

REPUBLIC OF CROATIA

**THE LAW
ON THE SEED AND PLANT MATERIAL,
AND PLANT VARIETY REGISTRATION**

***RATIFIED BY THE PARLIAMENT of REPUBLIC OF CROATIA
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I BASIC PROVISIONS

Article 1

This Law regulates the production and trade of agricultural seed, transplants, mycelium of mushrooms for food and medicine, and agricultural plant material as well as the registration of agricultural plants varieties and other issues relevant for the implementation of unique system of production of seed and plant material.

Article 2

For the purposes of this Law:

1. Agricultural seed is generative and vegetative part of agricultural plants used for the multiplication and production of agricultural plants.
2. Agricultural variety seed is pre-basic seed and other seed categories produced by multiple cyclic multiplication of pre-basic seed of varieties which are registered in the Register of new domestic and foreign varieties of the Republic of Croatia.
3. Agricultural variety seed are also local native populations of cultivated plants as eco-types, clons etc, which are produced and registered in the Register of old native and domesticated varieties of the Republic of Croatia.
4. Agricultural plant variety (hereinafter: “*the variety*”) is a plant grouping within a single botanical taxon of lowest known rank, defined by the expression of characteristics resulting from a given genotype or combination of genotypes; distinguished from any other plant grouping by the expression of at least one of said characteristics considered as a unit with regards to its suitability for being propagated unchanged.
5. Agricultural plant material are the seedlings used to plant an orchard, vineyard or hopyard, as well as flowers, roses, ornamental shrubs and trees, and reproductive material for the production of seedlings.
6. Reproductive material for the production of seedlings is the seed used for the production of stocks, vegetative stocks, layers with roots, root sprouts, ripen and green shoots, buds and meristem, if they originate from selected parental, elite-parental and registered (original) parental trees or shrubs of varieties and stocks.
7. Fruit seedling is annual or perennial plant, cultivated from vegetative parts of parental plant or cultivated by inoculation or propagated from the seed of parental plant.
8. Seedling is the plant material cultivated by means of generative or vegetative propagation; it is used for the multiplication of agricultural plants.
9. Registration of agricultural plant variety is the registration of newly created domestic varieties and introduction of foreign varieties (hereinafter: “*variety registration*”).
10. The breeder of agricultural plant variety (hereinafter: “*the breeder*”) is natural or legal person who has been engaged in the breeding process of a new variety; who has created or discovered the new variety.
11. The breeder’s right is the right of breeder or the right of breeder’s legal successor provided for in this Law.

Article 3

- (1) All activities related to seed production, nursery production (plant material production) and variety registration regulated by this Law will be accomplished by the State Institute for Seed and Seedlings/Zavod za sjemenarstvo i rasadničarstvo (hereinafter referred to as "*the Institute*").
- (2) The Institute from the Para. (1) of this Article is the institution established by the Government of Republic of Croatia.
- (3) In order to monitor the situation in the seed- and plant material sector, the Institute has to submit the activity reports to the Ministry of Agriculture and Forestry (hereinafter: "*the Ministry*") on a yearly basis.

Article 4

- (1) In order to monitor and control the development of seed sector, plant material production and variety registration, and to issue professional advises and proposals, the following Committees will be established in the Ministry:
 1. Committee for the agricultural seed production
 2. Committee for agricultural nursery production
 3. Committee for the registration of varieties of farming crops, vegetables and flowers
 4. Committee for the registration of varieties of agricultural plant material.
- (2) Committees will be established, and Chairmen, Secretaries and members of Committees will be appointed by the Minister of Agriculture and Forestry (hereinafter: *the Minister*) by the Official Decision published in "the Official Gazette".
- (3) Chairman, Secretary and Members of each Committee are entitled to a payment regulated by Minister.
- (4) The Minister can establish other working bodies for the implementation of specific activities from the Para. (1) of this Article.

Article 5

- (1) The Ministry will manage the following Registers, related to the production of seed and plant material, and variety registration:
 1. The Register of producers of agricultural seed, seedlings and mycelium of mushrooms for human consumption and medical purposes (hereinafter: "*The Register of Seed Producers*");
 2. The Register of processors of agricultural seed (hereinafter: "*The Register of Seed Processors*");
 3. The Register of producers of agricultural plant material (hereinafter: "*The Register of Plant Material Producers*");
 4. The Register of maintainers of agricultural seed and plant material (hereinafter: "*The Register of Variety Maintainers*");
 5. The Register of newly created domestic varieties of agricultural plants (hereinafter: "*The Register of New Domestic Varieties*");
 6. The Register of foreign varieties of agricultural plants (hereinafter: "*The Register of Foreign Varieties*");
 7. The Register of already existing domestic and domesticated varieties of agricultural plants (hereinafter: "*The Register of Old Varieties*");

8. The Register of importers of agricultural seed, plant material, seedling and mycelium (hereinafter: “*The Register of Importers*”);
9. The Register of Laboratories for quality control of agricultural seed.

(2) The conditions for the registration of legal or natural persons in Registers from the Para. (1) of this Article, as well as the content, the form and operational procedures will be regulated by Minister.

Article 6

- (1) The Ministry issues the Official Decision on the registration in Registers from the Article 5 of this Law based on the application of legal or natural person, if such legal or natural person comply with the conditions set in this Law and with other regulations deriving from this Law.
- (2) The Ministry reaches the Official Decision to erase any legal or natural person from the Registers from the Article 5 of this Law based on the application, or if legal or natural person ceases to comply with the conditions from this Law and other regulations deriving from this Law.
- (3) Lists based on Official Decisions from the Para. (1) and (2) of this Article will be published in the “Official Gazette” of Republic of Croatia.

I THE AGRICULTURAL SEED

1. Agricultural seed; Seed categories

Article 7

- (1) Categories of agricultural seed are the following:
 1. Pre-basic seed is produced and maintained by the plant-breeder, other natural or legal person to whom the breeder has transferred his right to maintain the seed, or by registered seed propagator, by multiplication of selected plants of parental material registered in Registers from the Article 5, Para. 1, Items 5, 6, and 7 of this Law.
 2. Basic seed is produced from the pre-basic seed under the control of plant breeder or authorised multiplier.
 3. Certified seed of 1st generation is produced by multiplication of basic seed.
 4. Certified seed of 2nd generation is produced by multiplication of certified seed of 1st generation or other higher seed categories.
 5. Certified seed of 3rd generation is produced by multiplication of certified seed of 2nd generation or other higher seed categories.
 6. Self-fertile line is offspring of one homozygote plant, cultivated in controlled autogamy during several generations and under the breeder’s control.
 7. Single cross (SC) is the first generation obtained by crossing two self-fertile lines.
 8. Double cross (DC) is the first generation obtained by crossing two single crosses.
 9. Three-way cross (TWC) is the first generation obtained by crossing self-fertile line with single cross.
- (2) The Minister will regulate the final multiplication seed category for each plant species.

2. Production of agricultural seed

Article 8

- (1) Agricultural seed (hereinafter: “*The seed*”) can be produced by legal or natural persons (hereinafter: “*Seed producer*”) registered in the Register of seed producers.
- (2) Seed producer is allowed to produce the seed of plant varieties registered in Registers from the Article 5, Para. 1, line 5,6, and 7 of this Law.
- (3) The Minister will establish the list of agricultural plants forbidden to cultivate or multiply in particular regions of Republic of Croatia.
- (4) Depending on the type of seed and duration of its production, Seed producers are under an obligation to inform the Institute on the quantity of produced seed, at latest on December 31 every year.

Article 9

- (1) Seed producer is allowed to propagate seed of variety, which is not registered in the Register of foreign varieties from the Article 5, Para. 1, Items 6 and 7 of this Law, from imported seed only, and for the account of foreign partner.
- (2) Seed from the Para. (1) of this Article can be propagated according to the Permission of Ministry, and based on the Contract with foreign partner, which regulates the obligation of foreign partner to buy the total quantity of produced natural or processed seed.
- (3) It is forbidden to sell seed from the Para. (1) of this Article in the Republic of Croatia.

3. Professional Control of Seed Production

Article 10

- (1) Professional control of seed-crops in vegetation is obligatory.
- (2) As exemption of Para. (1) of this Article, professional control is not necessary for flowers, medical and aromatic plants and for plant species, which have no registered varieties.
- (3) Professional control of seed-production crops analyses the following parameters: origin of planted seed; purity of species; authenticity and purity of variety; seed category; health-state of crop, other parameters regulated by the methodology for seed control.

Article 11

- (1) Professional control of pre-basic seed, basic seed and self-pollinating lines has to be done by the breeder, who needs to inform the Institute about his control and its findings.
- (2) Professional control of certified seed crop of the 1st, 2nd and 3rd generation, as well as SC, DC and TWC and other hybrids has to be done by the Institute or other natural or legal person authorised by the Ministry.
- (3) The Institute has to inform the Ministry about performed seed-crop control once a year, at latest on December 31 of current year.

- (4) Methodology of professional seed-crop control for specific species; the form and content of report, and the professional degree of seed-crop controller will be determined by Minister.

Article 12

- (1) After the completion of professional control, and based on its findings, the Institute will issue the Seed-crop certificate (hereinafter: "*The Certificate*"), within fifteen days from the last seed-crop control.
- (2) The Certificate for the pre-basic and basic seed as well as for the seed of self-pollinating lines will be issued by the breeder.
- (3) The Institute and the breeder have to keep a record of all Certificates issued according to the Para. (1) and (2) of this Article.
- (4) The Minister will determine the form of Certificate from the Para. (1) and (2) of this Article, as well as the content, form and methods of record keeping from the Para. (3) of this Article.

Article 13

If the seed-crop producer fails to complete necessary seed-production measures in any phase of seed production, the Institute will order measures to remove established failures.

The Seed Processing

Article 14

- (1) Seed processing comprises: drying, cleaning, seed calibrating, pelleting, pesticide treating, quality tests, packing, sealing, and labelling.
- (2) All seed has to be processed prior to marketing.

Article 15

- (1) Legal or natural person registered in the Register of seed processors can process seed (hereinafter: "*the Seed processor*").
- (2) Official Decision on the registration of a seed processor in the Register of Seed processors from the Para. (1) of this Article has to specify plant species and seed categories which can be processed by specific processor.

Article 16

- (1) If the seed of specific variety has been processed by various processors, it is understood that the seed has been processed by the last processor.
- (2) The seed processor has to keep a record of quantity of incoming natural seed and produced processed seed.
- (3) The Minister will determine the content, form and method of record keeping from the Para. (2) of this Article.

Article 17

- (1) The seed processor is allowed to produce different mixtures of various plant species and varieties in different proportions of specific seed components.
- (2) Each seed component in the mixture has to comply with the quality standards for that specific species.
- (3) Total production of natural seed of small-grain leguminous plants has to be delivered to the seed processor.
- (4) The obligation of seed processor is to destroy the waste from the processing of seed from the Para. (3) of this Article, under the control of plant-production inspector.

Article 18

- (1) The seed processor is not allowed to process natural agricultural seed without the Seed-crop Certificate from the Article 12, Para. (1) and (2) of this Law.
- (2) As exemption of Para. (1) of this Article, seed of plant species from the Article 10, Para. (2) of this Law can be processed without the Seed-crop Certificate.

Article 19

- (1) Prior to seed processing (during harvesting, transport and storage), natural seed of various species and varieties has to be kept separate and correctly labelled.
- (2) Natural seed transported from the field to the storage facility has to be accompanied by the following information: producer's name, plot No, species, variety and natural seed category.

5. The seed quality

Article 20

According to this Law, the seed quality is: *purity, moisture content, germination and health-state*.

Article 21

- (1) Seed quality has to be established for every seed lot prior to marketing.
- (2) According to this Law, the seed lot is the largest seed quantity of one species, variety and category, produced the same year for which the quality is established.
- (3) The Minister will regulate the quantity of seed for each plant species from the Para. (2) of this Article (seed lot).

Article 22

- (1) The Minister will establish basic seed quality standards after obtaining the accordance of Head of State Office for Standardisation and Metrology.
- (2) The seed quality is established by the seed processor and laboratory registered in the Register from the Article 5, Para. (1), line (9) of this Law.
- (3) The seed processor is responsible for the quality of seed.

Packing and labelling of seed

Article 23

- (1) Seed for sale has to comply with established basic quality standards; it has to be properly packed and must have declaration with the send off bill and declaration on the packaging.
- (2) Seed in packages smaller than 250 g needs not to have declaration with the send off bill, but packing declaration has to be printed in accordance with the Para. (4) of this Article.
- (3) Legal or natural person who has issued declarations is responsible for statements in declarations.
- (4) The form of packing and labelling (declarations) from the Para. (1) of this Article will be established by Minister.

Article 24

- (1) Seed produced in the Republic of Croatia has to be labelled by seed processor according to the Article 25, Para. (1) of this Law.
- (2) Imported seed in original packing has to be labelled by seed importer in accordance with the Article 25, Para. (1) of this Law. Repacked imported seed has to be labelled by processor who repacked the seed.
- (3) The obligation of seed processor and seed importer is to deliver one copy of seed declaration to the Institute.

Article 25

- (1) The application for declaration form has to be submitted to the Institute.
- (2) The Institute keeps records of issued declarations.
- (3) The Minister will establish the size, colours, and content of declaration for various seed categories; as well as declaration form; content, form and method of record keeping from the Para. (2) of this Article.

Article 26

- (1) Prior to the sale of seed, the owner of seed with expired declaration date must analyse seed germination, or health-state of those species with no germination test.
- (2) If the germination test results comply with the conditions for germination/health state, the new declarations with the expedition bill and declaration for packing will be issued.

The seed trade

Article 27

- (1) Seed trade can be performed by legal or natural person registered for that activity.
- (2) It is allowed to market the seed of varieties registered in Registers from the Article 5, Para (1), Items 5, 6 and 7 of this Law.

Article 28

- (1) Wholesale of seed can be performed by legal person employing an agronomy engineer with B.Sc. degree in plant production.
- (2) Retail sale of seed can be performed by legal or natural person employing in each retail shop an employee with min. high school-degree in agriculture (IV Grade).
- (3) Retail shop selling seed in packages not bigger than 250 g needs not to have an employee from the Para. (2) of this Article.
- (4) Legal and natural persons from the Article 27, Para. (1) of this Law are not allowed to sell seed outside the shop.
- (5) Legal and natural persons from the Article 27, Para. (1) of this Law must keep (store) the seed under such conditions which will ensure proper maintenance of seed quality.
- (6) Conditions from the Para. (5) of this Article will be established by Minister.

Article 29

As an exemption of Article 27, Para. (2) of this Law, in case of shortage of seed in one particular year, the Minister is authorised to permit for that particular year marketing of seed of varieties, which are not registered in the Register from the Article 5, Para. (1), Items 5, 6 and 7 of this Law, as well as the seed which does not meet the basic requirements on seed quality from the Article 22, Para. (1) of this Law.

The seed import

Article 30

- (1) Importers registered in the Register from the Article 5, Para. (1), Item 8 of this Law can import the seed.
- (2) Variety seed can be imported if the variety is registered in Registers from the Article 5, Para. (1), Items 5, 6 and 7 of this Law.
- (3) Variety seed can be imported in original packing only.
- (4) If the seed has to be repacked in smaller packing, it has to be done by seed processor.
- (5) As an exemption of Para. (2) of this Article, in the case of seed-shortage in one particular year, the Minister is authorised to permit import of seed of varieties that are not registered in the Register from the Article 5, Para. (1), Item 6 and 7 of this Law.
- (6) Exceptionally, the Minister is authorised to permit the import of non-processed seed, accompanied by the variety certificate and phyto-certificate.

Article 31

- (1) Imported seed has to be accompanied by the following documents: expedition bill, OECD Certificate, ISTA Certificate and phyto-certificate.
- (2) Imported seed in the original packing must have label (declaration) on the packing issued by the authorised institution of exporting country. If the imported seed will be marketed in the Republic of Croatia, it has to be labelled according to the Article 25 of this Law.

- (3) The importer is responsible for the quality of imported seed from the Para (2) of this Article.
- (4) The Minister will regulate documents necessary for import of specific plant species.

Article 32

- (1) Provisions of this Law related to packing, labelling and import of seed are not relevant for the seed envisaged for trials or research, which is received or sent by scientific- or educational institutions.
- (2) The Ministry will issue the Official Decision on the import of seed for trials or research purposes.

The production of seedlings

Article 33

Legal or natural persons registered in the Register of seed producers can produce seedlings (hereinafter: “*the producer of seedlings*”).

Article 34

- (1) Seedlings can be produced from the varieties registered in the Register from the Article 5, Para. (1), Items 5, 6, and 7 of this Law, except for the species regulated by the Article 71, Para (2) of this Law.
- (2) Producer of seedlings must keep records of the production and quantity of seedlings produced, and inform the Institute about it at least once a year, at latest on December 31 every year.
- (3) The Minister will regulate the content, form and record keeping procedures, as well as the form of report from the Para (2) of this Article.

Article 35

- (1) Sales and import of seedlings can be done by the producers and importers of seedlings, registered in Registers from the Article 5, Para. (1), Items 1 and 8 of this Law.
- (2) The variety of imported seedlings has to be registered in the Register from the Article 5, Para (1), Items 6 and 7 of this Law, except for the species regulated by the Article 71, Para. (2) of this Law.
- (3) Seedlings for sale must have declarations (labels).
- (4) Seedlings produced in the country must be labelled by the producer; imported seedlings must be labelled by the importer.
- (5) Packing and labelling of seedlings will be regulated by Minister.

The production of mycelium of mushrooms for food and medicine

Article 36

According to this Law, the mycelium is pure culture of mushroom hypha in solid or liquid substrate (during the growth period) or dried culture (in dormant phase), used for mushroom propagation.

Article 37

According to this Law, mushrooms for food (in the form of mycelium) are mushrooms cultivated for human consumption or for medical purposes.

Article 38

- (1) Mycelium of mushrooms for human consumption and for medical purposes can be produced and marketed by legal and natural persons registered in the Register of seed producers (hereinafter: “*the producer of mycelium*”).
- (2) The Producer of mycelium must inform the Institute about the quantity of mycelium produced, every year at latest on December 31.
- (3) The form of report from the Para. (2) of this Article will be determined by Minister.

Article 39

The sale and import of mycelium can be performed by the producers and importers of mycelium registered in Registers from the Article 5, Para. (1), Items 1 and 8 of this Law.

Article 40

- (1) Mycelium for sale has to be properly labelled – according to the species and strain, and has to be free from pathogenic pests (virus, bacteria, fungi, nematodes, acarina, cockchafer larva, etc).
- (2) The content of label (describing species, strain and quality) and packing will be determined by Minister.
- (3) Labels from the Para. (2) of this Article have to be issued by the producer or the importer of mycelium according to the Article 25, Para. (1) of this Law.

III AGRICULTURAL PLANT MATERIAL

Agricultural plant material and its categories

Article 41

- (1) Categories of agricultural plant material are the following:
 1. *Pre-basic plant material* for multiplication, produced under the responsibility of breeder or his successors, and used for the production of basic plant material. Pre-basic plant material is free of diseases, pests, virus, mycoplasma and viroid.

2. *Basic plant material* for multiplication, originates from the pre-basic plant material; cultivated under the control of Institute and virus free. Basic plant material is envisaged for the production of parental trees of certified plant material. It has to be labelled for sale with white label (declaration).
 3. *Certified plant material* for multiplication originates from the basic plant material, and can be used as propagation material. It is also envisaged for the production of shoots or grafts of standard category. It has to be virus-free and labelled for sale with blue label.
 4. *Standard plant material* originates from certified parental trees or shrubs with established and guaranteed identity, varietal purity and health-state. It is used for the production of seedlings for orchards and vineyards. It has to be labelled for sale with yellow label and letters S-A.
- (2) Use of categories from the Para. (1) of this Article is obligatory in the production of agricultural plant material.

2. Production of agricultural plant material

Article 42

Agricultural plant material (hereinafter: “*the plant material*”) can be produced by legal or natural persons registered in the Register of plant material producers (hereinafter: “*plant material producer*”).

Article 43

- (1) Plant material producer can produce plant material, which is a vegetative progeny of variety, rootstock or inter-stock registered in the Register from the Article 5, Para. (1), Items 5, 6 and 7 of this Law, and multiplied from the pre-basic, basic, certified and standard plant material.
- (2) As an exemption of Para. (1) of this Article, certain species and varieties of plant material not registered in the Register from the Article 5, Para. (1), Item 6 of this Law, can be produced and registered in the Register from the Article 5, Para. (1), Item 6 of this Law, based on the permission issued by the Minister, and according to the proposal of Institute, which can not be issued without the opinion of Commission for the agricultural nursery production.

Article 44

- (1) Plant material producer has the obligation to keep records of total amount of produced, sold and destroyed plant material.
- (2) Plant material producer has to inform the Institute about the produced, sold and destroyed plant material at least once a year.
- (3) The content, form and record keeping procedures from the Para. (1) of this Article, as well as the form of Report from the Para. (2) of this Article will be determined by Minister.

Article 45

- (1) Plant material producer is allowed to multiply the plant material that is not registered in the Register from the Article 5, Para. (1), Items 5, 6 and 7 of this Law, for foreign client and from imported parental reproductive material.
- (2) Plant material from the Para. (1) of this Article can be multiplied based on the permission of Ministry and according to the contract with the foreign client, whose contractual obligation is to buy off the total amount of produced plant material.
- (3) Production of plant material from the Para. (1) of this Article is a subject of compulsory health control during the vegetation.
- (4) It is not allowed to market the plant material from the Para (1) of this Article in the Republic of Croatia.

3. Professional control of plant material production

Article 46

- (1) Production of plant material is a subject of compulsory professional control during the vegetation.
- (2) As an exemption of Para. (1) of this Article, plant material of flowers, roses and ornamental shrubs and trees are not subject of professional control.
- (3) The professional control of plant material establishes the following characteristics: the origin of planted material, authenticity of variety, vegetative growth and health-state.

Article 47

- (1) Professional control of plant material can be done by the Institute or other professional, scientific, or educational institution, authorised by the Ministry.
- (2) The Minister will determine methods of professional control of plant material production as well as the professional degree of controller and conditions that have to be fulfilled by scientific or educational institution from the Para. (1) of this Article.
- (3) After the completion of control of plant material production and based on its findings, the Institute will issue the certificate on the origin, quality and authenticity of controlled plant material, or the official finding establishing that the plant material does not comply with regulations.

Article 48

Plant material producer has to destroy the plant material, which has obtained the finding about non-compliance with regulations, in the presence of plant production inspector.

Article 49

- (1) The Institute has to keep records on the control of nursery production, according to the species, varieties, stocks and quantity of specific plant material.

- (2) The content, form and record keeping procedures from the Para. (1) of this Article will be established by Minister.

Article 50

- (1) The Institute has to inform the Ministry on the accomplished professional control at least once a year, every year latest by December 31.
- (2) The form of report from the Para. (1) of this Article will be established by Minister.

4. The quality of plant material

Article 51

According to this Law, the *quality of plant material is the origin, authenticity of variety and of stock, vegetative development and health-state.*

Article 52

- (1) Plant material has to comply with the basic quality standards.
- (2) Basic quality standards will be established by the Minister, with prior consent of the Head of State Office for Standardisation and Metrology.

Article 53

- (1) The Institute is authorised to establish the quality of plant material in nursery, after digging out or before packing of plant material.
- (2) Plant material producer is responsible for the quality of plant material.

Packing and labelling of plant material

Article 54

Plant material for sale must be packed and sealed; it must have declaration with the expedition bill and declaration on the packing (label).

Article 55

- (1) Packing, sealing and labelling of plant material must be done by the plant material producer, on site where the plant material production has been finished, according to the Article 56, Para. (2) of this Law.
- (2) The way of packing, sealing and labelling of plant material will be determined by Minister.

Article 56

- (1) Depending on the species and category of plant material, packaging label has to be unique according to content, size, colour and it's number.
- (2) The application for declarations has to be submitted to the Institute.

- (3) The Institute has to keep records of issued declarations.
- (4) The Minister will determine the form of declarations, the colour according to categories, and record keeping procedures from the Para. (3) of this Article.

Plant Material Trade

Article 57

- (1) Plant material trade must be performed by legal and natural persons registered for that activity.
- (2) Wholesale trade of plant material must be performed by the legal person employing at least one agronomy engineer with B.Sc. degree in plant production.
- (3) Retail trade of plant material must be performed by the legal or natural person who is employing in each retail shop an employee with at least high-school degree in agriculture (IV grade).
- (4) Legal and natural persons from the Para. (1) of this Article are not allowed to sell the plant material outside the shop.
- (5) Legal and natural persons from the Para. (1) of this Article must store the plant material in proper conditions that will maintain the quality of plant material.
- (6) The Minister will determine conditions from the Para. (5) of this Article.

Article 58

Basic-, certified- and standard plant material can be sold if it is registered in Registers from the Article 5, Para. (1), Items 5, 6, and 7 of this Law; if it complies with set quality standards and has certificate of origin, variety- and stock-authenticity.

Article 59

Plant material in the shop must comply with set quality standards and other conditions printed on the packing label.

The import of plant material

Article 60

- (1) Importers registered in the Register from the Article 5, Para (1), Item 8 of this Law can import plant material.
- (2) Basic-, certified- and standard plant material registered in Registers from the Article 5, Para. (1), Items 5, 6 and 7 of this Law, which has the Certificate of origin and authenticity of species, variety and stock and Health-Certificate, issued by authorised institutions of exporting country can be imported.

Article 61

- (1) The importer is allowed to sell imported plant material in original packaging.
- (2) For the purposes of to the Para. (1) of this Article, the original packaging is container with the closure (seal) that ensures the originality of packing. Closing of original packaging has to be done by the plant material producer.

- (3) Imported plant material must have packaging labels, issued by an authorised institution of exporting country, as well as the additional declarations (labels) according to the Article 55, Para. (3) of this Law for sale in the Republic of Croatia.

Article 62

The importer is responsible for the quality and authenticity of imported plant material.

Article 63

- (1) The provisions of this Law related to packing, labelling and import of plant material are not applicable if scientific- or educational institutions receive or send plant material for trials or for research purposes.
- (2) The Ministry will issue the Official Decision on the import of plant material for trials or research.

IV THE REGISTRATION OF VARIETY

Article 64

According to this Law, the variety registration is the registration of newly created domestic varieties and introduction of foreign varieties (hereinafter: “*the Variety registration*”).

Article 65

Variety registration is accomplished based on the analysis of certain characteristics, according to the Article 69 and 75 of this Law.

The submission of applications

Article 66

- (1) Variety registration procedure is initiated by the submission of application to the Institute.
- (2) The application for the registration of new domestic variety (hereinafter: “*the Application*”) has to be submitted by the plant breeder. The application for the introduction of foreign variety has to be submitted by authorised person or representative of owner/user of foreign variety (hereinafter: “*the Applicant*”).
- (3) The Minister will determine the form of application from the Para. (2) of this Article.

Article 67

- (1) Subject to request of Institute, the Applicant has to make available documents describing the creation of new variety. In case of foreign variety, those documents have to be translated in Croatian.

- (2) Data from the application and documents from the Para. (1) of this Article related to the origin of parental material and description of breeding process will be kept as a professional secret.

The appraisal of applications

Article 68

- (1) After having received the application, the Institute must control whether it is complete or not.
- (2) If it is found out that the application is not complete, the Institute will invite the applicant in a written form to amend the established defaults not later than 30 days after the receipt of written invitation.
- (3) If the applicant does not amend his application in due time, it will be rejected.

Article 69

- (1) Based on data from the application and information obtained from documents from the Article 67, Para. (1) of this Law, the Institute will control the variety features, its originality, identity, origin, breeding procedures etc.
- (2) After completed control from the Para. (1) of this Article, the variety will be tested both in the field and in the laboratory.
- (3) If the control from the Para. (1) of this Article establishes that there are no reasons for variety testing in the field, the Institute will reach decision to refuse the application for registration.

The variety testing

Article 70

- (1) The Institute must inform the applicant about the field trials on time, and must request from the applicant to submit certain amount of reproductive material for field trials and laboratory tests.
- (2) Based on the information from the Para. (1) of this Article, the applicant must submit the reproductive material to the Institute on time, at latest one month before sowing season.
- (3) If the applicant does not submit necessary reproductive material on time and correctly, the Institute will reach decision to refuse the application for registration.
- (4) The Minister will establish regulation on the quantity and preparation of reproductive material necessary for field- and laboratory tests.

Article 71

- (1) Variety tests are set at several locations in duration of maximum tree years. The Minister will determine the locations and duration of tests for each plant species or for a group of similar plant species.
- (2) As an exemption of Para. (1) of this Article, variety tests are not necessary for flowers, medical, aromatic and ornamental plants.

Article 72

Field- and laboratory tests will be carried out by the Institute.

Article 73

- (1) Field- and laboratory tests for each species or group of similar species will be carried out according to the methodology established by the Minister.
- (2) During field- and laboratory testing each variety must be compared with standard variety of same species.
- (3) Standard variety is commonly known variety, which is, according to its biological and economical features in certain areas, the best for specific purposes for which the new variety is tested.
- (4) As an exemption of Para. (3) of this Article, if there is no commonly know variety of certain species, standard variety will be plant species that is biologically similar to tested variety.
- (5) If certain plant species has no standard variety for specific use from the Para. (3) and (4) of this Article, the variety will be tested for use referred to in the application.

4. Statistical analysis of data; variety evaluation

Article 74

- (1) The Institute carries out the processing of the results of field- and laboratory tests annually and after the finalisation of all trials.
- (2) Data processing from the Para. (1) of this Article must be accomplished according to the unique methodology, established by Minister.
- (3) Final results of trials are made available to the Committees in order to carry out the evaluation of variety. Annual results are made available to the applicant.

Article 75

- (1) Based on processed data of field- and laboratory trials and opinions of responsible Working bodies, the Committees evaluate the possibility of variety registration.
- (2) The variety will be registered if tests have proved it to be distinctive, unified, stable, denominated and with required economical value.
- (3) The Institute will also recognise the results of plant variety protection trials, if those results comply with the conditions from the Para. (2) of this. Article.
- (4) The Minister will regulate methodology of variety evaluation from the Para. (2) of this Article.

The Official decision and variety registration in the Register; deletion from the Register

Article 76

- (1) Based on the proposal of Committee, the Minister will issue the Official decision on the variety registration.

- (2) If the Committee has concluded that conditions for variety registration have not been fulfilled, it will be proposed to the Minister not to register the variety.

Article 77

Once the variety has obtained the Official decision on registration, it will be registered by the Ministry in Registers from the Article 5, Para. (1), Items 5, 6 and 7 of this Law.

Article 78

The Minister reaches the Official decision on deletion of variety from the Register, based on the proposal of Committee:

- a) upon the applicant's request;
- b) if the conditions for variety registration no longer exist.

The production trials

Article 79

- (1) Beside field- and laboratory trials, the applicant can submit special request to additionally test his variety in the production trials.
- (2) Production trials can be set only if the variety is already part of registration process.
- (3) The request for production trials has to be submitted to the Institute.
- (4) The Institute will reach a decision on production trials.
- (5) Committees are entitled to use the results of production trials for evaluation of variety.
- (6) The Minister will regulate the methodology of production trials.

7. Maintenance of varieties and parental trees; storage of seed samples

Article 80

- (1) The sample of reproductive material of each registered variety (and parental lines for hybrids) has to be kept in the Institute during the registration period, except for the reproductive material of perennial species (grapes, fruits and hop).
- (2) The obligation of the breeder of perennial species (grapes, fruits, hop) is to cultivate or to organise the cultivation of certain number of parental trees. The breeder has to control the characteristics of those trees, which have to be registered in the Institute.
- (3) Not later than one year from the application date, the breeder from the Para. (1) of this Article has to deliver one sample of variety (or parental lines) for storage in the Institute, and after that has to keep renewing the sample.
- (4) Uniformity, stability and identification of variety can be verified by using only samples kept by the Institute; for perennial species using registered parental trees.
- (5) The Minister will regulate storage of reproductive material from the Para. (1) of this Article, as well as procedure for the registration of parental trees, conditions and cultivation measures for parental trees.

Registration costs

Article 81

- (1) The applicant's obligation is to pay the registration costs.
- (2) The applicant's obligation is to pay the costs of production trials from the Article 79, Para. (1) of this Law.
- (3) The applicant's obligation is to pay the costs of delivery, renewal, storage and maintenance of samples from the Article 80 of this Law.
- (4) The costs from the Para. (1), (2) and (3) of this Article, as well as terms and conditions of payment will be regulated by Minister.

9. Import control of seed, plant material and agricultural plants

Article 82

- (1) It is possible to import seed and plant material of varieties registered in Registers from the Article 5, Para. (1), Items 5, 6 and 7 of this Law.
- (2) As exemption of Para. (1) of this Article, it is possible to import reproductive material of varieties that are not registered in Registers from the Article 5, Para. (1), Items 5, 6 and 7 of this Law, based on the permission of Ministry, if the import is envisaged for following purposes: plant breeding, variety registration, variety protection and multiplication for export.
- (3) Reproductive material imported according to the Para. (1) and (2) of this Article has to be accompanied by documents regulated in the Article 31, Para. (1) and Article 60, Para. (2) of this Law.

Article 83

- (1) Reproductive material from the Article 82 of this Law is subject to obligatory control of border plant protection inspection (hereinafter: "*the Border inspection*") at the border.
- (2) In case of import of reproductive material of plant varieties, which are not registered in Registers from the Article 5, Para. (1), Items 5, 6 and 7 of this Law; which are not accompanied by necessary documents from the Article 82, Para. (3) of this Law, or which have no permission from the Article 82, Para. (2) of this Law, the plant protection inspector at the border (hereinafter: "*the Border inspector*") will reach a decision to forbid the import of corresponding reproductive material.
- (3) By decision from the Para. (2) of this Article, the border inspector gives order to return the reproductive material to sender.
- (4) Border inspector has to be informed about the reproductive material brought in the country by individuals or delivered by mail to customs, in order to accomplish control according to the Para. (1), (2) and (3) of this Article.
- (5) Custom offices are neither allowed to clear the reproductive material, nor to send such material for clearance to other customs offices in the Republic of Croatia, before obtaining the confirmation about the accomplished control from the border inspector in accordance with the Para. (1) of this Article.

- (6) The complaint against decision of border inspection from the Para. (3) of this Article can be filed to the Ministry.
- (7) The complaint has to be filed within eight days from the receipt of decision of border inspection.
- (8) The complaint does not detain the execution of decision.

V THE RECOVERY OF COSTS

Article 84

- (1) The obligation of legal/natural persons is to recover the costs for:
 1. the professional control of seed- and plant material production from the Article 11, Para. (2) and Article 47 of this Law;
 2. Quality analysis and declaration of seed and plant material from the Article 22, 25, 30, 31, 35, 39, 53, 56 and 61 of this Law.
- (2) The fees from the Para. (1) of this Article will be regulated by Minister.
- (3) The fees from the Para (1), Item 1 of this Article form part of revenue of Institute, while the fees from the Para. (1), Item 2 of this Article form part of revenue of both seed processor and the Institute.

VI ADMINISTRATIVE CONTROL AND INSPECTION

Article 85

- (1) The Ministry undertakes the administrative control of implementation of this Law and controls the work of Institute relevant to state administration activities.
- (2) State administration activities of the Institute are: professional control of seed crop and plant material production; issue of documents and registration of agricultural plant varieties.

Article 86

- (1) Inspection regulated by this Law and other regulations deriving from this Law at the first level is done by the County offices responsible for the inspection of plant production and respective office for the City of Zagreb (hereinafter: "*the County inspection of plant production*"). At the second level, the inspection is done by the plant production inspection service of Ministry (hereinafter: "*Ministerial inspection of plant production*").
- (2) Inspection activities of County inspection of plant production and Ministerial inspection of plant production can be accomplished by plant-production inspectors.

Article 87

- (1) Plant production inspector is an agronomy engineer with the B.Sc. degree in plant production, who approved the state exam and who has five years of work experience after the exam.

- (2) The Minister will regulate professional part of the state exam from the Para. (1) of this Article.

Article 88

- (1) Plant production inspector owns special identification document to confirm his identity and professional responsibilities and authorisations.
- (2) The form and procedure for delivery of document from the Para. (1) of this Article will be regulated by Minister.

Article 89

- (1) County inspection of plant production undertakes all inspection activities on the first degree, except for those activities conceded to Ministerial inspection of plant production according to this Law.
- (2) County inspection of plant production:
 1. controls agricultural land, field facilities, processing- and storage facilities, equipment, transport means, and necessary documents for the seed, plant material, seedlings and mycelium;
 2. controls plant species that are forbidden to cultivate and propagate in the County according to the decision of Minister;
 3. controls the production, harvest and storage; sale of seed, plant material, seedlings and mycelium;
 4. takes samples of seed for the analysis;
 5. controls seed processing done by natural persons registered in the Register of seed processors;
 6. orders to change declarations (labels) if the seed, plant material, seedlings or mycelium don't comply with declared or regulated standard quality;
 7. orders to improve the quality and other regulated conditions of seed, plant material, seedlings and mycelium;
 8. forbids sale of seed, plant material, seedlings or mycelium, which does not meet the quality standards and other conditions from this Law;
 9. temporarily forbids the sale of agricultural seed and plant material if the shop does not comply with regulations, before reaching the final decision;
 10. before reaching the final decision temporarily takes away the seed, plant material, seedlings, mycelium and other goods if any failure in their production and processing has occurred;
 11. orders to destroy, and controls destruction of seed, which can not be used (neither directly, nor as processed product) for human food, animal feed or industrial processing;
 12. orders to destroy, and controls destruction of plant material, of which production and processing is forbidden;
 13. keeps official data about the violation of this Law and other regulations deriving from this Law,
 14. informs responsible state administration bodies about irregularities and requests the initiation of necessary procedures, if it has no authorisation to act directly;
 15. brings the applications for offence treatment at the court in case of violation of this Law and other regulations deriving from this Law.
- (3) The Ministerial plant production inspection:

1. controls if legal and natural persons registered in Registers of producers of seed, plant material, seedlings and mycelium, Register of seed processors and seed maintainers comply with regulated conditions;
2. monitors seed processing done by legal persons registered in the Register of seed processors;
3. monitors work of County plant production inspection;
4. analyses complaints filed against decisions of County plant production inspection;
5. keeps official records about violations of this Law and other regulations deriving from this Law;
6. supervises and controls other activities regulated by this Law.

Article 90

- (1) Legal and natural person controlled by the plant-production inspector has to enable the inspector to perform the inspection, and have to provide necessary information and ensure proper work conditions.
- (2) Based on the request of plant-production inspector, legal and natural persons from the Para. (1) of this Article have to submit (prepare) in due time information and materials necessary for the inspection.
- (3) Terms from the Para. (2) of this Article have to be appropriate according to the nature of request of the plant-production inspector.

Article 91

- (1) Plant-production inspector manages the inspection, prepares minutes (inspection memorandum) and reached decisions, if authorised by this Law and other regulations deriving from this Law.
- (2) Procedures of plant production inspection have to be accomplished according to “the Law on general administrative procedures”, if not regulated otherwise by this Law.

Article 92

- (1) If the plant-protection inspector establishes that this Law or other regulations deriving from it have been violated, he/she will issue an order to correct irregularities in due time.
- (2) The inspector has to issue the order from the Para. (1) of this Article immediately, at latest within 15 days from the date of completion of inspection.

Article 93

- (1) Plant-production inspector gives verbal order and demands immediate actions if it is found out that the legal or natural person acts against valid contravention verdict, which forbids respective actions.
- (2) The order from the Para. (1) of this Article will be registered in the inspection memorandum.
- (3) In order to execute the order from the Para. (1) of this Article, the plant-production inspector will seal or otherwise close the production rooms (facilities). The inspector is authorised to take away the equipment, machines, means of

production and transport used for that production, before obtaining the final decision from authorised body.

Article 94

- (1) The plant-production inspector is authorised to temporary take away documents and things, which can be used as proof in contravention procedure or court trial, before obtaining final contravention decree or penal verdict.
- (2) The confirmation of temporary expropriation of documents or things from the Para. (1) of this Article has to be issued.

Article 95

- (1) If the plant-production inspector is not sure whether or not the seed complies with the conditions regulated by this Law and other regulations deriving from it, he/she will take samples and deliver them for analysis to the Institute.
- (2) Samples for analysis have to be delivered under code.
- (3) The Minister will determine sampling method, number and quantity of samples.

Article 96

- (1) Producer, processor and importer of seed (hereinafter: “*Sample owner*”) are empowered to demand from plant-production inspector to take samples for the second analysis (super-analysis), within eight days from the receipt of results of the first analysis. Samples for the second analysis are also delivered to the Institute.
- (2) The plant-production inspector is also authorised to request for a super-analysis if he/she suspects the results, within terms from the Para. (1) of this Article.
- (3) The result of super-analysis is the final result, and can be contested only according to the regulations for contest of public documents.

Article 97

- (1) The sample owner has to recover costs of analysis and super-analysis if the results show that the seed does not correspond to the regulation.
- (2) If the analysis determine that particular sample corresponds with the provisions of this Law and other regulation deriving from it, the costs of analysis and super-analysis will be recovered by the state administration body, whose inspector has delivered that particular sample.
- (3) The owner of the sample has no reimbursement right for taken sample.

Article 98

- (1) The Ministry will process reclamation filed against any administrative document issued by the Institute.
- (2) Based on this Law, reclamation can be filed to the Ministry against any decision of the County plant production inspection, within fifteen days from the receipt of decision.
- (3) Reclamation from the Para. (2) of this Article will be processed by the Ministerial plant-production inspection.

- (4) It is not possible to file reclamation against decisions of the Ministry based on this Law on the first level, but it is possible to initiate the administrative lawsuit.
- (5) Reclamation filed against decisions based on this Law does not suspend the execution of decision.

Article 99

The plant-production inspector has to order immediately the execution of decision, latest within eight days from the date of effectiveness of decision.

Article 100

- (1) If the execution of decision comprises non-financial measures and can be executed under direct pressure, it will be done under pressure, without the implementation of forced measures from the Article 286 of the Law on General Administrative Procedures.
- (2) If the decision can not be executed according the Para. (1) of this Article, the plant-production inspector will force the execution by introducing financial penalties.
- (3) Forced financial penalty introduced according the Para. (2) of this Article for the first time amounts 10,000.00 Kunas (Kn) for legal person, and 5,000.00 Kn for natural person. Subsequent forced financial penalties amount similarly.

VII PENALTY PROVISIONS

Article 101

- (1) Financial penalty amounting 100,000.00 Kn – 300,000.00 Kn will be imposed to legal or natural person who:
 1. Produces agricultural seed without being registered in the Register of seed producers (Article 8, Para. (1));
 2. cultivates and propagates agricultural species, which are forbidden to cultivate (Article 8, Para. (2));
 3. markets non-processed seed (Article 14, Para. (2));
 4. markets seed that is not properly packed and labelled, and has no documents with the send-off bill (Article 23, Para. (1));
 5. sells seed of varieties, which are not registered in Registers (Article 27, Para. (2));
 6. imports variety seed without being registered in the Register of seed importers (Article 30, Para. (1));
 7. markets imported seed without necessary documents with the send off bill (Article 31, Para. (1));
 8. produces plant material without being registered in the Register of plant material producers (Article 42);
 9. produces plant material that is not vegetative progeny of registered variety (Article 43, Para. (1));
 10. markets plant material without the permission of the Ministry (Article 45, Para. (2));
 11. markets plant material in contradiction to the Article 58 and 59, Para. (1) and (2) of this Law;

12. imports plant material in contradiction to the Article 60, Para. (1) of this Law.

(2) Responsible person within legal person will be charged 5,000.00 Kn – 10,000.00 Kn for contravention from the Para. (1) of this Article.

Article 102

(1) Financial penalty amounting 50,000.00 Kn – 100,000.00 Kn will be imposed to legal or natural person who:

1. markets seed that is forbidden to sell (Article 9, Para. (3));
2. does not have professional control of seed crop in vegetation (Article 10, Para. (1));
3. processes seed without being registered in the Register of seed processors (Article 15, Para. (1));
4. does not deliver entire quantity of natural seed of small-grained leguminous plants to seed processor (Article 17, Para. (3));
5. takes over the natural seed without the Seed crop certificate (Article 18, Para. (1));
6. sells seed lot without previous quality analysis (Article 21, Para. (1));
7. markets seed without being registered for that activities (Article 27, Para. (1));
8. imports variety seed that is not originally packed (Article 30, Para. (3));
9. if re-packing hasn't been done by the seed processor (Article 30, Para. (4));
10. does not keep the nursery book (Article 44, Para. (1));
11. does not have professional control in vegetation (Article 46, Para. (1));
12. destroys plant material without the presence of plant-production inspector (Article 48);
13. markets plant material, which is not packed and labelled according to the regulations (Article 54).

(2) Responsible person within legal person will be charged 4,000.00 Kn – 8,000.00 Kn for contravention from the Para. (1) of this Article.

Article 103

(1) Financial penalty amounting 10,000.00 Kn – 50,000.00 Kn will be imposed to legal or natural person who:

1. does not submit the Report on professional control to the Institute (Article 11, Para. (1));
2. does not keep records on issued seed-crop certificates (Article 12, Para. (3));
3. does not keep records of the quantity of received seed (Article 16, Para. (2));
4. prepares mixture of seed with specific components that don't meet quality standards (Article 17, Para. (2));
5. does not destroy the processing waste (Article 17, Para. (4));
6. does not prepare necessary documents for transport of natural seed (Article 19, Para. (2));
7. markets seed with expired validity date, without prior germination test and other quality analysis (Article 26, Para. (1));
8. does not employ an engineer with the B.Sc. degree in agriculture (Article 28, Para. (1));
9. does not employ an employee in the shop with the High school degree (Article 28, Para. (2));

10. sells seed outside the shop (Article 28, Para. (4));
 11. does not keep seed in proper conditions which enable the maintenance of quality (Article 28, Para. (5));
 12. markets seed in original packaging without labels printed in Croatian (Article 31, Para. (2));
 13. produces seedlings, without being registered in the Register of seed producers (Article 33);
 14. produces seedlings of varieties that are not registered (Article 34, Para. (1));
 15. does not employ an employee with the Faculty degree in agriculture (Article 57, Para. (2));
 16. does not employ in the shop an employee with the High school degree in agriculture (Article 57, Para. (3));
 17. sells plant material outside the shop (Article 57, Para. (4));
 18. sells plant material in original packaging without label printed in Croatian (Article 61, Para. (3));
- (2) Responsible person within legal person will be charged 3,000.00 – 6,000.00 Kn for contravention from the Para. (1) of this Article.

Article 104

- (1) Financial penalty amounting 1,000.00 Kn – 10,000.00 Kn will be imposed to legal or natural person who:
 1. sells seedlings without proper declaration form (Article 35, Para. (3));
 2. sells seedlings that are not properly packed and labelled (Article 35, Para. (4));
 3. sells mycelium, without being registered in the Register of seed producers (Article 38, Para. (1));
 4. sells mycelium that does not correspond to labeled quality (Article 40).
- (2) Responsible person within legal person will be charged 1,000.00 Kn – 2,000.00 Kn for contravention from the Para. (1) of this Article.

VIII TRANSITIONAL AND FINAL PROVISIONS

Article 105

- (1) The Minister will present regulations based on this Law within one year after entry into force of this Law.
- (2) The Minister is authorised to incorporate provisions for violations and respective penalties in the regulations from the Para. (1) of this Article.
- (3) Regulations set up for the implementation of the Law on agricultural seed and plant material (the “Official Gazette 50/88, 28/92, 26/93 and 29/94) and Law on registration, introduction and variety protection of agricultural and forestry species (the “Official Gazette 53/91, 26/93, 26/93 and 29/94) will be valid prior to entry into force of regulations from the Para. (1) of this Article, if they are not in contradiction with the provisions of this Law.

Article 106

- (1) Regulation on the establishment of the Institute will be presented by the Government of the Republic of Croatia within three months after entry into force of this Law.
- (2) Prior to the establishment of Institute, but not longer than one year after entry into force of this Law, activities related to the seed and nursery production and variety registration under the jurisdiction of the Institute will be done according to provisions of Laws and regulations from the Article 105, Para. (3) of this Law.

Article 107

As an exemption of the Article 41, Item 4 of this Law, the category “Standard plant material” (S-A) will be used also for the production of seedlings and for the propagation , within ten years after entry into force of this Law.

Article 108

- (1) Law procedures based on the economic contravention or violations that have started before the entry into force of this Law will be completed according to the regulations effective before the entry into force of this Law.
- (2) The initiation date of the procedure for the purposes of the Para. (1) of this Article is a date of the formal statement of the plant-production inspector.

Article 109

With the effectiveness date of this Law, the Law on agricultural seed and plant material (“Official Gazette 50/88, 28/92, 26/93 and 29/94) and the Law on the registration, introduction and variety protection of agricultural and forestry species (“Official Gazette 53/91, 26/93, 26/93 and 29/94) cease to be effective.

Article 110

This Law shall enter into force on the eight day after its publication in the “Official Gazette” of Republic of Croatia.

Class: 320-11/96-02/01
Zagreb, November 21, 1997

PARLIAMENT of the REPUBLIC OF CROATIA
HOUSE OF REPRESENTATIVES

President of the House of Representatives
Vlatko Pavletić, Ph.D.

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