

LEGISLATION AND LEGAL AFFAIRS



Trade in propagating material and variety registration

The conditions that apply to the marketing and trading of seeds and propagating material are anchored in the European trade directives. These directives are provided for in the Netherlands by the Dutch seeds and planting materials act 2005. The act places conditions at variety and production levels.

A variety must be traded under the correct variety name. In order to establish this, the identity of a variety must have been described. The supplier is expected to draw up a variety description for ornamental plants and forestry crops that are not protected by Plant Breeders' Rights. Organisations such as the Royal General Bulb Growers' Association (KAVB) and the Permanent Judging Committee (VKC) manage private registration systems that give an overview of the varieties in these sectors.

Vegetables and agricultural crops may only be marketed if they have been listed in the European Common Catalogue. Vegetable crops require an official DUS test (Distinct, Uniform and Stable) for this purpose. In addition to DUS testing, agricultural crops must also undergo Value for Cultivation and Use tests (VCU). Once these demands have been met, the variety will be included on the national list in the Netherlands, and correspondingly on the Dutch List of Varieties of the Board for Plant Varieties. This is followed by automatic listing in the European Common Catalogue.

Alongside the compulsory VCU for agricultural crops, the majority of agricultural crops are also subjected to a recommended test that results in the publication of a recommended list of varieties.

As well as the regulations regarding identity at variety level, the trade directives also impose demands in the fields of quality and health at production level. In the Netherlands, this is monitored by different inspection services.

Trading and conditions of delivery

Plantum has drawn up General Terms & Conditions of Delivery for a number of sub-sectors within the plant reproduction sector. For more information please contact the secretariat via info@plantum.nl.

Arbitration

When a contract is concluded between various parties any disputes arising in relation to the contract can be brought before the arbitration committee for resolution. If parties decide to resort to this course of action, they must agree this in writing. In that case the ordinary Civil Court will declare itself incompetent should one of the parties decide to bring the dispute to the jurisdiction of the Civil Court.

Plantum has drafted arbitration regulations describing the procedures. If parties decide to have the dispute resolved according to the regulations of Plantum, the contract should specifically refer to these regulations. These regulations are intended for the conclusion of national contracts.

In the event of an international contact (one of the parties has a head office outside the Netherlands) regarding the marketing of seeds, it is recommended to observe the arbitration regulations of the International Seed Federation (ISF). The content of these regulations can be found on worldseed.org.

