



**CABINET OF MINISTERS OF UKRAINE
RESOLUTION**

of 12 December 2023

No. 1305

Kyiv

**On Approval of the Procedure for Requesting Test Samples of Parental
Components that are Constituent Components of the Object of a Variety
Application**

In accordance with paragraph 3 of part six of Article 20 of the Law of Ukraine “On Protection of Rights to Plant Varieties” the Cabinet of Ministers of Ukraine **decides**:

1. To approve the Procedure for Requesting Test Samples of Parental Components that are Constituent Components of the Object of a Variety Application, which is added.
2. To consider the resolutions of the Cabinet of Ministers of Ukraine, specified in the list attached, as invalid.

**Prime Minister of
Ukraine**

D. SHMIGAL

**Approved by
the Resolution of
the Cabinet of Ministers of Ukraine
of 12 December 2023 No 1305**

**The Procedure for Requesting Test Samples of Parental Components that
are Constituent Components of the Object of a Variety Application**

1. This Procedure defines the cases and the procedure for requesting by the Ministry of Agrarian Policy and Food of Ukraine of test samples of parental components that are constituent components of the object of a variety application (hereinafter referred to as samples of parental components of a variety).
2. The terms used in this Procedure are used in the meaning given in the Laws of Ukraine “On Protection of Plant Varieties” and “On Seeds and Planting Material”.

3. Samples of the parental components of a variety may be requested by the Ministry of Agrarian Policy and Food in the following cases:

1) if the Ministry of Agrarian Policy and Food receives a request from the competent authority of the country of variety propagation regarding compliance with the requirements of the Schemes for the Varietal Certification of Seed to which Ukraine has acceded;

2) upon a court decision;

3) at the request of the Ministry of Agrarian Policy and Food to the patent holder, and in the absence of the patent holder - to the owner of the property right to a variety distribution or the variety maintainer to verify the safety of a variety and its original components.

4. Samples of parental components of a variety shall be requested by the Ministry of Agrarian Policy and Food in cases specified in paragraph 3 of this Procedure. Prior to requesting samples of parental components of a variety, the Ministry of Agrarian Policy and Food shall check the availability of such samples in storage at the expert body.

5. Samples of parental components of a variety may be requested exclusively for the purposes specified in paragraph 3 of this Procedure.

6. In case of absence of relevant samples in storage at the expert body and if there are grounds specified in paragraph 3 of this Procedure for requesting samples of parental components of a variety, the Ministry of Agrarian Policy and Food shall send a notice in any form to the variety owner, the patent holder or the variety maintainer, which shall specify the grounds for the request, the number (volume) of samples, address and delivery time.

The number (volume) of such samples of the parental components of a variety shall not exceed the number (volume) required for test or determined by a court decision.

7. The variety owner, the patent holder or the variety maintainer shall consider the request of the Ministry of Agrarian Policy and Food within 20 calendar days from the date of its receipt and provide the appropriate number (volume) of samples of parental components of a variety.

In case of refusal to comply with such a request, the variety owner, the patent holder or the variety maintainer shall, within the specified period, send a notice to the Ministry of Agrarian Policy and Food in any form, justifying the grounds for refusal. The said notice shall be sent in paper or electronic form.

The request or notice in electronic form shall be submitted by means of information and communication systems determined by the Ministry of Agrarian Policy and Food, if it is technically possible to submit it and under the condition of identification of the variety owner, the patent holder or the variety maintainer using a qualified electronic signature.

Prior to the introduction of the technical possibility petitions, requests or notices in electronic form shall be sent to the e-mail of the Ministry of Agrarian Policy and Food with a qualified electronic signature of the variety owner, the patent holder or the variety maintainer.

8. In the cases specified in paragraph 3 of this Procedure, samples of parental components of a variety shall be supplied by the variety owner, the patent holder or the variety maintainer in accordance with the Procedure for Providing Official and Test Samples of Planting Material of a Variety, approved by the Ministry of Agrarian Policy and Food.

9. The variety owner, the patent holder or the variety maintainer shall be responsible for the accuracy of the information and data contained in the accompanying documents to the samples of parental components of a variety.

10. The Ministry of Agrarian Policy and Food shall inform the variety owner, the patent holder or the variety maintainer within 14 working days from the date of receipt of the request on the status of use of samples of parental components of a variety.

11. The expert body shall ensure the recording and reflection of information on samples of parental components of a variety in paper or electronic form in the manner determined by the Ministry of Agrarian Policy and Food.

12. If there is an unused quantity of samples of parental components of a variety, the expert body shall ensure their return or disposal in accordance with the Procedure for Providing Official and Test Samples of Planting Material of a Variety, approved by the Ministry of Agrarian Policy and Food.

**Approved by
the Resolution of
the Cabinet of Ministers of Ukraine
of 12 December 12 2023 No 1305**

**List of
Resolutions of the Cabinet of Ministers of Ukraine, that have ceased to be in
force**

1. Resolution of the Cabinet of Ministers of Ukraine of 19 September 2018 No. 756 "On Approval of the Procedure for Requesting Samples of Landing Material of Parental Components of the Application Object".

2. Paragraph 201 of the Amendments to the Resolutions of the Cabinet of Ministers of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of 06 November 2019 No. 916.

3. Paragraph 35 of the Amendments to the Resolutions of the Cabinet of Ministers of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of 19 May 2021 No. 489.