

Animal and Plant Health Agency

Certification scheme fruit plants

Explanatory guide to varietal identity of fruit plant material when marketed

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Contents

1. Introduction	1
2. Varieties that may be marketed	1
3. Registration of varieties	2
4. Genera and species covered by the directive and regulations	2

1. Introduction

This document is a guide to the varietal identity requirements for fruit varieties as set out in the Marketing of Fruit Plant and Propagating material (England) Regulations 2017 as amended. Registration of a variety may be required in order to demonstrate suitable varietal identity of material.

2. Varieties that may be marketed in the UK

From 30 September 2012, controls have applied to the UK on the varietal identity for marketing of all fruit plants and fruit plant propagating material.

Varieties may be marketed if they meet one of the following conditions.

- The variety is the subject of a Plant Variety Rights (PVR) in any Member State, or with the Community Plant Variety Office (CPVO)
- The variety has been Officially Registered anywhere in the EU.
- It is in 'common knowledge' i.e.
 - An application for PVR or registration for the variety has been made in any Member State. A variety in this category can only be marketed at CAC grade until registration is completed or PVR granted. If the application fails, the variety must be withdrawn from sale.
 - The variety has been marketed before 1 October 2012 anywhere in the EU and has a description.
- A variety with 'no intrinsic value for crop production' can be marketed but only in the Member State concerned and only at CAC grade. It must have a description and the label must state that it falls in this category.

New varieties coming onto the market from 1 October 2012 must be either the subject of a Plant Variety Right, or registered. For both, tests to establish whether or not the variety is distinct, uniform and stable (DUS) must be successfully completed. It is possible that a variety fails to qualify for a Plant Variety Right, but qualifies for registration.

Plant Material undergoing trials evaluation will not need a variety description because at this stage the material is not in the marketing chain. There must be no change of ownership of the material.

3. Registration of varieties

Varieties new to the market after 30 September 2012, which are not the subject of a Plant Variety Right but do have intrinsic value for commercial crop production, would have to be officially registered before marketing. Varieties must be distinct, uniform and stable in the same way as they would for a Plant Variety Right, but do not have to meet the novelty condition. For information on Official Registration or Plant Variety Rights visit:

<https://www.gov.uk/guidance/plant-breeders-rights>

The UK maintains a National Register of Varieties that have Plant Breeder's Rights.

4. Genera and species covered by the directive and regulations

<i>Cydonia oblonga</i> Mill.	Quince
<i>Fragaria</i> L.	All cultivated strawberry species
<i>Malus</i> Mill.	Apple
<i>Prunus armeniaca</i> L.	Apricot
<i>Prunus avium</i> L.	Sweet cherry
<i>Prunus cerasus</i> L.	Sour cherry
<i>Prunus domestica</i> L.	Plum
<i>Prunus dulcis</i> (Mill.) D. A. Webb Directive 2008/90/EC	Almond described as <i>Prunus amygdalus</i> Batsch in
<i>Prunus persica</i> (L.) Batsch	Peach
<i>Prunus salicina</i> Lindley	Japanese plum
<i>Pyrus</i> L.	All cultivated edible pears, including perry pears
<i>Ribes</i> L.	Black, red and white currant, gooseberry
<i>Rubus</i> L.	Blackberry, raspberry and hybrid berries
<i>Vaccinium</i> L.	Blueberry, cranberry and bilberry

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