

# THE CROATIAN PARLIAMENT

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Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby issue the

## DECISION

### PROMULGATING THE ACT ON AMENDMENTS TO THE ACT ON SEEDS, PLANTING MATERIAL AND REGISTRATION OF VARIETIES OF AGRICULTURAL PLANTS

I hereby promulgate the Act on Amendments to the Act on Seeds, Planting Material and Registration of Varieties of Agricultural Plants passed by the Croatian Parliament at its session on 14 March 2008.

Class: 011-01/08-01/16

Reg. No.: 71-05-03/1-08-2

Zagreb, 20 March 2008

The President of the Republic of Croatia

**Stjepan Mesić, m.p.**

### THE ACT ON AMENDMENTS TO THE ACT ON SEEDS, PLANTING MATERIAL AND REGISTRATION OF VARIETIES OF AGRICULTURAL PLANTS

#### Article 1

In the Act on Seeds, Planting Material and Registration of Varieties of Agricultural Plants (Official Gazette 140/05), in Article 2, paragraphs 1 and 2 are amended to read:

»(1) The provisions of this Act shall apply to the production, marketing and importation of agricultural propagating material of the following plant groups and species:

– cereals, fodder plants, beets, vegetables, potatoes, oil and fibre plants, vine, fruit plants and ornamental plants.

(2) The provisions of this Act shall not apply to:

– agricultural propagating material intended for export,

– agricultural propagating material which has been produced in a Community Member State and placed on the market of the Republic of Croatia, and which does not belong to plant groups and species referred to in the first subparagraph of paragraph 1 of this Article.«

In paragraph 3, the words: "The Minister of Agriculture, Forestry and Water Management" are replaced by the words: "The Minister of Agriculture, Fisheries and Rural Development (hereinafter: the Minister)".

After paragraph 3, the following paragraph 4 is added:

»(4) In addition to plant groups and species listed in paragraph 1 of this Article, the Minister may specify other plant species which are produced and marketed in the Republic of Croatia and to which the provisions of this Act shall apply.«

## Article 2

Article 3 is amended to read:

For the purposes of this Act, the following terms shall have the following meanings:

1. *Agricultural propagating material* means agricultural seeds and agricultural planting material, including seeds, whole plants and parts of plants, used for the propagation and production of agricultural seeds, for the sowing or planting with a view to producing agricultural plants.
2. *Agricultural seeds* (hereinafter: seeds) means the generative and vegetative parts of agricultural plants used for the propagation and production of agricultural plants.
3. *Agricultural planting material* (hereinafter: planting material) means reproductive planting material, seedlings, transplants of vegetables and ornamental plants, other than forest planting material.
4. *Reproductive planting material* means seeds for the production of rootstocks, seedlings, vegetative rootstocks, rooted cuttings, root sprouts, layers, grafted rootstocks, buds, mature and green cuttings, scions and meristem, if derived from parent plants.
5. *Seedling* means a plant of a specific variety, developed from a vegetative part of the parent plant, intended for the production of grapes and fruits, other than plum and sour cherry shoots.
6. *Vegetable planting material* means vegetable propagating material and vegetable transplants intended for further propagation of propagating material and final production of vegetables.
7. *Vegetable propagating material* means parts of plants and all plant material, including rootstocks intended for the propagation and production of vegetables.
8. *Vegetable transplants* entire plants and parts of plants including, for grafted plants, the grafted components, intended for planting for the production of vegetables.
9. *Propagating material of ornamental plants* means plant material intended for:
  - the propagation of ornamental plants, or
  - the production of ornamental plants; in the case of production from complete plants, this definition applies only to the extent that the resulting ornamental plant is intended for further marketing.

10. *Variety* is a plant grouping within a single botanical taxon of the lowest rank, which is defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one of such characters, and as a unit remains unchanged after propagation.
11. *Variety components* are lines, clones, or other varieties of which the variety concerned is composed, or the propagating material from which the variety is produced.
12. *Genetically modified variety* means a variety obtained by genetic modification and consisting of genetically modified plants.
13. *Official description of variety* means a description, including the properties which characterise the variety, established on the basis of official testing for distinctness, uniformity and stability of the variety, related to the plants grown from certified or standard seed or planting material.
14. *Clone* means a progeny of a vegetatively propagated individual plant of a certain variety, which is obtained by clonal selection.
15. *Category* means the level of quality of agricultural propagating material.
16. *Lot* means a quantity or a number of units of agricultural propagating material, identifiable by its homogeneity of composition and by its origin.
17. *Seed mixture* is a mixture of seeds of different species and varieties.
18. *Small package* means a package containing seeds of a particular variety up to a specified maximum weight.
19. *Breeder of a variety* (hereinafter: the breeder) is a natural or legal person who has developed a new variety through a breeding process.
20. *Breeder's right* means the right resulting from the Act on the Protection of Plant Varieties (OG 131/97, 62/00).
21. *Supplier* is a legal person established in the Republic of Croatia or a natural person residing in the Republic of Croatia who is engaged in one of the following activities: maintenance, production, processing, marketing and importation of agricultural propagating material.
22. *Variety maintainer* is a legal or a natural person who maintains a variety.
23. *Maintenance of a variety* means a systematic procedure according to accepted practices for the maintenance of uniformity and stability of the variety.
24. *Seed sampler* is a natural person who is authorized to carry out seed sampling.
25. *Laboratory* is a legal person authorized by the Ministry of Agriculture, Fisheries and Rural Development (hereinafter: the Ministry) to analyse the quality of agricultural propagating material and to issue reports.

26. *Marketing* means selling, holding with a view to sale, offering for sale, and any disposal, supply or transfer of agricultural propagating material for the purpose of commercial exploitation to third parties, whether or not for consideration. The delivery of agricultural propagating material to official testing and inspection bodies and to a supplier for the purpose of processing shall not be regarded as marketing, provided the supplier who processes agricultural propagating material does not acquire title to the material thus delivered.

27. *Importation* of agricultural propagating material means its introduction into the customs territory of the Republic of Croatia, except for the purpose of transit.

28. *Competent body* means a central state administration body, institution and legal and natural person authorised to perform certain activities under this Act, and competent legal and natural persons authorised to carry out the tasks which are the subject of this Act in third countries.

29. *Certification* is the process whereby agricultural propagating material is certified on the basis of official inspection or inspection under official supervision, and includes the issuance of a seed certificate or a planting material certificate.

30. *Plant gene bank* is a place for the conservation, characterisation, collection, utilization and maintenance of plant genetic resources for food and agriculture.

31. *Plant genetic resources* means any plant or genetic material of actual or potential value for food or for other uses in agriculture.

32. *Third countries* are all countries from which agricultural propagating material is imported into the Republic of Croatia.

33. *Community Member States* are the Member States of the European Union.

34. *DUS* is a procedure for testing distinctness, uniformity and stability of new plant varieties, with a view to granting the breeder's right and registering the varieties of agricultural plants.

35. *UPOV* is the International Union for the Protection of New Varieties of Plants.

36. *Official inspection* means the inspection of agricultural propagating material which the Institute for Seed and Seedlings (hereinafter: the Institute) performs with a view to issuing a certificate.

37. *Inspection under official supervision* means the inspection of agricultural propagating material performed by legal or natural persons under the official supervision of the Institute for Seed and Seedlings.

38. *Official supervision* means an examination of a supplier performed by the Institute during the inspection of its production of agricultural propagating material.

39. *The Common Catalogue of Varieties* means the catalogue of varieties of agricultural plant varieties and vegetable varieties, which are registered and included in the variety lists of the Community Member States.

40. *Non-professional final consumer* means a natural or legal person who is not professionally involved in the production or sale of seeds and/or planting material.

41. *In situ* means the conservation of genetic material in ecosystems or natural habitats, or in the farmed environment (on farm conservation) where a limited number of specimens are grown.

42. *In vitro* means the growing of plants under fully controlled conditions.

### Article 3

In Article 4, paragraph 2, the first and second indents are amended to read:

"– certification of seeds and planting material, through an official inspection of the production, processing, packaging, sealing and labelling of seeds and planting material and through official control of suppliers,

– registration of varieties of fodder plants, cereals, beets, vegetables, potatoes, oil and fibre plants and vine,«.

The seventh and eighth indents are amended to read:

»– verification whether a supplier, laboratory or seed sampler fulfils the requirements for being entered in a relevant register,

– authorizing a supplier to carry out inspection under official supervision."

The ninth indent is deleted.

Paragraph 4 is deleted.

The existing paragraph 5 becomes paragraph 4.

### Article 4

In Article 5, paragraph 1, item 3 is amended to read:

"3. Commission for the registration of varieties of fodder plants, cereals, beets, vegetables, potatoes, oil and fibre plants,".

In item 5, the words "grape vine" are replaced by the word "vine".

After paragraph 3, the following paragraph 4 is added:

"(4) Members of the Commissions and working bodies referred to in this Article shall be paid the remuneration fixed by the Minister."

### Article 5

In Article 7, paragraph 1, after item 4 the following item 5 is added:

"5. making entries into and maintaining the List of Varieties of Agricultural Plants of the Republic of Croatia (hereinafter: the List of Varieties of the Republic of Croatia), the National List of Varieties and the List of Recommended Varieties."

In paragraph 4, the first and second indents are amended to read:

– variety maintenance, production, processing and importation of seeds, in the Register of Seed Suppliers,

– variety maintenance, production and importation of planting material, in the Register of Planting Material Suppliers."

In paragraph 5, the words: "and the register referred to in Article 4, paragraph 2, subparagraph 9 of this Act" are deleted.

#### Article 6

In Article 8, paragraph 1 is amended to read:

"(1) The Ministry shall, within the scope of its competencies, at the request of legal and natural persons, issue decisions referred to in Article 7, paragraph 1, of this Act, provided these legal and natural persons meet the requirements set out in this Act and regulations made under this Act."

In paragraph 3, the words "if the removal is determined to be a measure ordered by the competent inspection body, or" are deleted.

#### Article 7

In Article 9, paragraph 2, the word "categories" is replaced by the word "generations".

#### Article 8

In Article 10, paragraph 1, after the word "registered" the words "for seed production" are added.

In paragraph 2, after the words "A seed supplier" the words "registered for seed production" are added.

Paragraph 3 is deleted.

In the existing paragraph 4, which becomes paragraph 3, after the words "A seed supplier" the words "registered for seed production" are added.

#### Article 9

In Article 11, paragraph 2, the Croatian words translated as "plant health" are replaced by other Croatian words with no relevance to the English translation.

#### Article 10

In Article 12, paragraph 1, after the words "A seed supplier" the words "registered for seed production" are added, and after the words "of the Republic of Croatia" the words "or the National List of Varieties" are added.

In paragraph 3, after the words "seed supplier", the words "registered for seed production" are added, and the words "indicating that the seed is not intended for marketing" are deleted.

In paragraph 5, after the words "The seed supplier" the words "registered for seed production" are added.

#### Article 11

In Article 14, paragraph 2, after the words "a seed supplier", the words "registered for seed production" are added.

In paragraph 3, after the words "seed suppliers", the words "registered for seed production" are added.

Paragraph 5 is amended to read:

"(5) The Minister shall prescribe the training programme for inspectors and the conditions for carrying out the inspection referred to in paragraph 1 of this Article, the conditions relating to persons carrying out the inspection according to paragraphs 1 and 2 of this Article, the conditions to be met by suppliers referred to in paragraph 2 of this Article, the manner and time of application for inspection, and the form of the report."

#### Article 12

In Article 16, paragraph 2, after the words "registered", the words "for processing" are added.

In paragraphs 3 and 4, after the words "A seed supplier", the words "registered for processing" are added.

#### Article 13

In Article 17, paragraph 1, after the words "a seed supplier", the words "registered for processing" are added.

In paragraph 3, the word "official" is deleted.

#### Article 14

In Article 18, paragraph 2, the word "producer" is replaced by the words "supplier registered for seed production".

In paragraph 3, after the word "registered", the words "for production and/or processing" are added.

#### Article 15

In Article 19, paragraph 8 is amended to read:

"(8) Responsibility for the quality of seed placed on the market shall lie with the seed supplier who placed the seed on the market."

#### Article 16

In Article 20, paragraph 2, after the word "registered", the words "for production and/or processing" are added.



After paragraph 11, the following paragraph 12 is added:

»(12) By way of derogation from paragraph 1 of this Article, a supplier registered for production and/or processing may himself issue a seed certificate for certain plant species and seed categories. The Minister shall prescribe the conditions for and the manner of issuing such seed certificates."

#### Article 17

In Article 22, paragraph 1, after the word "produced" the words "and imported" are deleted, and after the words "Act", the words "and of imported seed" are added.

After paragraph 1, the following new paragraph 2 is added:

"(2) A seed supplier who imports seed shall, before marketing such seed, inform the Institute thereof, for the purpose of taking samples for post-control."

After the existing paragraph 2, which becomes paragraph 3, the following paragraph 4 is added:

»(4) If it is repeatedly found, during post-control tests carried out in the field, that seed of any one variety does not satisfy the conditions laid down in respect of varietal authenticity and purity, the Institute shall propose to the Ministry to temporarily or permanently forbid the marketing of such seed.«

The existing paragraph 3 becomes paragraph 5.

#### Article 18

In Article 23, paragraph 3, after the word "category", the full stop is deleted and the words "except where otherwise provided in respect of certain packages of seed and methods of labelling." are added.

In paragraph 4, after the word "certificate" the full stop is deleted and the words "or by way of derogation from paragraph 3 of this Article, certain categories of certain seed varieties may be marketed labelled only with a supplier's certificate." are added.

In paragraph 7, after the word "varieties", the full stop is deleted and the words "as well as basic seed, certified seed and commercial seed of fodder plants." are added.

#### Article 19

In Article 25, paragraph 2, after the words "resealing, the", the words "most recent" are deleted.

#### Article 20

In Article 26, paragraph 1, the first indent, the words "paragraph 1 of" are deleted.

The fourth indent is amended to read:



"– it belongs to a variety which is included in the List of Varieties of the Republic of Croatia, in the case of plant species for which the list of varieties is obligatory, or in the National List of Varieties,".

#### Article 21

In Article 27, after paragraph 2, the following new paragraph 3 is added:

"(3) The provisions of paragraph 2 of this Article shall not apply to retail stores which market seed made up in small packages (small packages of vegetable seed, small A packages of fodder plant seed)."

The existing paragraph 3 becomes paragraph 4.

#### Article 22

In Article 28, in the first indent of paragraph 1, the words "in selection" are replaced by the words: "in breeding, introduction".

In paragraph 3, in the first indent, after the word "certain", the word "higher" is deleted, and after the word "germination", the words " and moisture content" are deleted.

#### Article 23

In Article 29, paragraphs 1 and 2 are amended to read:

"(1) Seed may be imported by a seed supplier who is entered and registered for import in the Register of Seed Suppliers.

(2) Seed may only be imported and marketed if it belongs to a variety included in the List of Varieties of the Republic of Croatia, in the case of plant species for which the list of varieties is obligatory, or in the National List of Varieties, and if the seed is equivalent to seed produced according to this Act."

In paragraph 4, after the word "Ministry", the words "or on its own initiative or at the request of the supplier," are deleted.

Paragraph 7 is amended to read:

"(7) The importer must maintain records of all the quantities of seed imported during a year and keep the Institute informed thereof."

Paragraph 8 is deleted.

After the existing paragraph 9, which becomes paragraph 8, the following paragraph 9 is added:

"(9) The Minister shall establish a list of bodies which have been granted equivalence in accordance with paragraph 4 of this Article."

#### Article 24

Article 30 is amended to read:

"Responsibility for the quality of imported seed shall lie with the legal or natural person who imported or marketed the seed."

#### Article 25

In Article 31, paragraph 1, the words "scientific-educational institutions" are replaced by the words "scientific-educational institutions and state institutes", and the words "selection work" are replaced by the word "breeding".

#### Article 26

In Article 33, paragraph 1, after the word "registered", the words "for the production of planting material".

Paragraph 2 is amended to read:

"(2) In addition to complying with the requirements of paragraph 5 of Article 7 of this Act, a supplier registered for the production of planting material shall continuously:

- identify and monitor critical points in the production process on the basis of the production methods used,
- establish and implement measures for monitoring and checking the critical points in the production process,
- take samples and analyse the quality of planting material in an accredited laboratory for the purpose of checking whether planting material meets the quality requirements set out in this Act and regulations made under this Act,
- keep a written record of the activities required by the first, second and third indents of this paragraph, as well as records on the production and marketing of planting material, to be held at the disposal of the competent authorities."

In paragraph 5, after the word "distribution", the words "and sale" are deleted, and after the words "of planting material" the Croatian words are deleted with no relevance to the English translation.

Paragraph 6 is amended to read:

"(6) The Minister shall prescribe the measures, actions and conditions to be met by suppliers, referred to in paragraph 2 of this Article, the method of conducting the inspection provided for in paragraph 3 of this Article, the records to be kept, the form and manner of keeping the records referred to in paragraphs 2 and 5 of this Article, and the length of time documents are to be kept."

#### Article 27

In Article 37, paragraph 3 is amended to read:

"(3) Responsibility for the quality of planting material placed on the market shall lie with the legal or natural person who placed the planting material on the market."

## Article 28

Article 38 is amended to read:

- "(1) The quality of planting material shall be assessed during inspection.
- (2) Analyses for the presence of harmful organisms shall be carried out, where appropriate, to assess the health status of the planting material.
- (3) The analyses referred to in paragraph 2 of this Article shall be carried out by a laboratory accredited in accordance with a special regulation governing plant health.
- (4) The method and conditions for taking samples for the analyses referred to in paragraph 2 of this Article shall be prescribed by the Minister."

## Article 29

Article 39 is amended to read:

- »(1) Planting material shall be subject to inspection during production, harvesting, packing, sealing and labelling.
- (2) The inspection of the planting material shall determine the origin of the planting material used, the identity of the variety and rootstock, the level of vegetative development, the health status, and the category of the planting material.
- (3) The inspection shall be carried out as an official inspection or an inspection under official supervision.
- A report shall be made of the inspection performed.
- (4) The official inspection of the production of planting material shall be carried out by the Institute.
- (5) For particular species and particular categories, the Institute may allow a supplier of planting material to carry out an inspection under official supervision of his own production.
- (6) The Minister shall prescribe the plant species and planting material categories which are subject to official inspection and the plant species and planting material categories for which inspection under official supervision may be performed, the conditions and procedure for conducting official inspection and inspection under official supervision, the requirements to be met by persons who carry out inspections, the programme of training for carrying out inspections, the manner of conducting, by authorised persons, official control of inspections performed, the conditions relating to authorised persons, as well as the form of the report."

## Article 30

In Article 40, after paragraph 3, the following new paragraph 4 is added:

"(4) The Institute and the supplier shall keep records of issued certificates referred to in paragraph 3 of this Article."

The existing paragraph 4, which becomes paragraph 5, is amended to read:

"(5) The Minister shall prescribe the form of the notification of production referred to in paragraph 1 of this Article and the deadline for its submission, as well as the form of the planting material certificate referred to in paragraph 4 of this Article and the method of keeping records of certificates issued."

#### Article 31

In Article 41, paragraph 1 is amended to read:

"(1) If, during:

- an inspection performed in accordance with Article 33, paragraph 2, of this Act by the responsible inspection body,
- official inspection and official control performed by the Institute,
- an inspection performed on the market by the responsible inspection body, or
- post-control performed by the Institute,

it is found that the planting material does not meet the requirements of this Act and regulations made under this Act, the responsible inspection body or the Institute shall order that appropriate measures be taken to ensure that the planting material does comply with the requirements of this Act and regulations made under this Act."

Paragraphs 4 and 5 are amended to read:

»(4) If, during the implementation of the measures referred to in paragraph 1 of this Article, it is repeatedly found that a supplier has committed major breaches of the Act during a year and if a decision ordering the measure referred to in paragraph 2 of this Article is issued, the responsible inspector or the Institute shall propose to the Ministry to temporarily remove the supplier concerned from the Register of Planting Material Suppliers for a maximum period of 180 days.

(5) If, within two years after the expiry of the period specified in paragraph 4 of this Article, the planting material supplier is again issued a decision ordering the measure referred to in paragraph 2 of this Article, the responsible inspector or the Institute shall propose to the Ministry to permanently remove the supplier concerned from the Register of Planting Material Suppliers."

#### Article 32

In Article 42, paragraph 1, after the words "packaging and", the words " a planting material certificate" shall be added.

In paragraph 5, after the word "variety", the word "category" is added.

After paragraph 6, the following paragraph 7 is added:

"(7) By way of derogation from paragraph 1 of this Article, a supplier may himself issue a planting material certificate for certain plant species and planting material categories. The

Minister shall prescribe the conditions for and the manner of issuing planting material certificates."

#### Article 33

In Article 43, paragraph 1, after the word "category«" the words "or with an accompanying document" are added.

In paragraph 2, the words "seedlings planted in pots, baskets or boxes" are replaced by the words "certain planting material species and categories".

Paragraph 5 is amended to read:

"(5) In addition to the planting material certificate referred to in paragraph 1 of this Article, planting material may be labelled with a supplier's certificate. Planting material of certain species and categories may be marketed labelled only with a supplier's certificate."

After paragraph 5, the following paragraph 6 is added:

"(6) The Minister shall prescribe the manner of packaging, sealing and labelling for planting material referred to in paragraph 1 of this Article, the species and categories of planting material referred to in paragraph 2 of this Article and the manner of labelling referred to in paragraph 4 of this Article for certain plant species and their categories, as well as the species and categories referred to in paragraph 5 of this Article."

#### Article 34

In Article 45, paragraph 1, the first indent, the words "a planting material certificate" are replaced by the words "planting material certificates", and the words "paragraph 1 of" are deleted.

The fourth indent is amended to read:

»– it belongs to a variety which is included in the List of Varieties of the Republic of Croatia, in the case of plant species for which the list of varieties is obligatory, in the National List of Varieties, or in the list kept by suppliers,«.

#### Article 35

In Article 46, paragraph 3, after the words "as well as the conditions relating to" the words "and derogations from" are added.

#### Article 36

In Article 47, paragraph 1, the words "an importer" are replaced by the words "a supplier", and after the word "registered", the words "for import" are added.

Paragraph 2 is amended to read:

"(2) Planting material may be imported if it belongs to a variety included in the List of Varieties of the Republic of Croatia, in the case of plant species for which the list of varieties

is obligatory, or in the National List of Varieties, and if it is equivalent to planting material produced according to this Act.«

In paragraph 4, the words "or on its own initiative or on the proposal of the importer" are deleted.

After paragraph 8, the following paragraph 9 is added:

"(9) The Minister shall establish a list of bodies which have been granted equivalence in accordance with paragraph 4 of this Article."

#### Article 37

Article 48 is amended to read:

"Responsibility for the quality of imported planting material shall lie with the legal or natural person who imported or marketed the planting material concerned."

#### Article 38

In Article 49, paragraph 1 is amended to read:

"(1) The provisions of this Act concerning the importation and marketing of planting material shall not apply to planting material which scientific and scientific-educational institutions send or receive for tests, for research purposes, for breeding purposes, for the purposes of registration and protection of new plant varieties, for the needs of the plant gene bank and for the purposes of the conservation of genetic diversity."

#### Article 39

In Article 50, paragraph 1, the word "certain" is deleted, and after the word "species", the words "which are recognized in the Republic of Croatia" are added.

In paragraph 3, the words "as well as the species which are exempt from the obligation to be entered in the List of Varieties of the Republic of Croatia" are deleted.

In paragraph 4, the words "referred to in paragraph 3 of this Article" are deleted.

#### Article 40

In Article 51, paragraph 1, the Croatian word translated as "registered" is replaced by the same word in another grammatical case, with no relevance to the English translation.

#### Article 41

Article 52 is amended to read:

"(1) The variety registration process is initiated by filing an application with the Institute, or the Institute for Fruit Growing (hereinafter: the competent institute).

(2) An application for variety registration (hereinafter: the application) shall be filed by a person (hereinafter: applicant) who:

1. is the holder of the breeder's right,
2. has applied for a breeder's right, but has not yet been granted such right as the process is still in progress,
3. maintains a variety which is not protected in accordance with a regulation governing the protection of new plant varieties.

(3) An applicant who is not a citizen of the Republic of Croatia must designate a representative (authorized agent), who is a citizen of the Republic of Croatia, for the purposes of filing the application and correspondence during the registration process.

(4) The Minister shall prescribe the manner in which the application for variety registration is to be filed and the documents which are to accompany the application."

#### Article 42

In Article 54, paragraph 1, the word "complete" is replaced by the words "valid and whether the proposed variety denomination meets the requirements for acceptance".

Paragraph 2 is amended to read:

"(2) The manner and conditions of verifying the validity of applications and the method of handling applications, as well as the manner and conditions of verifying the acceptability of variety denominations shall be prescribed by the Minister."

Paragraph 3 is deleted.

#### Article 43

In Article 55, paragraph 3, the words "not suitable" are replaced by the words "not acceptable".

In paragraph 5, the word "suitability" is replaced by the word "acceptability".

#### Article 44

Article 56 is amended to read:

"(1) The Institute shall timely notify the applicant that the variety will be included in a field trial and shall require him to submit the required quantity of propagating material for the field trial and laboratory tests.

(2) The Minister shall prescribe the manner and conditions of the notification referred to in paragraph 1 of this Article, rules concerning the quantity and preparation of the propagating material referred to in paragraph 1 of this Article, and the deadline for sowing or planting."

#### Article 45

In Article 58, paragraph 2 is amended to read:



"(2) The method according to which the data obtained from field trials and laboratories are to be processed, and the manner in which the data are to be submitted to interested parties, shall be prescribed by the Minister."

Paragraphs 3, 4 and 5 are deleted.

#### Article 46

In Article 59, paragraph 3, item 1, the words "and oil pumpkin, fruit varieties, varieties of ornamental plants and medicinal and aromatic herbs," are deleted.

In paragraph 5, the word "third" is deleted.

In paragraph 7, the Croatian word translated as "introduction", in various grammatical cases, is replaced by the words "deliberate release".

#### Article 47

In Article 60, paragraph 1, the first indent, the word "existing" is deleted.

In paragraph 3, the words "conservation plant genetic resource" are replaced by the words "conservation variety".

Paragraph 4 is amended to read:

"(4) The Minister shall prescribe plant species, more detailed conditions and a specific procedure for the registration and conservation of the varieties referred to in paragraph 1 of this Article, as well as the definitions of domestic and domesticated varieties of particular plant species and varieties not interesting for commercial production."

#### Article 48

In Article 61, paragraph 1, the words "the competent institute" are replaced by the words "the Ministry", and the words "and its inclusion in the list of varieties" are replaced by the words "or on its non-registration".

Paragraph 2 is amended to read:

"(2) As from the date on which the decision referred to in paragraph 1 of this Article becomes final, the variety shall be listed in the List of Varieties of the Republic of Croatia."

Paragraph 3 is deleted.

In the existing paragraph 4, which becomes paragraph 3, the words "competent institute" are replaced by the word "Ministry".

After paragraph 3, the following new paragraph 4 is added:

"(4) The period of validity of registration of a variety and its inclusion in the List of Varieties of the Republic of Croatia shall be prescribed by the Minister.«

#### Article 49

In Article 63, paragraph 1, the word "Institute" is replaced by the word "Ministry".

In the first indent, the word "10-year" is deleted.

#### Article 50

In Article 64, the word "Institute" is replaced by the word "Ministry".

#### Article 51

In Article 65, the word "Institute" is replaced by the word "Ministry".

#### Article 52

In Article 66, paragraph 2, the words "or the Institute for Fruit Growing" are deleted.

In paragraph 3, the word "Institute" is replaced by the word "Ministry".

Paragraphs 4 and 5 are deleted.

The existing paragraph 6, which becomes paragraph 4, is amended to read:

"(4) The period during which a variety remains included in the List of Varieties of the Republic of Croatia, the conditions and procedure for renewal of the inclusion of varieties in the List of Varieties of the Republic of Croatia, and the amount of the fee, shall be prescribed by the Minister."

#### Article 53

In Article 68, paragraph 2, the words "the existing" are deleted.

Paragraph 4 is amended to read:

"(4) The contents of the National List of Varieties and of variety dossiers, the conditions for inclusion of vine varieties and varieties of fruit species in the National List of Varieties, as well as the conditions for keeping a variety on the list of varieties, shall be prescribed by the Minister."

#### Article 54

In Article 69, the following new paragraph 1 is added:

"(1) The List of Recommended Varieties is an official list of varieties which have undergone special examination and found to be of value for cultivation and use."

The existing paragraphs 1, 2, 3, 4 and 5 become paragraphs 2, 3, 4, 5 and 6.

After the existing paragraph 5, which becomes paragraph 6, the following new paragraph 7 is added:

"(7) The examination and inclusion of varieties in the List of Recommended Varieties of vine shall be carried out on the basis of a Programme for examination of varieties for inclusion in

the List of Recommended varieties of vine, to be proposed to the Ministry by the Croatian Institute for Viticulture and Wine Production."

In the existing paragraph 6, which becomes paragraph 8, the number "5" is replaced by the number "6".

In the existing paragraph 7, which becomes paragraph 9, the number "5" is replaced by the number "6", and the words "shall be borne by the Ministry" are replaced by the words "shall be prescribed by the Minister".

In the existing paragraph 8, which becomes paragraph 10, the number "4" is replaced by the number "5".

#### Article 55

In the sub-heading above Article 70, the words "of parent trees" are deleted.

#### Article 56

In Article 70, paragraph 1, after the word "maintainer", the words "in the Republic of Croatia or an EU Member State" are added.

In paragraph 2, after the word "Suppliers", the full stop is deleted and the words "and registered for variety maintenance" are added.

Paragraph 4 is amended to read:

"(4) If the equivalence requirement referred to in paragraph 3 of this Article is satisfied, the representative, who resides in the Republic of Croatia, must be authorised by the maintainer to represent him in the procedure carried out by the Institute."

In paragraph 5, the words "authorised maintainer" are replaced by the words "authorised representative of the maintainer", and the word "prescribed" is replaced by the word "accepted".

Paragraph 6 is amended to read:

"(6) The Minister shall prescribe the contents of records referred to in paragraph 5 of this Article and the manner of keeping them."

#### Article 57

In Article 72, paragraph 1, the words "documents accompanying agricultural" are replaced by the word "agricultural".

In paragraph 9, the words "the inspection of consignments" are replaced by the words "the manner in which control at the time of importation is to be carried out and in which records of the controls performed are to be kept".

#### Article 58

In Article 73, paragraph 1, the word "seed" is replaced by the word "agricultural propagating material".

## Article 59

Article 74 is amended to read:

"(1) The Minister shall prescribe the costs for services and procedures carried out by the competent institute, the time and manner of payment and the use of such funds.

(2) The value of costs shall be expressed in points, and the value of points shall be set by the Minister."

## Article 60

In Article 75, paragraph 1, item 1 is deleted.

The existing item 2 becomes item 1.

In the existing item 3, which becomes item 2, after the word "seed", the words "and planting material" are added.

Paragraph 2 is amended to read:

"(2) The costs referred to in item 1 of paragraph 1 of this Article shall constitute revenue of accredited laboratories, and the costs referred to in item 2 of paragraph 1 of this Article shall constitute revenue of the state budget."

## Article 61

In Article 76, paragraph 2, the first indent, the words "seed crops" are replaced by the word "seed".

## Article 62

In Article 80, paragraph 1, item 6, after the word "required" the words "indicated in the certificates" are added.

## Article 63

In Article 94, paragraph 1, after item 6, the following item 6a is added:

"6a. if a supplier importing seed places the seed on the market in contravention of the provision of Article 22, paragraph 2, of this Act,".

After item 21, the following item 21a is added:

"21a. for failing to provide the Institute with a report on imported quantities of seed referred to in Article 29, paragraph 7, of this Act,".

After item 25, the following item 25a is added:

"25a. for producing planting in contravention of the provision of Article 33 of this Act,".

In item 41, the words "List of Varieties is" is replaced by the words "list of varieties is", and after the word "obligatory", a comma is inserted and the words "in the National List of Varieties, or in the list kept by suppliers" are added.

#### Article 64

In Article 97, after the fourth indent, the following new fifth indent is added:

»– varieties of vine which are included in the Common Catalogue of Varieties in the Community or a List of Varieties in a Community Member State shall be recognised as being included in the List of Varieties of the Republic of Croatia and allowed to be produced, registered for official inspection, imported and marketed in the territory of the Republic of Croatia.«

The existing fifth and sixth indents become the sixth and seventh indents respectively.

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 65

(1) Legal and natural persons who, pursuant to the Act on Seeds, Planting Material and Registration of Varieties of Agricultural Plants (Official Gazette 131/97 and 163/03), are entered in:

1. the Register of Laboratories for Agricultural Seed Quality Control shall be considered as being entered in the Register of Laboratories and registered for seed quality testing under this Act,

2. the Register of Maintainers of Varieties of Agricultural Seed and Planting Material shall be considered as being entered:

– the Register of Seed Suppliers and registered for maintenance of seed according to this Act, in respect of seed of plant species in respect of which they were entered as maintainers in the Register of Maintainers of Varieties of Agricultural Seed and Planting Material,

– the Register of Planting Material Suppliers and registered for maintenance of planting material, in respect of plant species in respect of which they were entered in the Register of Maintainers of Varieties of Agricultural Seed and Planting Material.

(2) Legal and natural persons who, pursuant to paragraph 1 of this Article, are registered in the registers referred to in Article 7, paragraph 1, of the Act on Seeds, Planting Material and Registration of Varieties of Agricultural Plants (Official Gazette 140/05) shall continue to be registered for a period of one year following the date of entry into force of a subordinate legislation referred to in Article 7, paragraph 5, of the same Act. Legal and natural persons who are entered in the registers referred to in Article 7, paragraph 1, of the same Act shall be exempt from payment of administrative fees referred to in Article 13, paragraph 2, item 1, tariff heading 44, of the Act on Administrative Fees (Official Gazette 8/96, 77/96, 131/97, 68/98, 66/99, 145/99, 30/00, 116/00, 163/03, 17/04, 110/04, 141/04, 150/05, 153/05 and 129/06).

#### Article 66

Varieties included in the National List of Varieties in accordance with Article 68, paragraph 2, of the Act on Seeds, Planting Material and Registration of Varieties of Agricultural Plants (Official Gazette 140/05) may be produced, registered for official inspection and marketed in the Republic of Croatia as from the date of accession of the Republic of Croatia to the European Union.

Article 67

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette.

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Zagreb, 14 March 2008

THE CROATIAN PARLIAMENT

President of the Croatian Parliament

**Luka Bebić, m.p.**

PROVISIONAL TRANSLATION