



# The registration of conservation varieties

## Polish approach

**Ministry of Agriculture and Rural Development (Poland)**

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### **TWINNING PROJECT**

“Further strengthening of capacities of phytosanitary sector in the fields of plant protection products, plant health and seeds and seedlings, including phytosanitary laboratories and phytosanitary inspections” “EU-FITO-BiH”



# Legal basis

- **COMMISSION DIRECTIVE 2008/62/EC of 20 June 2008 providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties (OJ L 162/13 of 21 June 2008).**

# Legal basis

- **COMMISSION DIRECTIVE 2009/145/EC of 26 November 2009 providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties (OJ L 312/44 of 27 November 2009).**

# Implementation in Poland

- **Ustawa z dnia 9 listopada 2012 r. o nasiennictwie – The Seed Law of 9 November 2012** (Dz.U. z 2012 r., poz. 1512)
    - Title II: "Registration varieties"; DIVISION II: "Registration variety of regional and amateur varieties" (art. 28 to art. 32)
- The naming varieties the following shall apply:
- Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights
  - Commission Regulation (EC) No 637/2009 of 22 July 2009 establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species

# Definitions

- ‘**conservation in situ**’ means the conservation of genetic material in its natural surroundings and, in the case of cultivated plant species, in the farmed environment where they have developed their distinctive properties;
- ‘**genetic erosion**’ means loss of genetic diversity between and within populations or varieties of the same species over time, or reduction of the genetic basis of a species due to human intervention or environmental change;

# Definitions

- ‘**landrace**’ means a set of populations or clones of a plant species which are naturally adapted to the environmental conditions of their region;
- ‘**conservation variety**’ - means the landrace or a variety of naturally adapted to local conditions, sometimes at risk of progressive loss of genetic diversity between populations and within populations or varieties of the same species or limitation of the genetic basis of a species due to human intervention or change environmental conditions (genetic erosion) of agricultural or vegetable plants.

# Definitions

- “**amateur variety**’ – (cultivar discovered and developed for cultivation in specific conditions) - means a variety of vegetable plants discovered and derived with intension for cultivation in specific agronomic, climatic or soil conditions. This variety does not have prominence for commodity vegetable production, but does have prominence for the conservation of biodiversity

# Registration Terms of regional varieties

- importance in a particular region in which the variety has historically been grown and to which it is naturally adapted, hereinafter "region of origin", for:
- **conservation** of genetic material in its natural surroundings and, in the case of crop species - in the management of agricultural environment in which the species developed their distinctive properties (**conservation *in situ***)
- **sustainable use** of plant genetic resources, landraces and varieties which are naturally adapted to local conditions and threatened by genetic erosion.



# Registration Terms of regional varieties

- **Variety is** distinct, uniform and stable, if the level of uniformity is determined on the basis of off-types, a population standard of 10 % and an acceptance probability of at least 90 % shall be applied
- **Maintainer** the variety gave the variety name. The variety can have more than one name, if these names have been known for the long time.

# Registration Terms of regional varieties

## Variety is:

- maintained in the region of origin,
- not entered in the National Register or CCA / CCV as a variety other than a conservation or amateur variety
- deleted from the National Register or CCA / CCV at least 2 years before the date of application for its contribution to the NR or to 30 June of the third year following erasure
- not notified in order to grant an exclusive right or is not protected by national or community exclusive right

# Registration Terms of amateur varieties

## Variety is:

- not relevant for commodity vegetable production
- distinct, uniform and stable, if the level of uniformity is determined on the basis of off-types, apply 10% of the population standard of at least 90% probability

**Maintainer** the variety gave the variety name. The variety can have more than one name, if these names have been known for the long time.

# Registration Terms of amateur varieties

## Variety:

- Not entered into the National Register or the CCV as a other variety than a regional variety or amateur variety
- It was removed from the National Register or CCV at least 2 years before the date of application for its entry into the national registry or to 30 June of the third year following erasure
- It had not been notified in order to grant an exclusive right or is not protected by national or Community exclusive right

# Decision of the Ministry of Agriculture

- Minister responsible for agriculture issues a decision on the recognition of regional variety as a variety that is relevant in a particular region of origin, at the request of **maintainer** this variety, after consultation in this regard opinion of the competent body responsible for plant genetic resources



# Decision of the Ministry of agriculture

- Minister responsible for agriculture issues a decision on the recognition of the amateur variety for varieties with no relevance to commodity vegetable production, at the request of **maintainer** this variety, after consultation in this regard opinion of the competent body responsible for plant genetic resources.
- **Request contains:** name and address of maintainer, the name of the genus or species of crop in the national language and its the botanical name, name of conservation variety- respectively regional or amateur variety, indication of place of maintenance, indication of region of origin, justification of the importance of conservation variety in the region of origin.

# Decision of the Ministry of agriculture

**The competent body responsible for plant genetic resources in Poland is:**

- Plant Breeding and Acclimatization Institute – National Research Institute – for agricultural plants
- Institute of Horticulture – for horticultural plants





# The rules of application

- A variety of regional and amateur variety entered into the National Registry at the request of **maintainer** this variety
- The request for entry of a variety of regional and amateur varieties into the National Registry, and a technical questionnaire consists on forms provided on the website administered by The Research Centre for Cultivar Testing (COBORU) [www.coboru.pl](http://www.coboru.pl)







# Application form

<p><b>WNIOSEK O WPIS ODMIANY</b> <input type="checkbox"/> REGIONALNEJ <input type="checkbox"/> AMATORSKIEJ <b>DO KRAJOWEGO REJESTRU (KR)</b></p> <p><i>APPLICATION FOR ACCEPTANCE OF A CONSERVATION VARIETY OR VARIETY DEVELOPED FOR GROWING UNDER PARTICULAR CONDITIONS (AMATEUR VARIETY) TO THE POLISH NATIONAL LIST (NLI)</i></p>		Numeracja stron {1} z {3} <i>Page {1} of {3}</i>
<p>1. Zachowujący odmianę: <i>Maintainer:</i></p> <p>1.1 Imię i nazwisko/nazwa <i>Name and surname/company</i></p> <p>1.2 Adres i miejsce zamieszkania /adres i siedziba <i>Address and place of residence/ address and seat</i></p> <p>1.3 Telefon, faks, e-mail <i>Telephone, fax, e-mail</i></p>		
<p>2. Roślina uprawna: <i>Cultivated plant:</i></p> <p>2.1 Polska nazwa rodzaju lub gatunku <i>Polish name of genus or species</i></p> <p>2.2 Botaniczna nazwa rodzaju lub gatunku <i>Botanical name of genus or species</i></p>		
<p>3. Nazwa odmiany: <i>Variety denomination:</i></p> <p>Proponowana nazwa <b>jest/nie jest - wybierz z listy</b> nazwą kodową <i>Proposed denomination is/is not - select from the list - code name</i></p>		

<sup>\*)</sup> Jeżeli zachowujący jest osobą fizyczną prowadzącą działalność gospodarczą należy podać miejsce i adres wykonywania działalności, jeżeli są inne niż adres i miejsce zamieszkania tej osoby.  
*In case the maintainer is a natural person running a business, place and address of carrying out of activity shall be given (if different than address and place of residence of this person).*



# Application form

<b>WNIOSEK O WPIS ODMIANY REGIONALNEJ/AMATORSKIEJ DO KRAJOWEGO REJESTRU</b> <i>APPLICATION FOR ACCEPTANCE OF A CONSERVATION VARIETY OR VARIETY DEVELOPED FOR GROWING UNDER PARTICULAR CONDITIONS (AMATEUR VARIETY) TO THE POLISH NATIONAL LIST</i>	Numeracja stron {2} z {3} <i>Page {2} of {3}</i>
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3. Region pochodzenia, w którym odmiana była tradycyjnie uprawiana i do którego naturalnie się przystosowała, określony zgodnie z granicami jednostek zasadniczego trójstopniowego podziału terytorialnego państwa - dotyczy odmian regionalnych:  
*Region of origin, in which the variety has historically been grown and to which it is naturally adapted, specified according to the fundamental three-tier territorial division of the country - it refers to conservation varieties:*

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5. Miejsce (adres) zachowania odmiany:  
*Locality (address), where the variety maintenance takes place:*

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6. Informacja o skreśleniu odmiany z krajowego rejestru lub wspólnotowego katalogu:  
*Information on the variety deletion from the National List (NLI) or from the Common Catalogue (CC):*

<i>Data skreślenia z krajowego rejestru Date of deletion from NLI</i>	<i>Data skreślenia ze wspólnotowego katalogu Date of deletion from CC</i>	<i>Data wygaśnięcia okresu określonego w art. 104 ust. 2 ustawy o nasennictwie Date of expiry of the period granted under art. 104 par. 2 of The Polish Seed Act</i>

7. Oświadczam, że odmiana nie została zgłoszona w celu przyznania wyłącznego prawa, ani nie jest chroniona wyłącznym prawem na terenie Polski i Unii Europejskiej  
*I hereby declare that the variety is neither applied for protection nor protected by the Plant Breeders' Rights on the Polish and EU territories*



# Application form

## WNIOSEK O WPIS ODMIANY REGIONALNEJ/AMATORSKIEJ DO KRAJOWEGO REJESTRU

APPLICATION FOR ACCEPTANCE OF A CONSERVATION VARIETY OR VARIETY  
DEVELOPED FOR GROWING UNDER PARTICULAR CONDITIONS (AMATOUR  
VARIETY) TO THE POLISH NATIONAL LIST

Numeracja stron {3} z {3}  
Page {3} of {3}

8. Do wniosku zostały dołączone następujące dokumenty lub formularze (zaznaczyć odpowiednio):  
*The following documents or forms are attached to this application (please tick the relevant boxes):*

1. Decyzja ministra właściwego do spraw rolnictwa o uznaniu odmiany regionalnej za odmianę mającą znaczenie w danym regionie pochodzenia  
*Decision of the Minister of Agriculture on recognizing of conservation variety as a variety presenting an interest in given region of origin*
2. Decyzja ministra właściwego do spraw rolnictwa o uznaniu odmiany amatorskiej za odmianę niemającą znaczenia dla towarowej produkcji warzyw  
*Decision of the Minister of Agriculture on recognizing of variety developed for growing under particular conditions as a variety with no intrinsic value for commercial crop production*
3. Kwestionariusz techniczny  
*Technical questionnaire*
4. Kopia dowodu uiszczenia opłaty za złożenie niniejszego wniosku  
*Copy of bank receipt of application fee remittance*
5. Inne:  
*Other ones:*

9. Oświadczam, że według mojej wiedzy dane zawarte w dokumentach zgłoszeniowych odmiany są prawdziwe.  
*I hereby declare that, to the best of my knowledge, the statements made in the application documents are correct.*

.....  
Miejscowość  
*Place*

.....  
Data  
*Date*

.....  
Podpis i pieczęć  
*Signature and seal*



# Official examinations of distinctness, uniformity and stability - DUS

- When examining the DUS of regional or amateur varieties the provisions of the Seed Act on DUS testing are used
- The minister responsible for agriculture may specify in the way of regulation, methods for the examination of DUS for the variety of regional and amateur varieties, taking into account the biological characteristics of each species



# Official examinations of distinctness, uniformity and stability - DUS

- **Before variety enters into the national register**, if the information specified in Art. 5 2008/62/EC and Art. 5 2009/145/EC is not sufficient, **The Centre carries out research on distinctness, uniformity and stability (DUS)**, in accordance with:
  - the methodologies developed on the basis of methodologies of Community Plant Variety Office (CPVO) or the guidelines of the International Union for the Protection of New Varieties of Plants (UPOV), and
  - in case of their absence - according to research methodologies developed by the Director of the Centre



# Official examinations of distinctness, uniformity and stability - DUS

- Director of the Center develops methodologies in consultation with MARD
- Tests are carried out for the time necessary to assess the variety in Experimental Station of Variety Assessment
- Examination of the variety, for which an application for entry to the NR was submitted, starts in the first growing season following the period of application



# Official examinations of distinctness, uniformity and stability - DUS

- Before the DUS tests, the Centre shall inform the applicant in writing of the date of beginning of research and the expected date of its completion (notice of acceptance of a variety for official testing)
- Applicant of variety in order to carry out the DUS is obliged to provide free seed in quantity, the date and the address specified by the Center



# Responsibilities entity maintaining the variety

- Conducting documents relating to the conserving of variety
- Allowing control of the conserving of varieties to be carried out by the Center
- To provide, on request of the Director of the Center, written explanations and information necessary to carry out the DUS







# Entry to the National Register

## **Decision of Director of the Centre to include a variety of regional or amateur varieties to the National Register**

- after testing DUS
- without testing DUS - if the application for entry into the National Register were included in:
  - the results of research carried out by other entities,
  - information on the knowledge obtained during cultivation, reproduction and use,
  - other information obtained from the bodies responsible for plant genetic resources from other EU countries



# Refusal of entry to the National Register

Director the Centre issues decision refusing of entry of a regional or amateur variety into the National Register if:

- Regional or amateur variety:
  - does not meet the conditions specified in the Seed Act., or
  - **maintainer** the variety has not paid the fee for DUS tests; the fee for DUS tests is specified in the Seed Act.



## Provision of intention to entry of or refuse an entry of variety to the National Register

- Based on the results of the DUS, before a decision on the entry to the National Register, Director of the Centre issues a provision on intention to entry or refusal an entry of variety to the National Register
- Contents of the decision contained in the provision is posted on a website of the Centre



# The period of registration in the National Register

- **10 years** - starting from the calendar year following the year of entry
- **The extension of an entry in the National Register** - at the request of **maintainer** the variety, for a further 10 years, if the variety still complies with the requirements of DUS, is cultivated and has an economic importance
- decision on the extension / refusal to extend the period of entry of a variety in the National Register is taken by the Director of the Centre



# Deletion of variety from NR

- The decision of Director of the Centre on the removal regional or amateur varieties from the national register is taken according to the rules of the Seed Act (art. 25. 1-5)
- **maintainer** the variety may appealed to the MARD against the decision of deletion





# Deletion of variety from NR - art. 25 of the Seed Act

- at the request of **entity maintaining** the variety, if he does not pay for entry and maintenance in the NR, at least 6 months
- if the variety ceased to be distinct or no longer meets the requirements for uniformity and stability
- if the variety is registered on the basis of false evidence
- if the variety threatens the health of humans, animals or plants



# The registration fee

## *Regulation*

- for filing an application - 500 PLN
- for research DUS - 500-700 PLN
- for entry to the NR - 200 PLN
- for maintaining in the NR:
  - For the first 5 years - 200 PLN
  - In later years - 400 PLN
- the request for extension of registration - 500 PLN
- for providing a final report on DUS - 240 EUR
- **1 KM – 2 PLN**

# Evaluation and monitoring of the marketing of seed of regional and amateur varieties

- **Seeds** of regional variety - means seeds produced by maintaining variety and assessed by him, meeting the requirements for production and quality specified for this material
- **Seeds** of regional variety can be produced in the region of origin or in the case of environmental changes in an additional region of origin
- These **regions**, on a proposal of maintaining variety, are determined by a decision of the Minister on Agriculture
- **Maintaining variety can itself evaluate their own seeds**



# Regional (Conservation) variety

- within the deadlines set for the submission of applications for field inspection of individual species of conventional varieties, **maintainer** the variety submits a list of maintained plantations of regional varieties, with data of producer, the location and size of the plantation and the name of the species and varieties
- Seeds of regional variety are produced and can be marketed in the **cat. of certified seed** or in the case of vegetable plants – in **standard category**.

# Regional variety

- requirements for seeds of regional variety in the range of production and quality are **10% lower** than for seed of conventional varieties
- the verification assessment of regional varieties of potato can be made by accredited laboratories



# Amateur variety

- Requirements for seeds of amateur variety in the range of production and quality are 10% lower than for seeds of conventional varieties
- **Maintaining amateur variety can itself evaluate their own seed**
- Seeds of amateur variety are produced and can be marketed in the standard category
- Seeds of amateur varieties shall be marketed only in **small packages**, the maximum net weight is defined in Art. 111 of the of Seed Law

# Regional variety

- regional seed varieties, after obtaining the consent of the Minister responsible for Agriculture, by decision, may be marketed only in the region of origin, or, in an additional region of marketing
- quantity of seeds of regional variety of **agricultural plants** in marketing **can not exceed**:
  - 0,3% - for oilseed rape, barley, wheat, peas, sunflower, corn and potato
  - 0,5% - for other species -
    - the global amount of seeds of given species used in the country or on **100 ha**

# Regional variety

- quantity of seeds of regional variety of **vegetable plants** in turnover **can not exceed** the amount necessary to sow:
  - **40 ha** for, among others, onions, cauliflower, kohlrabi, white cabbage, tomato, beans and others.
  - **20 ha** for leek, garlic, beetroot, cucumber and others.
  - **10 ha** for the seven-year onion, chives, celery, radishes, rhubarb, sweet corn and others.

# Regional and amateur variety

- seeds of traded regional and amateur varieties have to be in secure packages (such as conventional seeds) and be provided with the label, in the case of seed categories:
  - Qualified **dark yellow** color with a **blue diagonal stripe**
  - standard (for vegetables) - **dark yellow** as this category of conventional varieties
- These are labels of trader



Thank you

