

## Maintenance and conservation regulations 2019

Policy Board for plant varieties on MAINTENANCE

### 1. Control of maintaining a variety

The maintainer has the obligation to ensure that varieties listed in the Dutch Register of Varieties (NRR) are maintained in accordance with the rules for the systematic conservation in respect of the variety(1). The Board for Plant Varieties (the Board) oversees this on this. The maintainer will ensure that the variety remains varietally pure throughout its life span. remains.

#### Control of maintaining horticultural crops

For horticultural crops (in particular vegetable crops), conservation monitoring in the Netherlands in accordance with the method described in the Inspection Regulations laid down by Naktuinbouw.

#### Control of maintaining agricultural crops

For agricultural crops, conservation inspection in the Netherlands takes place in accordance with the procedure in the Inspection Regulations laid down by the NAK.

### 2. Responsibilities

#### 2.1. Responsibilities of competent authorities in the Netherlands

The registration of Dutch maintainers (of varieties maintained in the Netherlands) in the NRR is done by the Board on the instructions of the inspection authorities Naktuinbouw (for horticultural crops) and the horticultural crops) and the NAK (for agricultural crops).

The Board's responsibilities include communication with the person responsible for the conservation of the variety. In daily practice, the Board has this communication for respect of the conservation of horticultural crops to the inspection body Naktuinbouw and for agricultural crops to the inspection body NAK. On the basis of information and intelligence obtained by the Board, the conservation of the variety must be sufficiently guaranteed, thus ensuring that the variety continues to meet its identity and description.

#### 2.2. Variety registered in NRR maintained in another EU Member State

In the case of a new application for maintenance of a variety registered in the NRR but maintained in another EU Member State, the Board will contact (where necessary) the competent authority (in the Member State concerned) to obtain information on maintenance.

If deemed necessary for the assessment of the correctness of the conservation, the Board may decide to carry out itself (or have carried out) a planting and assessment of a sample which in in which case the conservationist must be provided. This involves comparing the original reference sample (or: DUS sample) with the sample provided by the sample supplied by the maintainer.

#### 2.3. Variety registered in NRR maintained in a country outside the EU

If a variety is maintained in a country which has been declared with the EU, the variety may, on the basis of Decision EU 2005/834, be maintained outside the EU be maintained (Board Decision (2005/834/EC) of 8 November 2005 on the equivalence of checks on variety conservation carried out in certain third countries). This decision deals with the equivalence (equivalence) of conservation checks carried out on the basis of Community traffic directives with the checks on the conservation checks carried out in certain third countries. This decision talks about the "official checks" on variety conservation carried out by the third countries mentioned in this decision are carried out by the third countries mentioned in this decision. These checks are carried out by the authorities (in Decision) for the species covered by this decision. covered. These checks provide the same guarantees as those carried out by the Member States.

1 ZPW section 39(3), Decree on activities of the Board for Plant Varieties and the Inspection Regulations of Naktuinbouw and the NAK

If the country in question is not declared equivalent, a variety maintained in this country cannot be accepted by the Board as a legally valid conservation.

If the maintenance of the variety on the basis of the aforementioned Decision EU 2005/834 (equivalence) takes place outside the EU, the maintainer concerned will have to declare, by means of a questionnaire the systematic maintenance of the variety. In addition, the Board, through the competent authorities to request additional information regarding controls and/or certification.

If deemed necessary for the assessment of the correctness of the conservation, the Board may decide to carry out (or have carried out) its own planting and assessment of a sample, which will be in that case, to be provided by the maintainer. In doing so, the original reference sample compared with the sample provided by the maintenance holder.

#### **2.4. Costs of conservation monitoring for varieties conserved outside the Netherlands maintained outside the Netherlands**

The financing of conservation monitoring in the Netherlands is based on cost recovery. Only for varieties listed in the NRR that are maintained outside the Netherlands additional efforts should be made to control conservation. An annual (cost-covering) rate is charged for this. If this fee is not paid, the conservation check cannot be carried out. Therefore, in case of non-payment, the variety will be deleted from the NRR.

### **3. Method of control of conservation of variety**

#### **3.1. Control reference sample in seed-propagated varieties**

The DUS sample is the official reference sample used for the maintenance check. If a (new) reference sample is required for the purpose of conservation monitoring is required, it will be requested from the keeper on behalf of the Board and compared with the official reference sample and examined. official reference sample and examined for identity and homogeneity. The new sample then becomes the official reference sample.

If the maintainer is not (or no longer) able to provide a sample that conforms to the official reference sample, the respective maintainer will be removed from the register as a maintainer. In the case of multiple maintainers: if none of the maintainer(s) is able to provide a sample that conforms to the provide a sample that conforms to the official reference sample, the variety will be removed from the Dutch Variety Register.

#### **Vegetatively propagated crops**

For vegetatively propagated crops (such as potatoes), verification of conservation can often cannot be done by comparison with the official reference sample. In such cases, the conservation check may be carried out by any other method deemed appropriate by the inspection body.

In potatoes, for example, there is no system of reference samples. Instead, an annual type assessment of so-called 'strains' takes place by the inspection body NAK. The reference is here effectively the greatest common denominator of the samples in the stem field. Anything that deviates stands out and is eliminated as a strain.

#### **3.2 Post-controls**

Different seed lots of maintained varieties are regularly examined by the inspection authority by means of a follow-up check. through a follow-up check to gain a reliable insight into the maintenance of the variety. the variety. The seed lots are compared with the official reference sample.

#### **3.3. Control records**

The competent authority of the Member State may at any time check the records kept by the person(s) responsible for the variety.  
kept by the person(s) responsible for maintenance of the variety.

### 3.4. Examinations

The maintainer must make available samples of all lots which, at the direction of the competent authorities are necessary for the examination of varietal identity and varietal purity. If any examination shows that a particular variety does not or no longer meets the requirements of varietal identity, or a large number of breed deviating plants have been found, casting doubt on the conservation of that variety and no or insufficient measures are taken to restore conformity with the variety description, the variety will eventually be removed from the NRR.

### 4. Publication, entry into force and citation title

- 4.1. The "Regulations on registration of a conservation and conservation of seed propagated vegetable varieties" as published in the Gazette of the Board for Plant Varieties of 16 August 2006 (No. 471) is hereby repealed.
- 4.2. These Regulations shall come into force on the day after publication.
- 4.3. These Regulations shall be cited as "Conservation and Conservation Holder Regulations 2019".

This policy was adopted by the Plant Variety Board on 15 November 2019.

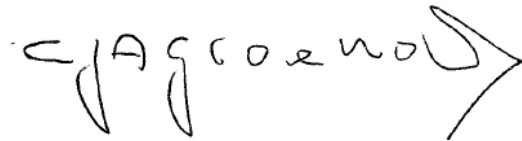
Wageningen, 13 December 2019

Dr L. van Vloten-Doting,



Chairman

mr C.J.A. Groenewoud



Secretary