

Plant Variety Rights

Guidance on What Businesses Need to Do to Apply for Plant Variety Rights and Market Plant Reproductive Material, Seeds, and Other Propagating Material from January 1, 2021

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The MHRA has published new [guidance](#) titled “Plant variety rights and marketing plant reproductive material from 1 January 2021.”

The guidance covers the following matters:

- **Plant variety rights:** After January 1, 2021 for new plant varieties you must apply separately in the UK and the EU
 - **UK protection:** Apply to the Animal and Plant Health Agency
 - **EU protection:** Apply to the Community Plant Variety Office
 - The EU will continue to recognise EU plant variety rights granted to all breeders before January 1, 2021
- **Marketing plant reproductive material in the EU:** The EU will not accept UK-certified plant reproductive material
- **Fruit propagating material:** The EU will not accept UK-certified material
- **Seed potatoes:** Cannot be exported from the UK to the EU
- **Marketing EU plant reproductive material in the UK:**
 - Normal international trading rules will be applied to the following:
 - seed, vegetable seed, and other propagating material
 - fruit propagating and planting material
 - ornamental species
 - forest reproductive material
- **Marketing UK-certified plant reproductive material in the UK:**
 - Comply with the current marketing regulations
 - Maintain identity, labelling, and control assurances
- **Distinctiveness, uniformity, and stability (DUS) tests:**
 - EU: Will not accept UK DUS tests
 - UK: Will continue to accept EU DUS reports if they are of comparable quality to UK DUS reports (subject to the below exception)

- The UK will only accept DUS reports from the following approved UK science organisations for agricultural species currently tested by them: Agri-Food and Biosciences Institute; National Institute of Agricultural Botany; Science and Advice for Scottish Agriculture
- **Ornamental species:** The EU does not grant equivalence to a third country; however, businesses can trade material freely, subject to plant health, labelling, and country of origin requirements
 - The variety must be on a supplier's list and accepted in an EU member state