



GUIDELINES FOR THE INTRODUCTION OF UNLISTED VARIETIES IN TERMS OF THE PLANT IMPROVEMENT ACT, 1976 (ACT NO. 53 OF 1976).

1. POTATOES

This document is an extension of the document **GUIDELINES FOR THE INTRODUCTION OF UNLISTED VARIETIES** and has to be read with it.

This document is only applicable on vegetative propagating material of *Solanum tuberosum*.

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A. IMPORTED UNLISTED VARIETIES

1.1 GENERAL:

- a) The import of plant propagating material is also subject to the provisions of other legislation i.e.
 - Agricultural Pests Act, 1983 (Act No. 36 of 1983) (import permit and phytosanitary requirements; contact PlantHealthPermits@daff.gov.za)
 - Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976) (if applicable)
- b) In terms of the Plant Breeders' Rights Act, 1976, if applicable, it is **illegal for any person, except the holder of a Plant Breeder's Right or his/her agent**, to import propagating material of a variety to which a plant breeder's right has been granted, including applications filed for plant breeders' rights. Written permission from the holder of the plant breeder's right or his/her local agent must be provided to the Registrar before any authorisation for import of unlisted varieties will be issued.
- c) Companies/persons who make use of the services of clearing agents, must ensure that the clearing agents are aware of the requirements to import propagating material, especially that authorisation is required to import unlisted varieties.

- d) Once an authorisation has been issued, a new application must be submitted if varieties are to be added or replaced in the consignment.
- e) ***If any of the conditions set out in an authorisation are not complied with, actions may be taken against the applicant for authorisation in terms of the Act.***
- f) Unlisted varieties may not be advertised without stating that they are under evaluation. Selling of propagating material of these varieties to contracted producers must be strictly based on contracts that clearly state the consequences when the specific varieties are rejected for varietal listing or withdrawn or evaluation terminated by the importer/owner/agent.
- g) Importers of potato propagating material are encouraged to participate in and perform multiplications within the South African Seed Potato Certification Scheme.
- h) In case where unlisted varieties are:
 - i) **rejected** for varietal listing, or
 - ii) the application for varietal listing **withdrawn**, or
 - iii) evaluation **discontinued** by the importer/owner,

no further propagation and distribution of the respective variety may be done. The relevant importer/owner/agent for that variety must notify all co-operators/contracted producers.
- i) Contact details for authorisations: PIPP@daff.gov.za or JoanS@daff.gov.za

1.2 APPLICATION TO IMPORT FOR BREEDING OR EVALUATION:

- a) The amount of propagating material to be imported is limited to 10 000 mini- or micro tubers. In case of the import of *in vitro* material, the import permit in terms of the Agricultural Pests Act, 1983 (Act 36 of 1983) will indicate the limitations regarding the amount of propagating material.
- b) Application for the importation of propagating material must be submitted on the form in **Annexure 1.1 prior** to the intended import and a copy of the authorisation must accompany the consignment.
- c) Each application for the importation of unlisted varieties (maximum 10 varieties per application), must be accompanied by proof of payment of the prescribed fee. Payment can be made at the Department's cashier (Reference: Variety Import) or paid directly into the following bank account (Reference: Company name - import):

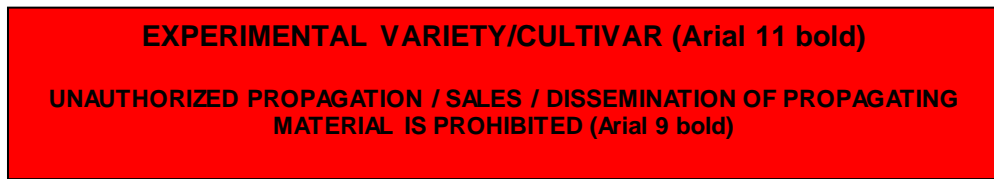
Bank: Standard Bank (current account);
Branch: Arcadia; Branch code: 010-845;
Account number: 011 276 487
Account name: DAFF PIA Registrations;

No authorisation will be issued if the correct fee has not been paid. In case of any doubt, please contact the Registrar's office (PIPP@daff.gov.za). Note that tariffs change on 1 April each year.

- d) This authorisation allows for multiplication, distribution and/or selling of propagating material for evaluation purposes up to 3 field multiplications or a total area planted of 1 hectare, whichever occurs first; provided that comprehensive record of the contracted producers (names and addresses as well as the quantities that were supplied to each) is kept by the importer, and must be available to the Registrar upon request.

This allowance for multiplication and distribution of material is not applicable on imports for research or breeding, in which case the imported material may NOT be distributed or multiplied for distribution.

- e) Each client must be made aware of the fact that the propagating material is only for evaluation and must be indicated as such by a red label on all sales documents, delivery notes and bags/containers:



- f) When the limit regarding multiplication of propagating material in (d) is reached, an application for varietal listing has to be submitted or evaluation terminated.

If evaluation has not yet been concluded, the procedure under C. Exceeding the Evaluation Limit must be followed.

B. LOCALLY PRODUCED UNLISTED VARIETIES

1.3 GENERAL:

- a) Distribution of plant propagating material of unlisted varieties may also be subject to the provisions of the Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), if an application for PBR has been filed.
- b) In terms of the Plant Breeders' Rights Act, 1976, it is **illegal for any person, except the holder of a Plant Breeder's Right or his/her agent**, to multiply or distribute propagating material of a variety to which a plant breeder's right has been granted, including applications filed for plant breeders' rights. Written permission from the holder of the plant breeder's right or his/her local agent must be provided to the Registrar before any authorisation for multiplication of unlisted varieties will be issued.
- c) Unlisted varieties may not be advertised without stating that they are under evaluation. Selling of propagating material of these varieties to contracted producers must be strictly based on contracts that clearly state the consequences when the specific varieties are rejected for varietal listing or withdrawn or evaluation terminated by the owner/agent.
- d) Introducers of new varieties are encouraged to participate in and perform multiplications within the South African Seed Potato Certification Scheme.
- e) In case where unlisted varieties are:
- i) **rejected** for varietal listing, or
 - ii) the application for varietal listing **withdrawn**, or
 - iii) evaluation **discontinued** by the owner/agent,
- NO further propagation or distribution of the respective variety may be done.** The relevant owner/agent for that variety must notify all co-operators/contracted producers of the termination of the variety.
- f) ***If any of the conditions set out in an authorisation are not complied with, actions may be taken against the applicant for authorisation in terms of the Act.***

1.4 APPLICATION TO MULTIPLY, DISTRIBUTE AND/OR SELL MATERIAL FOR EVALUATION:

- a) This authorisation allows for multiplication and distribution/selling of propagating material for evaluation purposes up to 3 field multiplications or a total area of 1 hectare planted, whichever occurs first; provided that comprehensive record is kept by the owner/agent of the contracted producers (names and addresses as well as of the quantities that were supplied to each), and must be available to the Registrar upon request.
- b) Application for authorisation must be submitted on the form in **Annexure 1.2** prior to the intended sales or distribution of the material.
- a) Each client must be made aware of the fact that the propagating material is only for evaluation and must be indicated as such by a red label on all sales documents, delivery notes and bags/containers:

EXPERIMENTAL VARIETY/CULTIVAR (Arial 11 bold)
UNAUTHORIZED PROPAGATION / SALES / DISSEMINATION OF PROPAGATING MATERIAL IS PROHIBITED (Arial 9 bold)

C. EXCEEDING THE EVALUATION LIMIT

1.5 REQUESTS FOR AUTHORISATION:

Irrespective the origin of the variety, if there is need to exceed the allowed **period of evaluation or amount of propagating material**, an application containing the following information must be submitted in writing to the Registrar **prior to any sales and/or distribution** of the material:

- a) motivation stating the reasons for the request;
- b) supporting comparative data resulting from local evaluations;
- c) indication of similar varieties (especially if they are subject to PBR) and differences from these varieties;
- c) indication of time-frame for expected outcome of the further evaluation.



REGISTRAR: PLANT IMPROVEMENT ACT

DATE: 2018-02-28

Created:	February 2018
Amended:	



**agriculture,
forestry & fisheries**

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

APPLICATION FOR AUTHORISATION TO IMPORT & DISTRIBUTE PROPAGATING MATERIAL OF UNLISTED VARIETIES I.T.O. SEC. 13(2) & 26(2) OF THE PLANT IMPROVEMENT ACT, 1976 (ACT No. 53 OF 1976)

Application must be completed and submitted prior to the arrival of the material in the R.S.A. to:
Registrar of Plant Improvement: PIPP@daff.gov.za or Fax Number: 012-319 6353

SEED POTATOES (for cultivation purposes)

Breeding/research

Evaluation

Genus and species of the kind of plant	common name of the kind of plant	Variety name	GMO (Indicate event if yes)	Quantity (indicate type of propagating material)	Full name and address of overseas supplier	Country of production of material
<i>Solanum tuberosum</i>	potato					

NAME AND ADDRESS OF IMPORTER (COMPANY):

..... POSTAL CODE:

TELEPHONE NUMBER:..... FAX NUMBER:.....

CONTACT PERSON (PRINT PLEASE): E-MAIL:

.....
SIGNATURE OF APPLICANT

.....
DATE



agriculture,
forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

**APPLICATION FOR AUTHORISATION FOR LOCALLY PRODUCED
PROPAGATING MATERIAL OF UNLISTED VARIETIES I.T.O. SEC. 13(2)
OF THE PLANT IMPROVEMENT ACT, 1976 (ACT No. 53 OF 1976)
FOR EVALUATION PURPOSES**

Application must be completed and submitted prior to any distribution to Registrar of Plant Improvement:
E-mail: PIPP@daff.gov.za or Fax: 012-319 6353

***Solanum tuberosum* L. (potato)**

I, the undersigned, hereby apply for authorisation in terms of section 13(2) of the Plant Improvement Act, 1976 (Act No. 53 of 1976) to multiply and sell/distribute propagating material of the following unlisted potato varieties for evaluation purposes, in South Africa:

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

I, the undersigned, further undertake to submit an application for Varietal Listing or request extension for evaluation **after 3 field multiplications or when a total planting area of 1 ha is reached**, whichever occurs first in time.

Applicant (breeder/agent):

Contact Person: E-mail:

Address:

.....

Tel No: Fax No:

.....

.....

.....

SIGNATURE OF APPLICANT:

DATE: