SCHEDULE 1

Regulations 2(1) and (2), 3(1), 5(5)(a) and 12(1)

Varieties of plant species on Variety Lists and derogated species

PART 1

Varieties of plant species on Variety Lists

Agricultural crop varieties

1. Plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural production but not for ornamental use:

Name	Common name
Cereals	
Avena nuda l	Small naked oat, Hulless oat
Avena Sativa L (includes A byzantia Koch)	Oats and red oat
Hordeum vulgare L	Barley
Secale cereale L	Rye
X Triticosecale Wittm Ex A Camus	Triticale
Hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>	
Triticum aestivum L	Wheat
Triticum durum L	Durum wheat
Triticum spelta L	Spelt wheat
Zea Mays L (partim)	Maize (except popcorn and sweetcorn)
Potatoes	
Solanum tuberosum L, including any other tuber-forming species or hybrids of Solanum Beet	Potato
Beta vulgaris L	Sugar beet, fodder beet (including mangel)
Fodder plants	
(a) Grasses	
Agrostis canina L	Velvet bent
Agrostis capillaris L	Brown top
Agrostis gigantea Roth	Red top
Agrostis stolonifera L	Creeping bent grass
Arrhenatherm elatius (L) P Beauv ex J Presl & C Presl	Tall oatgrass

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	in
<i>ium hybridum</i> L Alsike c	ea
	clover
ium pratense L Red clow	over

Name	Common name
Trifolium repens L	White clover
<i>Vicia faba</i> L (partim)	Field bean
Vicia pannonica (Crantz)	Hungarian vetch
Vicia sativa L	Common vetch
Vicia villosa Roth	Hairy vetch
(c) Other fodder plants	
Brassica napus L yar napobrassica (L) Rchb	Swede
<i>Brassica oleracea</i> L convar <i>acephala</i> (DC) Alef Var <i>medullosa</i> Thell + var <i>viridis</i> L	Fodder kale
Raphanus sativus L var oleiformis Pers	Fodder radish
Oleaginous and fibrous plants	
Brassica juncea (L) Czem	Brown mustard
Brassica napus L (partim)	Swede rape (including plants commonly known as fodder rape and oilseed rape)
Brassican NIgra (L) WDJ Koch	Black mustard
Brassica rapa L yar silvestris (Lam) Briggs	Turnip rape
Cannabis sativa L	Hemp
Glycine max (L) Merr	Soya bean
Helianthus annus L	Sunflower
Linum usitatissimum L	Flax, Linseed
Sinapis alba L	White mustard

Vegetable varieties

2.—(1) Plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural or horticultural production but not for ornamental use:

Name	Common name
Allium cepa L	
—Cepa Group	Onion, Echalion
—Aggregatum Group	Shallot
Allium fistulosum L	Japanese bunching onion or Welsh onion
-all varieties	
Allium porrum L	Leek
-all varieties	
Allium sativum L	Garlic

Name	Common name
all varieties	
Allium schoenoprasum L	Chives
—all varieties	
Apium graveolens L	-
—Celery Group	-
Celeriac Group	-
Asparagus officinalis L	Asparagus
-all varieties	
Beta Vulgaris L	
—Garden beet Group	Beetroot, including Cheltenham Beet
—Leaf beet Group	Spinach beet or Chard
Brassica oleracea L	
—Kale Group	-
—Cauliflower Group	-
—Capitata Group	Red cabbage and White cabbage
-Brussel Sprouts Group	-
—Kohlrabi Group	-
—Savoy Cabbage Group	-
—Broccoli Group	Calabrese type and Sprouting type
—Palm Kale Group	-
—Tronchuda Group	Portuguese cabbage
Brassica rapa L	
Chinese Cabbage Group	-
—Vegetable Turnip Group	-
Cichorium endivia L	Endive
-all varieties	
Cichorium intybus L	Large leaved (Italian) chicory
Cucumis melo L	Melon
-all varieties	
Cucumis sativus L	
—Cucumber Group	-
—Gherkin Group	-
Cucurbita maxima Duchesne	Gourd

all varietiesMarrow, including mature pumpkin and scallop squash, or Courgette, including immature scallop squashall varietiesSquash, or Courgette, including immature scallop squashall varietiesCarrot, Fodder Carrotall varietiesI.ettuceall varietiesI.ettuceall varietiesI.ettuceall varietiesI.ettuceall varietiesI.ettuceall varietiesI.ettuceall varietiesI.ettuceall varietiesI.ettuceall varietiesI.ettucePetroselinum crispum (Mill) Nyman ex A W HillI.ettuceLeaf parsley GroupRoot Parsley GroupRoot Parsley Groupall varietiesI.ettucePhaseolus coccineus LRunner beanall varietiesI.ettucePhaseolus vulgaris LI.ettuceOurd French Bean GroupRound Pea GroupRound Pea GroupSugar Pea GroupBlack radish GroupBlack radish GroupBlack radish Groupall varietiesSpinachall varietiesSpinachall varieties	Name	Common name
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— Dwarf French Bean Group-— Climbing French Bean Group-Pisum sativum L (partim)-— Round Pea Group-—Wrinkled Pea Group-—Sugar Pea Group-—Sugar Pea Group-—Radish Group-—Radish Group-—Black radish Group-—all varietiesSpinacia oleracea LSpinacia faba L (partim)Broad bean—all varieties-	—all varieties	
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—Black radish Group—Rheum rharbarbarum LRhubarb—all varietiesSpinacia oleracea L—all varietiesSpinach—all varietiesBroad bean—all varietiesLogartim	Raphanus sativus L	
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—all varietiesSpinacia oleracea LSpinach—all varietiesSpinachVicia faba L (partim)Broad bean—all varietiesImage: Spinach	—Black radish Group	_
Spinacia oleracea L Spinach —all varieties Image: Spinach Vicia faba L (partim) Broad bean —all varieties Image: Spinach	Rheum rharbarbarum L	Rhubarb
—all varieties Vicia faba L (partim) —all varieties	—all varieties	
Vicia faba L (partim) Broad bean —all varieties —	Spinacia oleracea L	Spinach
all varieties	-all varieties	
	Vicia faba L (partim)	Broad bean
Zea mays L (partim)	-all varieties	
	Zea mays L (partim)	

Name	Common name
—Sweetcorn Group	-
—Popcorn Group	-

PART 2

Derogated species

Derogation in respect of requirement to provide an NI Variety List

3. Plants conforming with the characteristics if cultivated plant varieties of the following species intended for agricultural or horticultural production but not for ornamental use:

Agricultural crop species

Name	Common name
None	

Vegetable species

Name	Common name
Cichorium intybus L	Wiltloof chicory

Derogation in respect of requirement to provide an NI Variety List or restrict marketing

4. Other plants conforming with the characteristics of cultivated plants of the following species intended for agricultural or horticultural production but not for ornamental use:

Agricultural crop species

Name	Common name
Alopecurus pratensis L	Meadow foxtail
Arachis hypogaea L	Groundnut (peanut)
Avena strigosa Schreb	Black oat, Bristle oat
Biserrula	Biserrula
Carthamus tinctorius L	Safflower
Carum carvi L	Caraway
Cynodon dactylon (L) Pers	Bermuda grass
Galega orientalis Lam	Fodder galega
Gossypium spp	Cotton
Hedysarum coronarium L	Sulla
Lathyrus cicero	Chickling vetch/Dwarf chickling vetch
Medicago doliata	Straight-spined medic

Name	Common name
Medicago italica	Disc medic
Medicago littoralis	Shore medic/Strand medic
Medicago murex	Sphere medic
Medicago polymorpha	Bur medic
Medicago rugose	Wrinkled medic/Gama medic
Medicago scutellata	Snail medic/Shield medic
Medicago truncatula	Barrel medic
Ornithopus compressus	Yellow serradella
Ornithopus sativus	Serradella
<i>Oryza sativa</i> L	Rice
Papaver somniferum L	Рорру
Phacelia tanacetifolia Benth	California bluebell
Phalaris aquatic L	Harding grass, Phalaris
Phalaris canariensis L	Canary grass
Plantago lanceolate	Ribwort plantain
Poa palustris L	Swamp meadowgrass
Sorghum bicolor (L) Moench	Sorghum
Sorghum sudanese (Piper) Stapf	Sudan grass
Sorghum bicolor (L) Moench x Sorghuum sudanese (Piper) Stapf	Hybrids resulting from the crossing of Sorghum bicolor and Sorghum sudanese
Trisetum flavescens (L) P Beauv	Golden oatgrass
Trifolium alexandrinum L	Berseem, Egyptian clover
Trifolium fragiferum	Strawberry clover
Trifolium glanduliferum	Glandular clover
Trifolium hirtum	Rose clover
Trifolium incarnatum L	Crimson clocer
Trifolium isthmocarpum	Moroccan clover
Trifolium michelianum	Balansa clover
Trifolium resupinatum L	Persian clover
Trifolium squarrosum	Squarrose clover
Trifolium subterraneum	Subterranean clover
Trifolium vesiculosum	Aroow-leaf clover
Trigonella foenum-graecum L	Fenugreek
Vicia benghalensis	Purple vetch

Vegetable species

Name	Common name
Anthriscus cerefolium (L) Hoffm	Chervil
Capsicum annum L	Chilli or Pepper
Cichorium intybus L	Industrial chicory
Citrullus lanatus (Thunb) Matsum et Nakai	Water melon
Cynara cardunculus L	Cardoon, Globe artichoke
Foeniculum vulgare Mill	Fennel
Sconzonera hispanica L	Scorzonera or Black salsify
Solanum melongena L	Aubergine or egg plant
Valerianella locusta (L) Laterr	Corn salad or lamb's lettuce

Vine species

Name	Common name
Vitis	Vine

Derogation in respect of marketing restrictions

5. Other plants conforming with the characteristics of cultivated plant varieties of the following species intended for agricultural or horticultural production but not for ornamental use:

Vegetable species

Name	Common name
Allium cepa L	
—Aggregatum Group	shallot
Allium fistulosum L	Japanese bunching onion or Welsh onion
Allium sativum L	Garlic
Allium schoenoprasum L	Chives
Rheum rhabarbarum L	Rhubarb

SCHEDULE 2

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

Distinctness, stability, sufficient uniformity and satisfactory value for cultivation and use

PART 1

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 European Union or accepted onto an official register of plant varieties corresponding to an NI Variety List in a country outside the United Kingdom with similar growing conditions 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 European Union at the time when an application of a variety is duly made, but is no longer known in the European Union when that application is determined, for the purpose of determining distinctness as part of that application the variety no longer known in the European Union shall be disregarded.

2.—(1) A plant variety of a conservation variety is regarded as distinct if it satisfies the characteristics referred to in—

- (a) the technical questionnaires associated with the test protocols listed in Annex I to Directive 2003/90 or Directive 2003/91 applicable to the species in question; or
- (b) the technical questionnaires of the test guidelines listed in Annex II to those Directives, applicable to the species in question.
- (2) In this paragraph—
 - (a) "Directive 2003/90" means Commission Directive 2003/90/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species, as amended from time to time; and
 - (b) "Directive 2003/91" means Commission Directive 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species, as amended from time to time.

Stability

3. 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

4. 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 Department for the purposes of determining whether the variety is sufficiently uniform.

PART 2

Satisfactory value for cultivation and use

Satisfactory value for cultivation and use

5.—(1) The values of a variety for cultivation or use shall be regarded as satisfactory if compared to other varieties accepted in an NI Variety 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.

Satisfactory values for cultivation and use of component varieties of varietal associations

6.—(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 an NI Variety 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 3

Varieties the Department does not need to be satisfied are of satisfactory value for cultivation and use

- 7. Part 2 does not apply to—
 - (a) varieties of vegetables;
 - (b) varieties if grasses not intended for 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 a member State which has already accepted it on to a list corresponding to an NI Variety List, having regard to its value for cultivation and use;
 - (d) any variety intended for use only as a component of a final plant variety; or
 - (e) any conservation variety.