to payment of the award fee, the variety will be added to the National List. If any evidence does come to light that the decision was wrong this would be investigated and it may result in the proposed decision being changed.

10.3 Notice of the addition of the variety is published in the Gazette along with the name of the maintainer(s), and any agent. Once this decision is published, appeals against it may be submitted by any interested party to the Plant Varieties and Seeds Tribunal.
National List Refusals

10.4 If it is proposed to refuse entry to the National List the applicant will be advised and a notice advertised in the Gazette stating the reason for proposed refusal. Copies of the final DUS and VCU reports will be sent to the applicant and will be available to anyone else on request. A minimum 14 day period after publication of the Gazette is allowed in which any person affected may make representations and/or apply for a hearing on the proposed decision. If no objections are received, notice of refusal will be published in the Gazette. Once this decision is published, appeals against it may be submitted by any interested party.

11. Representations Procedure

General

11.1 Notice of proposed decisions is given to the applicant, agent or maintainer of a variety as appropriate and also published in the Gazette.

11.2 A representation period follows, during which any persons affected by the proposed decision may make written representations on it, or request an oral hearing by a person appointed by the National Authorities, or both. A fee is payable on making representations and/or applying to be heard. The procedure for making representations is set out in the Gazette.

11.3 If no representations or requests for a hearing are received within the period allowed and no other evidence comes to light to suggest that the proposed decision was wrong, the decision will be made, published in the Gazette and notified to the applicant. At this point any person affected by the decision may appeal against it to the Plant Varieties and Seeds Tribunal.

Appeals To The Plant Varieties And Seeds Tribunal

11.4 If any person disagrees with the final decision they are entitled to appeal to the Plant Varieties and Seeds Tribunal. The Tribunal address is given in the letter to the applicant informing them of the right to appeal and is published in the Gazette.

11.5 Where notice of an appeal has been given, the operation of the decision will be suspended pending the final outcome. A notice will be published in the Gazette giving details of appeals received and the suspension of decisions. Once an appeal has been heard the decision of the Tribunal will be communicated to the persons concerned and published in the Gazette.
12. Duration of National Listing

Duration of National Listing – 10 year renewals

12.1 A variety is accepted on to the National List until the end of the tenth calendar year following acceptance. If the maintainer wishes the variety to continue on the National List for a further ten year period he must apply to Fera. A reminder is sent to the maintainer with the eighth year annual invitation to renew (see below). This must be replied to by June of the following year to apply for continuation on the National List. Such acceptance can be renewed more than once. If a reply is not received the variety may be removed from the National List at the end of the ten year period.

13. Deletion from the National List

13.1 A maintainer may give notice that he no longer intends to maintain a variety at any time.

13.2 If he is the only maintainer a notice inviting applications from anyone who wishes to maintain the variety will be published in the Gazette. The variety will be deleted from the National List if no applications are received within a period specified in the advertisement.

13.3 There is a special provision for B list vegetable varieties. If the only maintainer of a B list vegetable variety widely known on 1 January 1973 gives notice that they no longer wish to maintain the variety then the variety is not automatically removed from the National List. The variety will remain on the National List without a maintainer indicated. This provision is only available for B list vegetable varieties.

13.4 In certain exceptional circumstances the National Authorities may remove a variety from the National List. Please consult Fera at the address in the Foreword if you want more information on this.

14. What Charges are Made for National Listing?

14.1 The fees payable for National Listing are usually revised annually. The current rates can be obtained from Fera on request or from our web site. New fees are published in National Listing and Plant Breeders’ Rights Information Letters. The charges involved for National Listing are as follows:-

- **Administration Fee:** An Administration Fee is payable with each NL application.

- **DUS Test Fee:** A DUS Test fee is payable for each year of testing. These charges will be invoiced by Fera, Finance and Procurement, (Sand Hutton), within three months of the seed being sown. Only one DUS Test Fee is payable each year for joint NL/PBR applications.
• **Reference Varieties Fee:** This applies to all crops except ryegrass, white clover, fodder beet, oilseed turnip rape, fodder turnip rape, swede and potatoes. A Reference Varieties Fee is payable for each year of testing. These charges will be invoiced by Fera, Finance and Procurement, Sand Hutton. Only one Reference Varieties Fee is payable each year for joint NL/PBR applications.

• **Annual Charge:** This only applies to ryegrass, white clover, fodder beet, oilseed turnip rape, fodder turnip rape, swede and potatoes. An Annual Charge, to recover the costs of Reference Varieties will be invoiced by Fera, Finance and Procurement, Sand Hutton to maintainers of certain varieties on the National List, within the first quarter of the year. Where a variety is maintained by more than one registered maintainer, then each maintainer will be charged the full annual charge appropriate to that variety.

• **VCU Technical Management Fees:** A VCU Technical Management Fee is payable for appropriate species and will be invoiced by Fera, Finance and Procurement, Sand Hutton either as a single payment or for each year those VCU trials continue. The appropriate method of charging for each crop group is indicated on our web page.

• **VCU Trial Fee:** The fees for VCU trials will be invoiced to you directly by the British Society of Plant Breeders Ltd (BSPB).

• **Potato VCU Trial Fee:** work carried out by SASA and NIAB will be invoiced to you by Fera.

• **Special tests:** If it is agreed that a special test should be carried out to verify an applicants claim for DUS or VCU purposes then a fee will be payable.

• **Maintainer fees:** If an application to become a maintainer requires examinations of any reproductive or other material to be conducted then a fee will be payable.

• **Representation Fees** Payable on delivery of written representations and/or requests to be heard by a person appointed by the National Authorities.

• **Applications to change an approved name:** Payable on application for changing the name of a variety on the National List.

• **Inspection/examination of documents:** No fees are currently charged for the inspection of documents such as a variety record.

## 15. Plant Varieties and Seeds Gazette

15.1 The Plant Varieties and Seeds Gazette is normally published monthly on our web page and contains information relating to practices and procedures covered under the National List Regulations. Notices of the following are also included in each edition as necessary:

- Official Notices
- Appeals to the Plant Varieties and Seeds Tribunal
Tribunal decisions

- Applications
  - Applications for addition to a National List
  - Applications to become a maintainer

- Names
  - Proposed names
  - Approved names
  - Changes of names

- Withdrawals
  - Withdrawal of applications

- Decisions
  - Proposed additions and refusals
  - Additions and refusals
  - Proposed maintainers
  - Decisions on maintainers

- Changes to National Lists
  - Amendments to the National List

- Deletion from National Lists
  - Proposed deletions
  - Deletions

- Other Items
  - Address details
  - Amendments to previous gazettes
  - Proposed Renewals
  - Renewals

Special Edition - National List

15.2 A full National List is produced annually as a Special Edition of the Plant Varieties and Seeds Gazette. It specifies all varieties, by species, currently on the UK National Lists including details of maintainers and agents. Contact Fera at the address in the Foreword, It can also be found on the web at the following address: http://www.fera.defra.gov.uk/plants/publications/gazette.cfm

16. EC Common Catalogue

16.1 Common Catalogues, which are compilations of all Member States National Lists are produced by the European Commission. Separate catalogues are produced for agricultural and vegetable species. Varieties included in the EC Common Catalogues are usually freely marketable throughout the Community.

16.2 Entry of a variety on to the Common Catalogue is dependent on achieving National Listing in one or more Member States. A variety which has been added to the UK National List will be put forward by Fera for addition to the Catalogue and once published in the official journal of the European Communities can be freely marketed within the EC

16.3 Copies of the EC Common Catalogue are available from Dandy Booksellers Ltd address supplied in appendix III. Official Journals can also be found at the following internet site: http://eur-lex.europa.eu/JOIndex.do?ihmlang=en
Appendix I

SPECIES COVERED BY NATIONAL LISTING IN THE UK WITH CLOSING DATES FOR APPLICATIONS

Note: Closing dates are subject to minor amendment from year to year when they would otherwise fall on a weekend.

<table>
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<th>CLOSING DATE FOR APPLICATION</th>
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<td><strong>I. BEET</strong></td>
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<td>1  Beta vulgaris L.</td>
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<td>2  Beta vulgaris L.</td>
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<td><strong>II. FODDER PLANTS</strong></td>
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<td>3  Agrostis canina L.</td>
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<td>4  Agrostis gigantea Roth.</td>
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<td>5  Agrostis stolonifera L.</td>
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<td>6  Agrostis capillaris L.</td>
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<td>8  Arrhenatherum elatius (L.) P. Beauv. ex. J. &amp; C. Presl.</td>
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<td>9  Bromus catharticus Vahl</td>
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<td>10 Bromus sitchensis Trin</td>
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<td>12 Dactylis glomerata L.</td>
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<td>13 Festuca arundinacea Schreb</td>
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<td>16 Festuca pratensis Huds.</td>
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<td>17 Festuca rubra L.</td>
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<td>18 Festuca trachyphylla (Hack.) Krajina</td>
</tr>
<tr>
<td>19 X Festulolium Asch. &amp; Graebn..</td>
</tr>
<tr>
<td>20.2 Loliun multiflorum Lam.</td>
</tr>
<tr>
<td>21 Loliun perenne L.</td>
</tr>
<tr>
<td>22 Loliun x boucheanum Kunth</td>
</tr>
<tr>
<td>24 Phleum nodosum L.</td>
</tr>
<tr>
<td>25 Phleum pratense L.</td>
</tr>
<tr>
<td>26 Poa annua L.</td>
</tr>
<tr>
<td>27 Poa nemoralis L.</td>
</tr>
<tr>
<td>29 Poa pratensis L.</td>
</tr>
<tr>
<td>30 Poa trivialis L.</td>
</tr>
<tr>
<td>34 Lotus corniculatus L.</td>
</tr>
<tr>
<td>35 Lupinus albus L.</td>
</tr>
<tr>
<td>36 Lupinus angustifolius L.</td>
</tr>
<tr>
<td>37 Lupinus luteus L.</td>
</tr>
<tr>
<td>38 Medicago lupulina L.</td>
</tr>
<tr>
<td>39 Medicago sativa L.</td>
</tr>
<tr>
<td>No.</td>
</tr>
<tr>
<td>-----</td>
</tr>
<tr>
<td>40</td>
</tr>
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<td>41</td>
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</tr>
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<td>54</td>
</tr>
<tr>
<td>55</td>
</tr>
<tr>
<td>57</td>
</tr>
</tbody>
</table>

### III. OIL & FIBRE PLANTS

<table>
<thead>
<tr>
<th>No.</th>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Sowing</th>
<th>Harvest</th>
</tr>
</thead>
<tbody>
<tr>
<td>59</td>
<td>Brassica rapa L. var. silvestris (Lam.) Briggs</td>
<td>Turnip Rape</td>
<td>Spring 15-Jan, Winter 01-Jul</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Brassica juncea (L.) Czern.</td>
<td>Brown Mustard</td>
<td>15-Dec</td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Brassica napus L. (partim)</td>
<td>Swede Rape (including Oilseed Rape)</td>
<td>Spring 15-Dec, Winter 10-Aug</td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Brassica nigra (L.) W.D.J. Koch</td>
<td>Black Mustard</td>
<td>15-Dec</td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Canabis Sativa L.</td>
<td>Hemp</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>Helianthus annuus L.</td>
<td>Sunflower</td>
<td>07-Jan</td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>Linum usitatissimum L.</td>
<td>Flax, Linseed</td>
<td>Spring 15-Dec, Winter 15-Aug</td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>Sinapis alba L.</td>
<td>White Mustard</td>
<td>15-Dec</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Glycine max (L.) Merr.</td>
<td>Soya Bean</td>
<td>15-Jan</td>
<td></td>
</tr>
</tbody>
</table>

### IV. CEREALS

<table>
<thead>
<tr>
<th>No.</th>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Sowing</th>
<th>Harvest</th>
</tr>
</thead>
<tbody>
<tr>
<td>72</td>
<td>Avena nuda L.</td>
<td>Small Naked Oat</td>
<td>Spring 30-Nov, Winter 31-Aug</td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>Avena sativa L.</td>
<td>Oat and Red Oat</td>
<td>Spring 30-Nov, Winter 31-Aug</td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>Hordeum vulgare L.</td>
<td>Barley</td>
<td>Spring 30-Nov, Winter 24-Aug</td>
<td></td>
</tr>
<tr>
<td>78</td>
<td>Secale cereale L.</td>
<td>Rye</td>
<td>Spring 30-Nov, Winter 17-Jul</td>
<td></td>
</tr>
<tr>
<td>82</td>
<td>x Triticosecale Wittm ex A. Camus</td>
<td>Triticale</td>
<td>Spring 30-Nov, Winter 17-Jul</td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>Triticum aestivum L.</td>
<td>Wheat</td>
<td>Spring 22-Sep, Winter 31-Aug</td>
<td></td>
</tr>
<tr>
<td>84</td>
<td>Triticum durum Desf.</td>
<td>Durum Wheat</td>
<td>30-Nov</td>
<td></td>
</tr>
<tr>
<td>85</td>
<td>Triticum spelta L.</td>
<td>Spelt Wheat</td>
<td>30-Nov</td>
<td></td>
</tr>
<tr>
<td>86</td>
<td>Zea mays L. (partim)</td>
<td>Maize</td>
<td>15-Jan</td>
<td></td>
</tr>
</tbody>
</table>

### V. POTATOES

<table>
<thead>
<tr>
<th>No.</th>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Sowing</th>
</tr>
</thead>
<tbody>
<tr>
<td>87</td>
<td>Solanum tuberosum L.</td>
<td>Potato</td>
<td>15-Dec</td>
</tr>
</tbody>
</table>
## VI. VEGETABLES

<table>
<thead>
<tr>
<th>No.</th>
<th>Variety</th>
<th>Type</th>
<th>Overwintering Date</th>
<th>Excluding overwintering Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Allium cepa L.</td>
<td>Onion</td>
<td>June 30th</td>
<td>December 31st</td>
</tr>
<tr>
<td>1.1</td>
<td>Allium cepa L. Aggregatum group</td>
<td>Shallot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Allium fistulosum L.</td>
<td>Japanese Bunching Onion, Welsh onion</td>
<td>January 31st</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Allium porrum L.</td>
<td>Leek</td>
<td>December 31st</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Allium sativum L.</td>
<td>Garlic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Allium schoenoprasum L.</td>
<td>Chives</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Anthriscus cerefolium (L.) Hoffm.</td>
<td>Chervil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Apium graveolens L.</td>
<td>Celery and Celariac</td>
<td>February 28th</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Asparagus officinalis L.</td>
<td>Asparagus</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.1</td>
<td>Beta vulgaris L. var. conditiva Alef.</td>
<td>Beetroot</td>
<td>January 31st</td>
<td></td>
</tr>
<tr>
<td>9.2</td>
<td>Beta vulgaris L. var. vulgaris</td>
<td>Spinach Beet/Chard</td>
<td>January 31st</td>
<td></td>
</tr>
<tr>
<td>10.1</td>
<td>Brassica oleracea L.</td>
<td>Curly Kale</td>
<td>January 31st</td>
<td></td>
</tr>
<tr>
<td>10.2</td>
<td>Brassica oleracea L.</td>
<td>Cauliflower</td>
<td>February 28th</td>
<td></td>
</tr>
<tr>
<td>10.3</td>
<td>Brassica oleracea L.</td>
<td>Sprouting Broccoli/Calabrese</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.4</td>
<td>Brassica oleracea L.</td>
<td>Brussels Sprout</td>
<td>January 31st</td>
<td></td>
</tr>
<tr>
<td>10.5</td>
<td>Brassica oleracea L.</td>
<td>Savoy Cabbage</td>
<td>February 28th</td>
<td></td>
</tr>
<tr>
<td>10.6</td>
<td>Brassica oleracea L.</td>
<td>White Cabbage</td>
<td>February 28th</td>
<td></td>
</tr>
<tr>
<td>10.7</td>
<td>Brassica oleracea L.</td>
<td>Red Cabbage</td>
<td>February 28th</td>
<td></td>
</tr>
<tr>
<td>10.8</td>
<td>Brassica oleracea L.</td>
<td>Kohlrabi</td>
<td>November 1st</td>
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<tr>
<td>11.1</td>
<td>Brassica pekinensis (Lour.) Rupe</td>
<td>Chinese Cabbage</td>
<td>November 30th</td>
<td></td>
</tr>
<tr>
<td>11.2</td>
<td>Brassica rapa L. var. rapa</td>
<td>Turnip</td>
<td>December 31st</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Capsicum annuum L.</td>
<td>Chili, Pepper</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Cichorium endivia L.</td>
<td>Endive</td>
<td>November 15th</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Cichorium intybus L.</td>
<td>Chicory</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Citrullus lanatus (Thunb.) Matsum. et Nakai</td>
<td>Watermelon</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Cucumis melo L.</td>
<td>Melon</td>
<td>November 15th</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Cucumis sativus L.</td>
<td>Cucumber and Gherkin</td>
<td>November 15th</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Cucurbita maxima Duchesne</td>
<td>Gourd</td>
<td>November 15th</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Cucurbita pepo L.</td>
<td>Marrow</td>
<td>November 15th</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Cynara cardunculus L.</td>
<td>Globe Artichoke/Cardoon</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Daucus carota L.</td>
<td>Carrot</td>
<td>February 28th</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Foeniculum vulgare Miller</td>
<td>Fennel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Lactuca sativa L.</td>
<td>Lettuce</td>
<td>Open Field November 30th</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Lycopersicon lycopersicum (L.) Karsten ex Farw.</td>
<td>Tomato</td>
<td>November 15th</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Petroselinum crispum (Miller) Nyman ex A. W. Hill</td>
<td>Parsley</td>
<td>December 31st</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Phaseolus coccineus L.</td>
<td>Runner bean</td>
<td>November 30th</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Phaseolus vulgaris L.</td>
<td>French bean, dwarf/creeping</td>
<td>February 28th</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Pisum sativum L. (partim)</td>
<td>Pea, wrinkled/round/sugar</td>
<td>January 3rd</td>
<td></td>
</tr>
<tr>
<td>29.1</td>
<td>Raphanus sativus L.</td>
<td>Radish</td>
<td>February 28th</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Rheum rhabarbarum L.</td>
<td>Rhubarb</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Scorzonera hispanica L.</td>
<td>Scorzonera/Black salsify</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Solanum melongena L.</td>
<td>Aubergine/Eggplant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Spinacia oleracea L.</td>
<td>Spinach</td>
<td>January 3rd</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Valerianella locusta (L.) Laterr. –</td>
<td>Corn Salad/Lamb's Lettuce</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Vicia faba L. (partim)</td>
<td>Broad Bean</td>
<td>January 3rd</td>
<td></td>
</tr>
<tr>
<td>36.1</td>
<td>Zea Mays L.</td>
<td>Sweet Corn</td>
<td>February 19th</td>
<td></td>
</tr>
</tbody>
</table>

$ - Date supplied on application to Fera Varieties and Seeds, Cambridge

**AMENDED SEPTEMBER 2009**
Appendix II

SUITABILITY OF DENOMINATIONS FOR AGRICULTURAL AND VEGETABLE SPECIES

In summary a name is unsuitable if:

- use precluded by the prior right of a third party,
- difficulties as regards recognition or reproduction,
- denominations which are identical or may be confused with a variety denomination of another variety,
- denominations which are identical or may be confused with other goods,
- misleading or causing confusion concerning the characteristics of the variety or other features


Please note that only European Union legislation published in the paper editions of the Official Journal of the European Communities is deemed authentic.

ARTICLE 2

1. In the case of a trade mark as a prior right of a third party, the use of a variety denomination in the territory of the Community shall be considered to be precluded by the notification to the competent authority for the approval of the variety denomination of a trade mark, which has been registered in one or more Member States or at Community level prior to the approval of the variety denomination, and which is identical or similar to the variety denomination and registered in relation to goods which are identical or similar to the plant variety concerned.

ARTICLE 3

1. A variety denomination shall be considered to cause its users difficulties as regards recognition or reproduction in the following cases:

   (a) where it is in the form of a ‘fancy name’:

   (i) it consists of a single letter;

   (ii) it consists of, or contains as a separate element, a series of letters not forming a word pronounceable in an official language of the Community; however, where this series is an established abbreviation, such an established abbreviation shall be limited to a maximum of two sets of up to three characters each, located at each end of the denomination;
(iii) it contains a number, except where this is an integral part of the name, or where this indicates that the variety is or will be one of a numbered series of varieties related through their breeding history;

(iv) it consists of more than three words or elements, unless the flow of the wording makes it easily recognizable or reproducible;

(v) it consists of or contains an excessively long word or element;

(vi) it contains a punctuation mark or other symbol, an upper and lower case mixture (save where the first letter is in upper case and the rest of the denomination in lower case), subscript, superscript or a design;

(b) where it is in the form of a ‘code’:

(i) it consists of a number or numbers only, except in the case of inbred lines or of similarly specific types of varieties;

(ii) it consists of a single letter;

(iii) it contains more than 10 letters, or letters and numbers;

(iv) it contains more than four alternating groups of a letter or letters and a number or numbers;

(v) it contains a punctuation mark or other symbol, subscript, superscript or a design.

2. On submission of the proposal for a variety denomination, the applicant should declare where the proposed denomination is intended to be in the form of a ‘fancy name’ or of a ‘code’.

3. If the applicant makes no declaration on the form of the proposed denomination, the denomination shall be considered to be a ‘fancy name’.

ARTICLE 4

1. In evaluating the identity of, or confusion with, a variety denomination of another variety, the following shall apply:

(a) ‘may be confused with’ shall be considered to cover, inter alia, a variety denomination, containing a difference of only one letter, or of accents on letters, in relation to the variety denomination of a variety of a closely related species, which has been officially accepted for marketing in the Community, the European Economic Area or in a contracting party to the International Convention for the Protection of New Varieties of Plants (UPOV), or is the subject of a plant variety right in such territories. However, a difference of only one letter in an established abbreviation as a separate entity of the varieties denomination shall not be regarded as confusing. Also, where the different letter is prominent in a way that makes the denomination clearly distinct from already registered variety denominations, it shall not be regarded as confusing. Differences of two or
more letters shall not be regarded as confusing except where two letters simply change places. A difference of one digit between numbers (where a number is permissible in a fancy name) shall not be regarded as confusing.

Without prejudice to Article 6, the first subparagraph shall not apply to a variety denomination in the form of a code, if the reference variety denomination is also in the form of a code. In the case of a code a difference of only one character, letter or number shall be deemed to enable two codes to be satisfactorily distinguished. Blank spaces are to be ignored when comparing denominations in code form;

(b) closely related species’ shall have the meaning as defined in Annex I; (reproduced at appendix IIA),

(c) ‘a variety no longer remains in existence’ shall be considered to mean a variety no longer in commercial existence;

(d) ‘an official register of plant varieties’ shall be considered as a reference to the common catalogue of varieties of agricultural plant species or of vegetable species, or to any register compiled and maintained by the Community Plant Variety Office, or by an official body of the Member States of the Community or the European Economic Area, or of a contracting party to UPOV;

(e) ‘a variety the denomination of which has acquired no special significance’; the denomination of a variety which has at one time been entered in an official register of plant varieties and thereby acquired special significance shall be considered to have lost that special significant on the expiry of a 10-year period after deletion from that register.

ARTICLE 5

1. Designations which are commonly used for the marketing of goods or which have to be kept free under other legislation shall be considered to mean in particular:

(a) currency denomination, or terms associated with weights and measures;

(b) expressions that, by virtue of legislation, shall not be used for purposes other than those envisaged by that legislation.

ARTICLE 6

1. A variety denomination shall be considered to mislead or to cause confusion if:

(a) it conveys the false impression that the variety has particular characteristics or value;

(b) it conveys the false impression that the variety is related to, or derived from, another specific variety;

(c) it refers to a specific characteristic or value in a way which conveys the false impression that only that variety possesses it, whereas in fact other varieties of the same species may possess the same characteristic or value;
(d) by reason of its similarity to a well-known trading name other than a registered trade mark or variety denomination, it suggests that the variety is another variety, or conveys a false impression concerning the identity of the applicant, the person responsible for the maintenance of the variety, or the breeder;

(e) it consists of, or contains

(i) comparatives or superlatives;

(ii) the botanical or common names of species, within the group either of agricultural plant species or of vegetable plant species, to which the variety belongs;

(iii) the name of a natural or legal person, or a reference thereto, so as to convey a false impression concerning the identity of the applicant, the person responsible for the maintenance of the variety, or the breeder;

(f) it includes a geographical name that would be likely to deceive the public as to the characteristics or the value of the variety.

ARTICLE 7

1. Variety denominations which have been accepted in the form of a code shall be clearly indicated as such in the relevant official catalogue or catalogues of Member States for officially accepted plant varieties, or in the relevant common catalogue, by a footnote with the following explanation: 'variety denomination approved in the form of a “code”.'
Appendix IIA

NAMING CLASSES

Closely Related Species (See Article 4 (b) in Appendix II)

For the purpose of defining ‘closely related species’, as referred to in Article 4(b), the following shall apply:

(a) if there is more than one class within a genus, the list of classes in point 1 shall apply;
(b) if classes encompass more than one genus, the list of classes in point 2 shall apply;
(c) as a general rule, for genera and species not covered by the lists of classes in points 1 and 2, a genus is considered to be a class.

1. Classes within a genus

<table>
<thead>
<tr>
<th>Classes</th>
<th>Scientific names</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1.1</td>
<td>Brassica oleracea</td>
</tr>
<tr>
<td>Class 1.2</td>
<td>Brassica other than Brassica oleracea</td>
</tr>
<tr>
<td>Class 2.1</td>
<td>Beta vulgaris — sugar beet, fodder beet</td>
</tr>
<tr>
<td>Class 2.2</td>
<td>Beta vulgaris — beetroot including Cheltenham beet, spinach beet or chard</td>
</tr>
<tr>
<td>Class 2.3</td>
<td>Beta other than classes 2.1 and 2.2.</td>
</tr>
<tr>
<td>Class 3.1</td>
<td>Cucumis sativus</td>
</tr>
<tr>
<td>Class 3.2</td>
<td>Cucumis melo</td>
</tr>
<tr>
<td>Class 3.3</td>
<td>Cucumis other than classes 3.1 and 3.2</td>
</tr>
<tr>
<td>Class 4.1</td>
<td>Solanum tuberosum</td>
</tr>
<tr>
<td>Class 4.2</td>
<td>Solanum other than class 4.1</td>
</tr>
</tbody>
</table>

2. Classes encompassing more than one genus

<table>
<thead>
<tr>
<th>Classes</th>
<th>Scientific names</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 201</td>
<td>Secale, Triticale, Triticum</td>
</tr>
<tr>
<td>Class 203 (*)</td>
<td>Agrostis, Dactylis, Festuca, Festulolium, Lolium, Phalaris, Phleum and Poa</td>
</tr>
<tr>
<td>Class 204 (*)</td>
<td>Lotus, Medicago, Ornithopus, Onobrychis, Trifolium</td>
</tr>
<tr>
<td>Class 205</td>
<td>Cichorium, Lactua</td>
</tr>
</tbody>
</table>

(*) Classes 203 and 204 are not solely established on the basis of closely related species.
Appendix III

OFFICIAL PUBLICATIONS RELATING TO NATIONAL LISTING


Regulations may be purchased, details from - http://www.tso.co.uk/

TSO Orders/Post Cash Dept
PO Box 29
Norwich
NR3 1GN

Telephone: +44 (0)870 600 5522
Fax: +44 (0)870 600 5533
Email: customer.services@tso.co.uk

2. Official Journal of the European Community

Common Catalogue of agricultural plant species and supplements
Common Catalogue of vegetable plant species and supplements

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