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25 April 2002;  
9 October 2003;  
23 September 2004;  
17 November 2005;  
19 December 2006;  
19 June 2008;  
3 September 2009.

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*<sup>1</sup> has adopted and the President has proclaimed the following Law:

## **Seed Circulation Law**

### **Chapter I General Provisions**

#### **Section 1. Purpose of the Law**

(1) The purpose of this Law is to protect consumers of seed from the use of seed of poor quality for sowing.

(2) This Law does not apply to seed:

- 1) that is intended to be used for forest regeneration and afforestation or for the growing of forest planting material; and
- 2) the plant species of which is not referred to in regulatory enactments regarding growing and marketing of seed.

[25 April 2002; 23 September 2004]

### **Chapter II State Functions in Seed Growing**

#### **Section 2. Performance of State functions in Seed Growing**

In performing State functions in seed growing:

1) the Cabinet shall:

a) issue regulations on seed growing and marketing for each group of cultivated plants; and

b) approve the by-laws of the Latvian Catalogue of Plant Varieties (hereinafter also - catalogue), in which by-laws procedures for the approval of this catalogue and procedures by which a variety shall be included and maintained in the catalogue or deleted therefrom, as well as procedures for the storing and publication of the information related to the formation of the catalogue shall be prescribed;

c) [25 April 2002];

d) [17 November 2005];

e) issue regulations on the recognition of the conservation variety intended for plant genetic resources of Latvian origin for agriculture and food and seed circulation (hereinafter – regulations on the recognition of the conservation variety and seed circulation).

<sup>1</sup> The Parliament of the Republic of Latvia

The conservation variety shall be a local variety or a variety, which has been adapted to the local conditions and threatened by genetic erosion – gradual loss of the genetic diversity of a population or variety, or loss of the genetic diversity of the same species between populations, or reduction of the genetic basis of a species due to human intervention or environmental changes;

f) determine the procedures for organisation and performance of a variety diversity, uniformity and stability test and for taking of a decision regarding the recognition of the test results of the variety;

g) determine the states, other than the European Union Member States, but to which the equivalence has been granted in field inspection and seed production, but in relation to vegetable species – in the maintenance of varieties, as well as determine the procedures for seed quality and labelling, when seed is brought in from such states (hereinafter – regulations on the equivalence of seed from the third countries);

2) the Ministry of Agriculture shall:

a) develop, in conformity with the State agricultural policy, the State seed growing policy; and

b) ensure the collection, conservation, characterisation, assessment and utilisation of agricultural plant species genetic resources in conformity with the State institution and commercial company specialisation specified by the Cabinet;

3) [3 September 2009]; and

4) the State Plant Protection Service shall:

a) certify seed;

b) ensure the assessment of the value for cultivation and use of plant varieties in accordance with the regulatory enactments regarding assessment of the value for cultivation and use of plant varieties;

c) perform all the activities related to the development and maintenance of the Latvian Catalogue of Plant Varieties, as well as the storage and publication of the information;

d) implement the schemes of the International Organisation for Economic Co-operation and Development (OECD) with respect to the certification of varieties for the circulation of seed in the international market;

e) perform all activities, which are associated with the formation of the European Union common catalogue of varieties of agricultural plant species and the European Union common catalogue of varieties of vegetable species (hereinafter also – European Union common species catalogues), as well as ensure the certification of seed varieties bred in Latvia in other Member States of the European Union and shall perform the certification of seed varieties included in the European Union common species catalogues in Latvia;

f) implement the requirements of directly applicable regulatory enactments of the European Union regarding varieties and seed circulation;

g) co-operate with the relevant certification institutions of other states;

h) ensure participation in the comparison examinations provided for in respect of European Union legislation and the relevant research;

i) organise and maintain the Seed Grower and Seed Trader Register of the State Information System for Monitoring of Agricultural Plants (hereinafter – the Register of Seed Growers and Seed Traders);

j) supervise and control the circulation of seeds;

k) perform the functions of a reference laboratory in the specification of seed quality and provide other laboratory services;

l) organise assessments of variety distinctiveness, uniformity and stability,

m) in the cases provided for in the regulations on growing and marketing of seed, certify seeds with lowered germination;

n) maintain original seed samples of the varieties bred in Latvia, which are included in the Latvian Catalogue of Plant Varieties, and of the varieties, which have been included in the European Union common species catalogues from the Latvian Catalogue of Plant Varieties for the first time (except potatoes); and

o) organise or perform post-control for certified seed, standard seed and seed of conservation variety.

*[25 April 2002; 23 September 2004; 17 November 2005; 19 December 2006; 3 September 2009]*

### **Section 3. Financing of Seed Growing**

Seed growing shall be financed by funding from seed growers, seed processors, packers and traders – natural persons and legal persons, by subsidies from the State budget from general revenue, as well as income from the provision of paid services.

## **Chapter III**

### **Requirements to be Met for Seed Growing, Processing, Packaging and Marketing**

#### **Section 4. Registration of Seed Growers, Seed Processors, Packers and Traders**

(1) A person shall submit to the State Plant Protection Service an application regarding the registration thereof in the Register of Seed Growers and Seed Traders if the person conforms to one of the following conditions:

1) is engaged in seed growing and wishes to certify seeds (hereinafter – seed grower) and has in his or her possession or ownership seed growing fields, in conformity with the regulations on growing and marketing of seed, regarding which has been compiled a field history;

2) is engaged in seed processing or packers (hereinafter – processor or packer);

3) trades in Latvia for seed growing those seed varieties, which are included in one of the European Union common species catalogues or the Latvian Catalogue of Plant Varieties (hereinafter – trader); or

4) imports seed (hereinafter – importer).

(2) Registration in the Register of Seed Growers and Seed Traders shall be performed in accordance with the procedures prescribed in regulations on growing and marketing of seed.

(3) Registration may be cancelled:

1) in the cases provided for in regulatory enactments regarding growing and marketing of seed; and

2) if within a period of two years (counting from the day of receipt of the last application) an application has not been submitted to the State Plant Protection Service for the certification of seeds.

(4) Changes in the Register of Seed Growers and Seed Traders shall be performed by the State Plant Protection Service on the basis of the receipt and evaluation of an application from a person.

*[25 April 2002; 23 September 2004; 19 December 2006]*

## **Section 5. Regulations on Growing and Marketing of Seed, Recognition of Conservation Variety and Seed Circulation**

(1) Regulations on growing and marketing of seed shall regulate:

1) the procedures for registration of seed growers, seed processors, packers and traders in the Register of Seed Growers and Seed Traders, as well as the procedures for making amendments to such Register and the procedures for cancelling such registration;

2) a seed category system for seed of various plant species;

3) the requirements for seed growing fields – the purity and health of the variety, the minimum distances between sowing fields, in between which undesirable foreign pollination is possible, and other regulatory requirements affecting the seed quality, as well as the procedures for field inspection;

4) the size of the seed lot and seed samples;

5) the requirements for taking of average samples;

6) the requirements for the seed quality – purity, germination, health thereof and other regulatory requirements affecting the seed quality;

7) the size and type of packaging for plant species seeds, for which it is provided for in the regulatory enactments regarding growing and marketing of seed, as well as the content and type of labels;

8) the requirements for the preparation of mixtures of seed for plant species seeds, for which it is provided for in the regulatory enactments regarding growing and marketing of seed;

9) the procedures for registration of agreements on propagation of seed in the state, other than a European Union Member State, for plant species seeds, for which it is provided for in the regulatory enactments regarding growing and marketing of seed;

10) the documents to be submitted for growing and marketing of seed and the content thereof; and

11) the procedures and requirements for post-control of seed lots in field plots or for determining the degree of infection by viruses by means of laboratory tests of seed potatoes.

(2) The regulations on the recognition of conservation variety and seed circulation shall regulate:

1) the requirements for the recognition of conservation variety;

2) the minimum requirements and procedures for performance of distinctiveness, uniformity and stability test of conservation variety;

3) the requirements and procedures for inclusion of conservation variety in the Latvian Catalogue of Plant Varieties;

4) the requirements for seed circulation of conservation varieties and quantitative restrictions for such circulation;

5) the requirements for quality of conservation varieties;

6) the requirements for packaging and labelling of conservation varieties; and

7) the requirements for post-control of seed of conservation varieties in order to examine the identity of variety and purity of variety.

*[19 December 2006; 3 September 2009]*

## **Section 6. Duties of Seed Growers, Seed Processors, Packers and Traders**

(1) The duties of seed growers, seed processors, packers and traders are as follows:

1) to ensure that seed are not mixed and their quality is maintained throughout the course of growing, processing, packaging and marketing;

- 2) to maintain documentation in accordance with regulations on growing and marketing of seed;
  - 3) to maintain documentation regarding the origin, variety, category, quality and quantity of seed supplied for growing, processing, packaging and marketing;
  - 4) to retain for six years all documentation and records relating to seed growing, seed processing, packaging and marketing;
  - 5) to ensure access for the State Plant Protection Service inspector to production premises, warehouses, land areas and accounting documents, as well as to provide requested additional information regarding seed circulation; and
  - 6) ensure the organisation of accounting documents in order that the State Plant Protection Service inspector has access to information regarding all the stages of seed circulation.
- (2) Seed packers have a duty to ensure that the quality of seed in the package conforms to the label or marking and the document approving quality.
- (3) A seed grower who is engaged in seed growing in organic agriculture has a duty to ensure for the undertaking or the parts thereof conformity to regulatory enactments regarding the requirements specified for organic agriculture.
- (4) [19 June 2008]
- (5) If a variety has been genetically modified, a seed trader shall indicate such in his or her marketing catalogue or in information regarding the placement of seed on the market.
- (6) If the variety is included in one of the European Union common species catalogues, the person who wishes to grow the relevant seed variety or to market it in Latvia for propagation shall, by 1 March submit an official variety description to the State Plant Protection Service (if the State Plant Protection Service certifies that such variety description does not exist).  
[23 September 2004; 19 June 2008]

## **Chapter IV**

### **Certification of Seed, Seed Examination and Registration of Planted Fields of a Variety**

*[19 December 2006; 3 September 2009]*

#### **Section 7. Seed Certification**

- (1) Seed certification is the identification of varieties, testing of growing conditions and checking of the characterising features of seed quality, which includes field inspection, seed quality testing and post-control and which is confirmed by an appropriate document.
- (2) Seed may be certified if:
- 1) the variety conforms to one of the following conditions:
    - a) the variety has been included in the Latvian Catalogue of Plant Varieties;
    - b) the variety has been included in one of the European Union common species catalogues and in accordance with Section 6, Paragraph six of this Law an official variety description has been submitted to the State Plant Protection Service; or
    - c) the variety has been included in the list of varieties in the Seed Scheme (in which Latvia participates) of the International Organisation for Economic Co-operation and Development (OECD) and such seed varieties are intended for bringing out to the states other than European Union Member States;
  - 2) the field where the seed is grown conforms to the requirements of regulations on growing and marketing of seed;
  - 3) the quality of seed conforms to the requirements of regulations on growing and marketing of seed; and

- 4) the payments associated with seed certification have been made.
- (3) Seeds, which have been certified by an official institution of the Member States of the European Union or the certification has been performed under the supervision of the official institution in accordance with the regulatory enactments of the Member States, in terms of quality shall be equivalent to seeds certified by the State Plant Protection Service.  
*[25 April 2002; 23 September 2004; 17 November 2005; 3 September 2009]*

### **Section 7.<sup>1</sup> Seed Examination**

*[3 September 2009]*

- (1) Seed examination shall be the seed quality assessment and post-control in field plots (except commercial seed) in accordance with the procedures provided for in the regulations on growing and marketing of seed.
- (2) Seed examination shall be performed:
- 1) for standard seed, if the variety is included in the Latvian Catalogue of Plant Varieties or in the European Union common catalogue of vegetable varieties, taking into account the requirements included in the regulations on growing and marketing of vegetable seed;
  - 2) for commercial seed if the seed can be identified as seed belonging to species and to such species for which it is intended in the regulations on growing and marketing of seed; and
  - 3) for seed of conservation variety if the variety is included in the Latvian Catalogue of Plant Varieties, taking into account the requirements included in the regulations on the recognition of conservation variety and seed circulation.

*[3 September 2009]*

### **Section 8. Field Inspection**

- (1) On the basis of an application by a seed grower, the State Plant Protection Service shall check the conformity of the sowing fields of the variety for the obtaining of seed – shall perform the field inspection in accordance with the regulations on seed growing and marketing of seed.
- (2) The decision of the State Plant Protection Service inspector regarding the results of the field inspection may be disputed within a period of three working days, submitting to the State Plant Protection Service a submission.

*[9 October 2003; 3 September 2009]*

### **Section 8.<sup>1</sup> Registration of Planted Fields of a Variety**

On the basis of the receipt of an application from a person, the State Plant Protection Service shall register the planted fields of a variety according to the procedures specified in regulatory enactments regarding growing and marketing of seed.

*[19 December 2006]*

### **Section 9. Seed Quality Assessment**

- (1) The seed quality, also the commercial seed quality, shall be assessed by the State Plant Protection Service in accordance with the regulations on growing and marketing of seed of relevant species during the certification process thereof.
- (2) The quality of standard seed and conservation varieties shall be evaluated by the processor or packer, or by the State Plant Protection Service.

(3) Samples shall be taken and assessment of seed shall be performed in accordance with methods provided for in the regulations of International Seed Testing Association (ISTA) (published on the Internet homepage of the State Plant Protection Service). The methods included in the regulations on growing and marketing of seed shall be applied for the species, to which the regulations of International Seed Testing Association (ISTA) are not applicable.  
[25 April 2002; 17 November 2005; 3 September 2009]

#### **Section 10. Post-control of Seed**

[3 September 2009]

(1) The State Plant Protection Service shall perform the post-control of seed in accordance with the regulatory enactments regarding seed growing and seed circulation:

- 1) for seed lots - to determine the identity and purity of seed in field plots; and
- 2) for seed potatoes – to determine the degree of infection by viruses by means of laboratory tests.

[25 April 2002; 3 September 2009]

### **Chapter V Latvian Catalogue of Plant Varieties**

[25 April 2002]

#### **Section 11. The Latvian Catalogue of Plant Varieties**

(1) The Latvian Catalogue of Plant Varieties is a list of plant varieties, the seed varieties included in which may be certified and examined as standard seed or seed for conservation varieties and sold in accordance with regulations on growing and marketing of seed or regulations on the recognition of conservation variety and seed circulation.

(2) The catalogue includes cereals, forage plants, oil plants and fibre plants, and beetroot, potato and vegetable varieties.

(3) The following information shall be included in the catalogue:

- 1) name of the variety;
- 2) time period, for which the variety has been included in the catalogue;
- 3) state, in which the variety has been bred;
- 4) the breeder, maintainer of the variety or the authorised representative thereof and his or her address;
- 5) protection of the variety;
- 6) indicators that characterise the variety;
- 7) an indication if the variety is genetically modified; and
- 8) an indication “conservation variety”, if it has been included in the catalogue as conservation variety.

(4) The State Plant Protection Service shall take a decision regarding the inclusion of a variety in the catalogue or deletion therefrom, as well as regarding other amendments to the catalogue. The State Plant Protection Service in accordance with regulatory enactments regarding the procedures for the formation of the catalogue shall publish in the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia] information regarding decisions taken.

[25 April 2002; 23 September 2004; 17 November 2005; 19 June 2008; 3 September 2009]

## **Section 11.<sup>1</sup> Inclusion of Plant Varieties in the Latvian Catalogue of Plant Varieties and European Union Common Species Catalogues**

(1) A variety shall be included in a catalogue if:

1) the variety has been recognised as distinct, uniform, and stable. A variety shall be recognised as:

a) distinct if with one essential feature or several essential features it is clearly distinguishable from any other known variety in the European Union. A known variety in the European Union is a variety, which is already included in one of the European Union common species catalogues or has been submitted for inclusion in such a catalogue for certification and marketing in a Member State of the European Union or certification in another state,

b) uniform if its plants which are propagated taking into account the special features of the propagation of the variety, the variety in terms of characteristic features is sufficiently homogeneous or genetically identical, and

c) stable if after multiple propagation thereof or at the end of each propagation cycle (if a special propagation cycle is utilised) the characteristic features of the variety do not essentially change;

2) the name of the variety conforms to the requirements of the International Union for the Protection of New Varieties of Plants (UPOV) and European Union legislation;

3) after the assessment of the value for cultivation and use of the variety, such variety has been recognised as conforming to the requirements prescribed by the by-laws of the catalogue. Requirements for the assessment of the value for cultivation and use of the variety do not apply to vegetable varieties, varieties of grasses not intended for the production of fodder and to the varieties utilised only as components in the development of hybrids. The Cabinet shall determine the requirements for the value for cultivation and use of a variety.

(2) A variety shall be recognised as conservation variety and included in the catalogue, if it complies with the following conditions:

1) the variety is recognised as distinct, uniform and stable in accordance with the regulations on the recognition of conservation variety and seed circulation at least pursuant to the minimum requirements for the distinctiveness, uniformity and stability test of conservation variety;

2) the variety is significant from the point of view of the maintenance of plant genetic resources intended for agriculture and food in accordance with the regulations on the recognition of conservation variety and seed circulation; and

3) the requirements provided for in the regulatory enactments regarding the recognition of conservation variety and seed circulation have been observed.

(3) Varieties of other Member States of the European Union shall be included in a catalogue on the basis of the same principles varieties bred in Latvia are included.

(4) The State Plant Protection Service shall ensure the reporting of a variety included in the catalogue to the European Union common species catalogues (except conservation varieties).

(5) The State Plant Protection Service shall ensure the receipt of samples of the original seed variety:

1) from the distinctiveness, uniformity and stability test performance institutions – for the varieties bred in Latvia which are included in the Latvian Catalogue of Plant Varieties and for the varieties which have been included in the European Union common species catalogues from the Latvian Catalogue of Plant Varieties for the first time; and

2) from a maintainer of a variety – for conservation varieties.

(6) Some of the varieties included in the European Union common species catalogues and the Latvian Catalogue of Plant Varieties shall not be subjected to other marketing restrictions.



(7) Genetically modified varieties shall be included in the catalogue in accordance with the requirements of European Union legislation and the procedures specified in Latvian regulatory enactments regarding the utilisation and distribution of genetically modified organisms.

(8) Varieties, which are intended only for export to the countries other than European Union Member States, shall not be included in the catalogue.

(9) The State Plant Protection Service shall ensure that each of the varieties included in the catalogue and such varieties in relation to which an application has been submitted for its inclusion in the catalogue, a description and the justification for its inclusion in the catalogue is accessible to the European Commission and the member States of the European Union. Information, which is associated with the referred to circulation of documents is restricted access information.

(10) The State Plant Protection Service shall place guidelines for the specification of the distinctiveness, uniformity and stability of a variety in its own Internet homepage.

*[25 April 2002; 23 September 2004; 17 November 2005; 19 December 2006; 3 September 2009]*

## **Section 11.<sup>2</sup> Maintainer of a Variety**

(1) A maintainer of a variety is a person who in accordance with commonly accepted variety maintenance practice after the variety has been recognised, acquires the variety sample seeds. The maintainer of a variety of a protected variety may be a breeder or another person who the breeder has authorised to maintain the variety in accordance with the variety maintenance scheme. For a variety for which the protection period has ended, the maintainer of the variety may be any person who is referred to in the catalogue as the maintainer of the variety.

(2) A maintainer of a variety has the following duties:

1) to ensure the conformity of the variety to the variety description, which has been developed by the institution, which examines the distinctiveness, uniformity and stability of the variety;

2) on the basis of a request from the State Plant Protection Service to supply variety seed samples;

3) to supervise the propagation of variety seed up to the seed categories referred to in growing and marketing of seed regulations taking into account the variety propagation scheme;

4) to organise records regarding the maintenance of varieties;

5) to keep for six years all documentation and records associated with the maintenance of varieties; and

6) to ensure access for the State Plant Protection Service inspector to production premises, warehouses, land areas and maintenance of the varieties documents, as well as to provide requested additional information regarding maintenance of the varieties.

*[17 November 2005]*

## **Section 12. National Plant Variety Council**

(1) The National Plant Variety Council (hereinafter – Council) shall be established and operate in accordance with the by-laws of the Council, which by-laws shall be approved by the Cabinet.

(2) The Council shall:

1) establish expert groups of plant varieties;

- 2) provide proposals in cases specified in the regulatory enactments regarding seed circulation;
  - 3) provide proposals regarding the inclusion of varieties in the catalogue; and
  - 4) develop proposals for State support in seed growing and for the improvement of the seed growing system.
- (3) The composition and by-laws of the expert groups of plant varieties shall be approved by the Minister for Agriculture.
- (4) The State Plant Protection Service shall provide the material and technical basis for the activities of the Council, maintain the database and record-keeping of the Council.
- [25 April 2002; 3 September 2009]*

## **Chapter VI**

### **Marketing and Release of Seed into the Market**

*[19 June 2008]*

#### **Section 13. Concept of Marketing of Seed**

- (1) Within the meaning of this Law the marketing of seed shall mean the sale, storage for further sale, supply or transport (with or without remuneration) of seed, if the seed is intended for commercial use.
- (2) Supply of the seed shall not be considered as the marketing of seed, if the variety is not intended for commercial use:
- 1) for the evaluation of the quality of seed and the value for cultivation and use of a variety, as well as for the provision of services – for the processing and wrapping of seed, if the provider of such services does not obtain property rights to the seed supplied; or
  - 2) on the basis of a contract, to the farms that produce raw materials or multiply seed for industrial purposes, if such farms do not obtain rights to the seed supplied or to the harvested products.
- [25 April 2002]*

#### **Section 13.<sup>1</sup> Sale of Seed**

- (1) The following may be sold:
- 1) certified seed if:
    - a) the variety is included in the Latvian Catalogue of Plant Varieties or in the European Union common catalogues of varieties,
    - b) the seed is certified in Latvia, in another European Union Member State or in a state which is referred to in the regulations on equivalence of seed from the third countries,
    - c) the seed lot complies with the requirements specified in the regulations on growing and marketing of seed;
    - d) the seed is packaged and labelled in accordance with the requirements specified in the regulations on growing and marketing of seed; and
    - e) the documents attesting the seed quality comply with the requirements specified in the regulations on growing and marketing of seed;
  - 2) seed which is not completely certified if:
    - a) the variety is included in the Latvian Catalogue of Plant Varieties or in the European Union common catalogues of varieties;

b) the seed is acquired in Latvia, in another European Union Member State or in a state which is referred to in the regulations on equivalence of seed from the third countries;

c) the seed is packaged and labelled in accordance with the requirements specified in the regulations on growing and marketing of seed; and

d) the documents attesting the seed quality comply with the requirements specified in the regulations on growing and marketing of seed;

3) standard seed if:

a) the variety is included in the Latvian Catalogue of Plant Varieties or in the European Union common catalogues of varieties;

b) the seed is recognised as complying with the requirements of standard seed in Latvia or in another European Union Member State or propagated in a state which is referred to in the regulations on equivalence of seed from the third countries,

c) the seed lot complies with the requirements specified in the regulations on growing and marketing of seed;

d) the seed is packaged and labelled in accordance with the requirements specified in the regulations on growing and marketing of seed; and

e) the documents attesting the seed quality comply with the requirements specified in the regulations on growing and marketing of seed;

4) commercial seed if:

a) the seed is recognised as complying with the category of commercial seed in Latvia or in another European Union Member State in accordance with the procedures provided for in the regulations on growing and marketing of seed;

b) the seed lot complies with the requirements specified in the regulations on growing and marketing of seed;

c) the seed is packaged and labelled in accordance with the requirements specified in the regulations on growing and marketing of seed; and

d) the documents attesting the seed quality comply with the requirements specified in the regulations on growing and marketing of seed;

5) the seed of genetic resources conservation variety if:

a) the variety is included in the Latvian Catalogue of Plant Varieties as conservation variety;

b) the quality of seed complies with the requirements specified in the regulations on the recognition of conservation variety and seed circulation;

c) the seed lot complies with the requirements specified in the regulations on the recognition of conservation variety and seed circulation;

d) the seed is packaged and labelled in accordance with the requirements specified in the regulations on the recognition of conservation variety and seed circulation;

e) the documents attesting the seed quality comply with the requirements specified in the regulations on the recognition of conservation variety and seed circulation; and

f) the quantitative restrictions of seed amount are ensured which have been specified in the regulatory enactments regarding the recognition of conservation variety and seed circulation;

6) seed mixtures if:

a) the mixture is prepared in accordance with the requirements specified in the regulations on growing and marketing of seed in Latvia and in another European Union Member State;

b) the components included in the mixture prior to the preparation of the mixture comply with the sales conditions of seed referred to in this Section;

c) the seed lot complies with the requirements specified in the regulations on growing and marketing of seed; and

d) the seed is packaged and labelled in accordance with the requirements specified in the regulations on growing and marketing of seed;

7) certified seed, standard seed, commercial seed, seed mixtures, as well as seed, which is not completely certified, from the European Free Trade Association (EFTA) member states if:

a) the seed is produced in accordance with the requirements and procedures specified in the European Economic Area agreement or in the mutual agreement of the European Union and the European Free Trade Association (EFTA) member state; and

b) the variety is included in the Latvian Catalogue of Plant Varieties, in the European Union common catalogues of varieties or in the common catalogue of varieties of the European Union and the European Free Trade Association (EFTA) member state established on the basis of the agreement of the European Union and the relevant European Free Trade Association (EFTA) member state;

8) the seed brought in from the third countries in accordance with the requirements of this Law.

(2) Within the meaning of this Law, other restrictions may not be specified for the marketing of seed, which are associated with variety features, assessment requirements, packing, labelling and sealing.

(3) The utilisation of genetically modified varieties in food or fodder shall be permitted only if such variety has been approved in conformity with the requirements of European Union legislation regarding requirements for genetically modified food and fodder.

*[25 April 2002; 23 September 2004; 19 June 2008; 3 September 2009]*

### **Section 13.<sup>2</sup> Seed Release into the Market**

Seed release into the market shall be the offer of such seed varieties for trials or production tests, regarding which an application has been submitted but which are not yet included in the Latvian Catalogue of Plant Varieties or in any of the National Catalogues of the European Union Member States.

*[19 June 2008]*

### **Section 14. Seed Packaging and Labels**

(1) Seed shall be delivered for marketing in packaging that is closed (also repeatedly) so that it may not be opened without visible signs of damage. If a system for single closing is not utilised, a label or seal shall be used in order to close the packaging.

(2) State supervision and control of the closing and labelling (also repeat) of seed packaging shall be performed by the State Plant Protection Service.

(3) Requirements for volume of the weight of seed in small packages, as well as for the closing and labelling shall be prescribed by the regulations on growing and marketing of seed.

(4) On the packaging, a label may be replaced by a seal that presents the contents and the colour of the label.

(5) If seed is brought in from the states other than the European Union Member States, requirements for the packaging and labels thereof shall be regulated by the regulations on growing and marketing of seed.

(6) On the packaging of the seed of genetically modified varieties the letters “GMO” shall be printed. Utilisation and distribution of genetically modified organisms shall be regulated in accordance with the procedures prescribed by regulatory enactments.

(7) Upon a request of a final user of seed, the seed of certified category of such groups of cultivated plants, in relation to which the sale without packaging has been provided by the regulations on growing and marketing of seed, may be sold without packaging. The final user of seed may not utilise the obtained harvest for the acquisition of seed.

*[25 April 2002; 3 September 2009]*

#### **Section 15. Treatment of Seed with Bio-preparations, Plant Protection Products and Chemicals**

(1) Seed shall be treated with bio-preparations, plant protection products and chemicals, and packaged, transported and sold only in accordance with the Plant Protection Law and other regulatory enactments.

(2) *[25 April 2002]*

*[25 April 2002]*

#### **Section 16. Exceptions in the Marketing of Seed and Release into the Market**

(1) The contact point specified in Commission Regulation (EC) No. 217/2006 of 8 February 2006 laying down rules for the application of Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination (hereinafter – Commission Regulation No. 217/2006) shall be the State Plant Protection Service.

(2) If temporary difficulties have been encountered in the supply of seed and the relevant seed variety is unavailable in Latvia, the State Plant Protection Service in accordance with Commission Regulation No. 217/2006 shall issue a temporary permit to market seeds, which do not conform to the requirements of minimum germination. The Cabinet shall determine the procedures for the issuance of permits.

(3) The procedures for the issuance of a permit for the release into to the market of such variety seeds, regarding which an application has been submitted, but which have not been included yet in the Latvian Catalogue of Plant Varieties or the National Catalogues of the European Union Member States, shall be determined by the Cabinet.

(4) If temporary difficulties have occurred in the seed supply and if the seed of the relevant variety is missing in other Member States of the European Union, the Ministry of Agriculture, in accordance with the procedures specified in the legal acts of the European Union, may look for the solution regarding the marketing of seed of the relevant variety in Latvia for a specific period of time with reduced quality requirements or the marketing of seed of such variety, which are not included the European Union common catalogues of varieties or in the Latvian Catalogue of Plant Varieties. In such cases the additional requirement regarding other type of label on the packaging of seed shall be observed in accordance with the regulatory enactments regarding growing and marketing of seed.

*[23 September 2004; 19 December 2006; 19 June 2008]*

#### **Section 17. Import of Seed from States, which are not Member States of the European Union**

*[23 September 2004]*

(1) An importer of seed shall be responsible for the quality of imported seed and their conformity to Latvian regulations on growing and the marketing of seed.

(2) It is allowed to import:

- 1) certified seed if:
  - a) it is produced in the state which is referred to in regulations on the equivalence of seed from the third countries,
  - b) the variety is included in the European Union common catalogues of varieties or in the Latvian Catalogue of Plant Varieties,
  - c) the quality thereof is certified by the certificate of the Organisation for Economic Co-operation and Development (OECD) and a document certifying the seed quality from the International Seed Testing Association (ISTA) or, if it is intended to import the seed from the USA or Canada, from the Association of Official Seed Analysts (AOSA), and
  - d) the seed is packaged and labelled in accordance with the requirements specified in this Law and the regulatory enactments regarding growing and marketing of seed;
- 2) the seed which is not completely certified if:
  - a) it is produced in the state which is referred to in regulations on the equivalence of seed from the third countries,
  - b) the variety is included in the European Union common catalogues of varieties or in the Latvian Catalogue of Plant Varieties,
  - c) the quality thereof is attested by the certificate of the Organisation for Economic Co-operation and Development (OECD) and a relevant document if there is a relevant indication in the regulatory enactments regarding growing and marketing of seed,
  - d) the seed is packaged and labelled in accordance with the requirements specified in this Law and the regulatory enactments regarding growing and marketing of seed, and
  - e) a seed propagation contract is registered in the State Plant Protection Service regarding the species specified in the regulatory enactments regarding growing and marketing of seed;
- 3) standard seed of vegetable species propagated in a state which is referred to in the regulations on the equivalence of seed from the third countries, if:
  - a) the varieties are included in the European Union common catalogue of vegetable varieties or in the Latvian Catalogue of Plant Varieties,
  - b) the seed is packaged and labelled in accordance with the requirements specified in this Law and the regulatory enactments regarding growing and marketing of seed,
- 4) the seed for trials, assessments, and for scientific purposes in accordance with the contract entered into;
- 5) the seed, for which exceptions in the marketing of seed specific plant species are provided for in the regulatory enactments regarding growing and marketing of seed;
- 6) the seed for propagation if it is intended for export, which is certified by a relevant contract, to a state which is not a European Union Member State if:
  - a) it is produced in the Seed Schemes member state of the Organisation for Economic Co-operation and Development (OECD) and Latvia is taking part in the referred to Seed Schemes,
  - b) the quality thereof is attested by the Certificate of the Organisation for Economic Co-operation and Development (OECD), and
  - c) the variety is included in variety list of the Seed Schemes of the Organisation for Economic Co-operation and Development (OECD) and Latvia is taking part in the referred to Seed Schemes,
- 7) the preparation, sorting, repackaging or other type of treatment of seed if they are provided for export, which is certified by a relevant contract, to a state which is not a European Union Member State;
- 8) the seed of such plant species, which are not referred to in the regulatory enactments regarding growing and marketing of seed;

9) the seed for personal usage in small amount, to which is not applied in accordance with the regulatory enactments regarding customs a customs duty; and

10) the seed from the European Free Trade Association (EFTA) member states in accordance with the requirements and procedures specified in the European Economic Area agreement or in the mutual agreement of the European Union and the European Free Trade Association (EFTA) member state.

(3) [19 June 2008]

(4) If the State Plant Protection Service determines that the utilisation of imported seed may cause harm to the surrounding environment or lead to the spread of dangerous plant diseases or pests, further activities shall be performed according to the procedures provided for in regulatory enactments regarding plant protection.

(5) The importation of seed shall be controlled by an institution specified by the Cabinet.

(6) A payment shall be collected regarding the control of seed import in accordance with the procedures and in amount specified by the Cabinet.

[25 April 2002; 23 September 2004; 19 June 2008; 3 September 2009]

## **Chapter VII**

### **Control of the Observance of this Law and Liability for Violations of this Law**

#### **Section 18. Control of the Observance of this Law**

(1) The State Plant Protection Service shall control the observance of this Law.

(2) Officials of the State Plant Protection Service are entitled, in controlling the application of this Law, to visit undertakings (companies) and places of trading during working hours and:

- 1) examine documents and records that are related to the observance of this Law; and
- 2) take control samples free of charge to determine the quality and health of the seed.

(3) The State Plant Protection Service is entitled to:

- 1) suspend or prohibit the marketing of particular seed lots if violations of this Law or the regulations on growing and marketing of seed have been determined;
- 2) indicate the deadlines for the rectification of any discrepancies determined;
- 3) permit suspended operations to be continued if the discrepancies previously determined have been rectified; and

4) in the case of repeated violations of this Law or other regulatory enactments in the field of seed circulation to cancel the registration in the Register of Seed Growers and Seed Traders.

[19 June 2008]

#### **Section 19. Procedures for Providing Information**

Natural persons and legal persons who are engaged in seed growing, seed processing, packaging and marketing shall, upon the request of the Ministry of Agriculture or the State Plant Protection Service, provide the necessary information and ensure the possibility of conducting examinations.

#### **Section 20. Liability for Violation of this Law**

For violations of this Law, persons shall be held liable as specified by law.

## **Section 21. State Fees**

A State fee according to the procedures and in the amount specified by the Cabinet shall be paid by:

- 1) seed growers, seed processors, packers, traders or importers – for the registration of a person and the making of changes in the Register of Seed Growers and Seed Traders;
- 2) the breeder, holder of the breeder's right, maintainer of the variety or the authorised representatives thereof – for the inclusion of a variety, for the maintenance of a variety and the extension of the maintenance time period in the Latvian Catalogue of Plant Varieties;
- 3) [3 September 2009];
- 4) the breeder, the holder of the breeder's right, the authorised representative of the holder of the breeder's right – for the issuance of the permit and extension of term thereof for release into the market of such seed varieties, regarding which an application has been submitted, but which are not yet included in the Latvian Catalogue of Plant Varieties or in any of the National Catalogues of the European Union Member States; and
- 5) the seed grower, seed processor or packer – for the issuance of the permit for temporary selling of seeds not conforming to the minimum requirements of germination.  
[19 December 2006; 19 June 2008; 3 September 2009]

### **Transitional Provisions**

1. The Cabinet shall, by 1 January 2008 make the necessary amendments in the growing and marketing of seed regulations.
2. In accordance with the Treaty of Accession to the European Union, the State Plant Protection Service shall perform the certification of those variety seeds, which do not conform to the requirements specified in European Union directives, by 30 April 2009 and the marketing of such seed shall be permitted only in the territory of Latvia.
3. The deadline for the submission of the official variety descriptions referred to in Section 6, Paragraph seven of this Law in 2004 shall be 1 June.
4. Seeds, which are imported up to 30 April 2004 and which do not conform to the requirements referred to in Section 13.<sup>1</sup>, Paragraph one of this Law, may be marketed on in the territory of Latvia until the end of stocks, performing repeated germination assessments, or until the end of the term of validity indicated on the seed quality certification document.
5. Section 2, Clause 4, Sub-clause "n" of this Law shall come into force on 1 January 2008.
6. The Cabinet by 1 December 2007 shall issue the regulations referred to in Section 11.<sup>1</sup>, Paragraph one, Clause 3 and Section 16, Paragraph two of this Law.
7. By 1 January 2009 the Cabinet shall issue the regulations referred to in Section 16, Paragraph three of this Law.
8. Until the date of coming into force of new Cabinet Regulation, but not longer than by 1 December 2009, the Cabinet Regulation No. 1006 of 9 December 2008, *Regulations Regarding State Fee in the Field of Seed Circulation*, shall be applied, insofar as it is not in contradiction with this Law.



9. The Cabinet shall issue the regulation referred to in Section 2, Sub-clauses “f” and “g” of this Law by 1 July 2009.

10. Amendments to Section 2, Clause 3, Section 8, Paragraph one and to introductory part of Section 10 shall come into force on 1 July 2010.

[25 April 2002; 23 September 2004; 17 November 2005; 19 December 2006; 19 June 2008; 3 September 2009]

### **Informative Reference to European Union Directives**

In this Law have been included the legal norms arising from:

1) Council Directive of 14 June 1966 on the marketing of fodder plant seed (66/401/EEC);

2) Council Directive of 14 June 1966 on the marketing of cereal seed (66/402/EEC);

3) Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species;

4) Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed;

5) Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed;

6) Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes;

7) Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants;

8) Council Directive 2003/61/EC of 18 June 2003 amending Directives 66/401/EEC on the marketing of fodder plant seed, 66/402/EEC on the marketing of cereal seed, 68/193/EEC on the marketing of material for the vegetative propagation of the vine, 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed, 92/34/EEC on the marketing of propagating and planting material of fruit plants, 98/56/EC on the marketing of propagating material of ornamental plants, 2002/54/EC on the marketing of beet seed, 2002/55/EC on the marketing of vegetable seed, 2002/56/EC on the marketing of seed potatoes and 2002/57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials;

9) Council Directive 2004/117/EC of 22 December 2004 amending Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards examinations carried out under official supervision and equivalence of seed produced in third countries;

10) Commission Directive 2008/62/EC of 20 June 2008 providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties; and

11) Commission Directive 2008/124/EC of 18 December 2008 limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as ‘basic seed’ or ‘certified seed’.

[23 September 2004; 17 November 2005; 3 September 2009]

This Law comes into force on 1 January 2000.

This Law has been adopted by the *Saeima* on 7 October 1999.

Acting for the President,  
Chairperson of the *Saeima*

J. Straume

Rīga, 27 October 1999

**Transitional Provisions Regarding Amendments  
to the Seed Circulation Law**

**Transitional Provision**

(regarding amending law of 23 September 2004)

With the coming into force of this Law, Cabinet Regulation No. 259, Amendments to the Seed Circulation Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2004, No. 13) issued in accordance with Article 81 of the Constitution of the Republic of Latvia is repealed.