

Agricultural, Vegetable, Fruit, or Ornamental Crops

Varieties of Agricultural and Vegetable Crops must have a mandatory DUS (Distinctness, Uniformity, and Stability) test before being admitted to the Dutch Variety Register, but ornamental crops do not. Sometimes varieties of agricultural, vegetable, or fruit crops are used as ornamental crops. It is then not always clear whether a variety is subject to registration or not. Does a variety then have to do a mandatory DUS test because it is subject to registration?

The Board for Plant Varieties applies the following policy regarding Agricultural, Vegetable, or Fruit Crops used as ornamental crops.

Legislation

According to the regulations, the “use and purpose” of the variety is leading.

Mandatory Registration

A variety is only subject to registration if the variety - in addition to the ornamental purpose - can reasonably also be eaten (because then there is also an agricultural/vegetable/fruit production purpose). Only then is registration mandatory and a DUS test necessary.

Some Examples

- a. With this new policy (where mandatory registration is restricted), true ornamental crops of vegetables and fruits can be excluded from the registration requirement, such as ornamental apples, ornamental cabbage, ornamental corn, true ornamental peppers (*Capsicum frutescens*), and ornamental strawberries (because they are reasonably not intended for consumption, not edible). It is also really not logical to eat these.
- b. For other cases such as ornamental tomatoes, registration remains mandatory if the fruits can reasonably be eaten. Edible peppers of *Capsicum annuum* also remain subject to registration.
- c. Often these types of edible “ornamental crops” will also be marketed as such (as edible).