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List of plant species the seed and propagating material of protected varieties of which may be grown in small quantities

Passed 24.03.2006 Annex 37

This Regulation is established on the basis of subsection 36 (4) of the Plant Propagation and Plant Variety Rights Act.

§ 1. Scope of application

This Regulation establishes the list of plant species the seed and propagating material of protected varieties of which, except the seed and propagating material of hybrid and synthetic species of which, may be grown in small quantities by an operator in order to obtain agricultural produce, and to produce such seed and material for use within its own enterprise without having to enter into a licence agreement and without paying a licence fee.

§ 2. List of species

(1) The seed of the protected varieties of the following fodder plant species may be produced in small quantities:

- 1) *Cicer arietinum*L. – chickpea milkvetch;
- 2) *Lupinus luteus*L. – yellow lupin;
- 3) *Medicago sativa*L. – lucerne;
- 4) *Pisum sativum*L. (partim) – field pea;
- 5) *Vicia faba*L. (partim) – field bean;
- 6) *Vicia sativa*L. – common vetch.

(2) The seed of the protected varieties of the following oil and fibre plant species may be produced in small quantities:

- 1) *Brassica napus*L. (partim) – swede rape;
- 2) *Brassica rapa*L. var. *silvestris*(Lam.) Briggs – turnip rape;
- 3) *Linum usitatissimum*L. – common flax.

(3) The seed of the protected varieties of the following cereal species may be produced in small quantities:

- 1) *Avena sativa*L. – oat;
- 2) *Hordeum vulgare*L. – barley;
- 3) *Secale cereale*L. – rye;
- 4) x *Triticosecale*Wittm. – triticale;
- 5) *Triticum aestivum*L. emend. Fiori et Paol. – wheat.

(4) The propagating material of the protected variety of potato (*Solanum tuberosum*L.) may be produced in small quantities.

§ 3. Repeal of Regulation

Clause 4) of Regulation No 37 of the Minister of Agriculture of 16 November 1998 “Approval of Legislation Provided for in the Plant Variety Rights Act” (RTL 1998, 353, 1482; 2000, 50, 748) is repealed.