



**ДЕРЖАВНА СЛУЖБА УКРАЇНИ
З ПИТАНЬ БЕЗПЕЧНОСТІ ХАРЧОВИХ ПРОДУКТІВ ТА
ЗАХИСТУ СПОЖИВАЧІВ
(Держпродспоживслужба)**

вул. Б. Грінченка, 1, м. Київ, 01001, тел./факс: (044) 279-48-83, тел. (044) 279-12-70,
e-mail: info@dpss.gov.ua, web: dpss.gov.ua
Код ЄДРПОУ 39924774

№ _____

На № _____

від _____

Катерина Головка
e-mail: golkka@ukr.net

*Щодо надання результатів
проекту Twinning*

Державна служба України з питань безпеки харчових продуктів та захисту споживачів отримала Ваше звернення від 23.10.2025 стосовно надання результатів проекту Twinning «Наближення національного законодавства України у сферах державного нагляду (контролю) за ГМО у відкритих системах, захисту прав на сорти рослин, насінництва та розсадництва відповідно до норм і стандартів ЄС» (далі – Проект) та повідомляє.

За період роботи Проекту європейськими експертами було розроблено пропозиції змін до українського законодавства, а саме: проект Закону України «Про обіг генетично модифікованих організмів» та проект Закону України «Про обіг насіння та сортів».

Враховуючи вищевикладене, надсилаємо проекти зазначених документів англійською мовою.

Додатки: на 51 арк. в 1 прим. англійською мовою.

Заступник Голови

Володимир КУСТУРОВ

Марія Бровкіна 527 93 46



UB
Держпродспоживслужба
№В-6853/Г-7891 від 04.11.2025
КЕП: Кустуров В. Б. 04.11.2025 16:15
3FAA9288358EC0030400000075C3900D97DD500
Сертифікат дійсний з 13.06.2024 00:00 до 12.06.2026 23:59

Seed and Variety Circulation Law

Contents

Chapter I General Provisions	3
Article 1. Purpose of this Law	3
Article 2. Definition of terms	4
Chapter II Institutions in Seed Circulation	5
Article 3. Powers of the Cabinet of Ministers of Ukraine in the field of seeds and seedlings production.....	5
Article 4. Powers of the central executive authority that ensures formation and implementation of the state agrarian policy in the field of seeds and seedlings production (the Ministry of Agriculture)	6
Article 5. Powers of the competent authorities in the field of seeds circulation and certification (seed certification authority)	6
Article 6. Powers of the variety assessment body	7
Article 7. Authorisation of professional operators to carry out certification under official supervision (Authorized Seed Samplers, field inspectors and seed testing laboratory).....	8
Article 8. Requirements for the registers of the seed production system.....	10
Article 9. Regulations Regarding Growing and Marketing of Seed, Recognition and Seed Circulation of Conservation Variety and Vegetable Variety Developed for Growing under Particular Conditions.....	11
Article 10. Regulations Regarding Plant Seed Mixtures for the Preservation of the Natural Environment	12
Article 11. Permit to Market Seed Mixtures for the Preservation of the Natural Environment	13
Article 12. Regulations Regarding the training, examining and monitoring for Authorized Seed Samplers, field inspectors and seed testing laboratory.....	13
Article 13. Regulations Regarding the National List of varieties of agricultural plant and vegetable species and the National Variety Register of fruit genera and species.....	13
Article 14. Financing of Seed Growing / State support for breeding and seeds production..	13
Chapter III Requirements to be Met for Seed Growing, Processing, Packaging and Marketing	14
Article 15. Registration of professional operators	14
Article 16. Obligations of professional operators	14
Article 17. Traceability.....	15
Article 18. Notification of the production and certification of pre-basic, basic and certified seed, commercial seed and material and, of the production of standard seed and material...	16
Chapter IV Certification of Seed and Seed Examination	16

Article 19. Seed Certification.....	16
Article 20. Seed Examination.....	17
Article 21. Documents certifying the quality of the seed.....	17
Article 22. Field Inspection.....	18
Article 23. Seed sampling	18
Article 24. Seed Quality Assessment	18
Article 25. Assessment of the identity and varietal purity of seed material of agricultural and vegetable plants (Post-control of Seed).....	19
Chapter V National List of varieties of agricultural plant and vegetable species and National Variety Register of fruit genera and species	20
Article 26. State Catalogue of Plant Varieties	20
Article 27. Inclusion of Plant Varieties in the National List of varieties of agricultural plant and vegetable species and European Union Common Species Catalogues	21
Article 28. National Variety Register of fruit genera and species	23
Article 29. Inclusion of Varieties in the National Variety Register of fruit genera and species	23
Article 30. Maintainer of a Variety.....	24
Article 31. Variety maintenance	24
Chapter VI Marketing of Seed and Release Thereof into the Market	25
Article 32. Concept of Marketing of Seed	25
Article 33. Sale of Seed.....	25
Article 34. Seed Release into the Market.....	28
Article 35. Seed Packaging and Labels.....	28
Article 36. Treatment of Seed with Bio-preparations, Plant Protection Products and Chemicals	29
Article 37. Exceptions in the Marketing of Seed and Release into the Market	29
Chapter VII Import of Seed from Countries which are not Member States of the European Union	30
Article 38. Import of Seed from Countries which are not Member States of the European Union.....	30
Chapter VIII Control of Compliance with this Law	32
Article 39. Control of Compliance with this Law	32
Article 40. Procedures for the Provision of Information.....	32
Article 41. State supervision over field inspection, seed sampling and seed sample analysis.....	32
Chapter IX Liability for violation of legislation in the field of seed production.....	33
Section 42. Administrative Offences in the Field of Marketing of Seed	33

Chapter I **General Provisions**

Article 1. **Purpose of this Law**

(1) The objectives of this Law are the following:

- a) to ensure quality and diversity of choice of seeds, and its availability for all users;
- b) to ensure equal conditions for the competition of the professional operators and the functioning of the market in seeds;
- c) to support innovation and competitiveness of the seeds sector;
- d) to contribute to conservation and sustainable use of plant genetic resources and agrobiodiversity;
- e) to contribute to sustainable agricultural production, adapted to current and future projected climatic conditions;
- f) to contribute to food and feed security.

(2) This Law regulates the production for marketing purposes of seed, including the packaging, marketing and conveyance to Ukraine, as well as state supervision and the liability for violation of this Law and legislation established on the basis thereof.

(3) This Law shall apply to the species of agricultural crops and vegetables which are referred to in the laws and regulations regarding growing and marketing of seed and the species of fruit trees and berry bushes which are referred to in the laws and regulations regarding circulation of propagating material of fruit genera and species.

(4) The law does not apply to:

- a) propagating material of ornamental plants, with the exception of turf grass seed;
- b) forest reproductive material;
- c) seeds solely intended for export to third countries, under the condition that it is identified as such;
- d) seeds transferred in any way, whether free of charge or not, between non-professional users for their own private use and outside their commercial activities;
- e) seeds used solely for sampling, official testing or testing under official supervision, breeding, official inspections, exhibitions or research for scientific purposes under the condition it is identified as such;
- f) seeds (with the exception of seed potatoes) transferred in any way, not aimed at its commercial exploitation but subject to service contracts for the purposes of cleaning, disinfection, treatment, packaging, labelling, transport, processing and storage, provided that the provider of services does not acquire title to that seeds and its traceability is ensured;
- g) seeds supplied under certain conditions to providers of services for the production of certain agricultural raw materials, intended for industrial purposes, or seeds produced for that purpose, provided that:

- a. the provider of services does not acquire title to either that seeds or the product of the harvest;
- b. the traceability of that seeds is ensured; and
- c. the supplier of that seeds has provided the competent authority with a copy of the relevant parts of the contract made with the provider of services including the standards and conditions met by the seeds provided;
- h) seeds used for the conservation of plant genetic resources in gene banks.

Article 2. **Definition of terms**

For the purposes of this Law, the following definitions apply:

- 1) ‘professional operator’ means any person, other than a competent authority, involved professionally in one or more of the following activities in the Union concerning seed circulation:
 - (a) production with a view to marketing;
 - (b) marketing;
 - (c) maintenance of varieties registered in accordance with Article 31;
 - (e) laboratory analysis, field inspections, storage, drying, processing, treating, packaging, sealing, labelling, sampling or testing;
- 2) ‘marketing’ means the following actions in relation to seeds: sale, holding, transfer for free, or offering for sale including online or any other way of transferring or distribution within, or import into, the Union,
- 3) ‘variety’ means a variety as defined in Article 5(2) of Regulation (EC) No 2100/94;
- 4) ‘official description’ means a description of a variety that has been established by a competent authority, includes the relevant characteristics of the variety and makes the variety identifiable as a result of the examination on its distinctness, uniformity and stability;
- 5) ‘officially recognised description’ means a description used to describe a conservation variety, The officially recognised description shall be recognised by the competent authority as a sufficiently complete description to ensure the identification and distinctness of these conservation varieties];
- 6) ‘variety maintenance’ means the actions taken for ensuring varietal purity and identity with the aim to ensure that the expression of the characteristics which are included in the examination for distinctness as well as any others used for the variety description, remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle;
- 7) ‘seeds’ means seeds in the botanical sense;
- 8) ‘category’ of seeds means a group or an individual unit of seeds that qualifies as pre-basic, basic, certified or standard seed, or commercial seed and is identifiable by complying with specific identity and quality requirements;
- 9) ‘lot’ means a unit of seeds, identifiable by its homogeneity of composition and origin or origins, in the case of seed mixtures;
- 10) ‘conservation variety’ means a variety that is:

- (a) traditionally grown or [locally newly bred] under specific local conditions in the Union, and adapted to those conditions; and
 - (b) [characterised by a high level of genetic and phenotypical diversity between individual reproductive units, except in the case of vegetative propagated material;]
- 11) 'off-type' means, a plant that can be clearly distinguished from the variety or species to which it is supposed to belong pursuant to this Law in the expression of any characteristic included in its variety description, taking into consideration the particular features of its propagation.

Chapter II Institutions in Seed Circulation

Article 3. Powers of the Cabinet of Ministers of Ukraine in the field of seeds and seedlings production

The powers of the Cabinet of Ministers of Ukraine in the field of seeds and seedlings production include:

- a) determination of priority directions of seed and seedling production development;
- b) ensuring the development and implementation of state target programs for the development of seed and seedling production;
- c) state support for seed and seedling production development and state regulation of the seed market;
- d) organization of international cooperation in the area of seeds and seedlings production;
- e) issue regulations regarding growing and marketing of seed for each group of cultivated plants;
- f) approve the by-laws of the National List of varieties of agricultural plant and vegetable species in which the procedures for approval of the Catalogue and the procedures by which a variety shall be included and maintained in the Catalogue or deleted therefrom, as well as the procedures for the storing and publication of the information related to the creation of the Catalogue shall be determined;
- g) issue regulations regarding the National Variety Register of fruit genera and species;
- h) issue regulations regarding the recognition and seed circulation of a conservation variety intended for plant genetic resources of Ukraine origin for agriculture and food (hereinafter - the regulations regarding the recognition and seed circulation of the conservation variety);
- i) issue regulations regarding the recognition and seed circulation of a vegetable variety developed for growing under particular conditions;
- j) issue regulations regarding the fodder plant seed mixtures intended for the preservation of the natural environment;
- k) determine the countries other than the European Union Member States 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 countries (hereinafter - the regulations regarding the equivalence of seed from the third countries);
- l) issue regulations regarding the training, examining and monitoring for Authorized Seed Samplers, Field inspectors and Seed testing laboratory;

- m) exercise of other powers defined by this Law.

Article 4. Powers of the central executive authority that ensures formation and implementation of the state agrarian policy in the field of seeds and seedlings production (the Ministry of Agriculture)

(1) The Ministry of Agriculture jointly with scientific organisations, associations and foundations shall develop and shall, jointly with the State authorities, implement a unitary policy in the fields of circulation of seeds and plant varieties;

(2) The powers of the Ministry of Agriculture include:

ensuring the implementation of state policy in the field of seeds and seedlings production;

- a) determination of priority directions of seed and seedling production development;
- b) development and organization of implementation of state programs for the development of variety breeding, seeds and seedlings production;
- c) promoting the development of the seeds and planting material market;
- d) participation in international cooperation in the area of seeds and seedlings production, as well as implementation of international treaties of Ukraine in this area;
- e) exercise of other powers defined by this Law.
- f) ensuring the formation of the state reserve seed fund and controlling its effective use.

Article 5. Powers of the competent authorities in the field of seeds circulation and certification (seed certification authority)

The competent authorities, in the field of seeds circulation and certification shall:

- a) ensuring the seeds certification and seed examination;
- b) certify seed and performs field inspections, sampling and quality control in the laboratory;
- c) perform the functions of a reference laboratory in the specification of seed quality and provide other laboratory services;
- d) ensuring the training, examining and monitoring for Authorized Seed Samplers, field inspectors and seed testing laboratory
- e) ensuring the post-control of certified seed, standard seed, seed of conservation variety and seed of vegetable variety developed for growing under particular conditions;
- f) makes a decision on the compliance of the seed lot with the requirements of variety identity and variety purity in accordance with the regulatory enactments on seed growing and seed trade;
- g) organize and maintain of the Register of seeds production entities, the Register of Authorized Seed Samplers, field inspectors and seed testing laboratory and the Register of Certified Seed Lot, as well as ensuring the openness and public access to these registers;
- h) supervise and control the circulation of seeds/ implementation of state control of compliance with the requirements of legislation in the field of seeds production and implementation of state control of the circulation of seeds on the territory of Ukraine;
- i) co-operate with the relevant certification institutions of other countries;

- j) implement the Organization for Economic Co-operation and Development (OECD) Schemes for the Varietal Certification of Grass and Legume Seed, Crucifer and other Oil or Fibre Species Seed, Cereal Seed, Sugar and Fodder Beet Seed, Maize seed and Sorghum and Pearl Millet seed for seed circulation on the international market;
- k) implement the requirements of directly applicable European Union legislation regarding varieties and seed circulation;
- l) ensure participation in the comparative trials and tests on seeds and propagating material provided for in respect of European Union legislation and the relevant research;
- m) in the cases provided for in the laws and regulations regarding growing and marketing of seed, certify seeds with reduced germination power;
- n) issue a permit for the marketing of such fodder plant seed mixtures that are intended for the preservation of the natural environment (hereinafter - the seed mixtures for the preservation of the natural environment);
- o) perform all the activities related to the creation, maintenance of the National List of varieties of agricultural plant and vegetable species and the National Variety Register of fruit genera and species, storage and publication of the information therein;
- p) perform all activities which are related to the inclusion of the plant species registered in State in the European Union common catalogue of varieties of agricultural plant species, the European Union common catalogue of varieties of vegetable species (hereinafter also - the European Union common species catalogues), or in the Fruit Reproductive Material Information System (FRUMATIS) (hereinafter also - EU variety register);

Article 6. Powers of the variety assessment body

The variety assessment body shall:

- a) perform post-control of certified seed, standard seed, seed of conservation variety and seed of vegetable variety developed for growing under particular conditions;
- b) ensures the training of field inspection inspectors in matters of variety identity and distinctness of variety;
- c) maintain original seed samples of the varieties included in the National List of varieties of agricultural plant and vegetable species.
- d) ensure the assessment of the value for cultivation and use of plant varieties in accordance with the laws and regulations regarding assessment of the value for the cultivation and use of plant varieties.
- e) carry out variety distinctness, uniformity and stability (DUS) tests;
- f) maintain the assessment database of the value for the cultivation and use of plant varieties in accordance with the laws and regulations regarding the assessment of the value for the cultivation and use of a plant variety;

Article 7. Authorisation of professional operators to carry out certification under official supervision (Authorized Seed Samplers, field inspectors and seed testing laboratory)

(1) Competent authorities in the field of seeds circulation and certification may decide that professional operators, upon application to the competent authority, may be authorized to perform all or certain activities required for certification of seeds (except for post-control plot testing) under official supervision of the competent authority for pre-basic, basic and certified material or seeds, and to print and affix an official label for them.

(2) The professional operator shall, in order to be granted such an authorization and depending on the activities to be authorized for, comply with the following conditions:

- (a) possess the necessary knowledge
- (b) be qualified to carry out the field inspections or employ personnel qualified for such inspections;
- (c) employ qualified personnel for carrying out the sampling, or conclude contracts with other professional operators employing qualified personnel for those activities;
- (d) employ specialized personnel and equipment to carry out the testing, or use laboratories performing according to ISTA rules or other international standards where applicable, employing qualified personnel for those activities;
- (e) have identified, and have the capability to monitor, the critical points of the production process which may influence the quality and identity of the seed material, and keep records of the results of that monitoring;
- (f) have in place systems to ensure the fulfilment of the requirements concerning the identification of seed lots
- (g) have in place systems to ensure the fulfilment of the traceability requirements

(3) Authorized field inspection

1) The Field inspectors shall:

(a) have the technical qualifications in accordance with the procedures laid down in the laws and regulations regarding the training, examining and monitoring for Authorized Seed Samplers, field inspectors and seed testing laboratory;

(b) derive no private gain in connection with the carrying out of the inspections;

(c) have been officially licensed by the seed certification authority, accordance with the procedures laid down in the laws and regulations regarding the training, examining and monitoring for Authorized Seed Samplers, field inspectors and seed testing laboratory;

(d) carry out inspections under official supervision in accordance with the rules applicable to official inspections.

2) The seed crop to be inspected shall be grown from seed, which has undergone official post-control, the results of which have been satisfactory.

3) A proportion of the seed crops shall be checked by official inspectors. That proportion shall be at least 5 %.

4) A proportion of samples from the seed lots harvested from the seed crops shall be drawn for official post-control and, where appropriate, for official laboratory seed testing in respect of varietal identity and purity.

5) If officially authorized inspectors who are found guilty of deliberately or negligently contravening the rules governing official examinations, competent authorities may withdrawal of the authorization. Any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

(4). Authorized seed sampling

1) The seed sampling under official supervision, shall be complied with the following requirements:

(a) seed sampling shall be carried out by seed samplers who have been authorized for that purpose by the seed certification authority;

(b) seed samplers shall have the necessary technical qualifications accordance with the procedures laid down in the laws and regulations regarding the training, examining and monitoring for Authorized Seed Samplers, field inspectors and seed testing laboratory;

c) They shall carry out seed sampling in accordance with current international methods;

2) Seed samplers shall be:

(a) independent natural persons;

(b) persons employed by natural or legal persons whose activities do not involve seed production, seed growing, seed processing or seed trade; or

(c) persons employed by natural or legal persons whose activities involve seed production, seed growing, seed processing or seed trade.

In the case referred to in (c), a seed sampler may carry out seed sampling only on seed lots produced on behalf of his employer, unless it has been otherwise agreed between his employer, the applicant for certification and the seed certification authority;

(d) the performance of the seed samplers shall be subject to appropriate supervision by the seed certification authority. When automatic sampling is in operation appropriate procedures must be adhered to and officially supervised;

3) For the purposes of the supervision referred to in (d) a proportion of the seed lots entered for official certification shall be check-sampled by official seed samplers. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered but may also be oriented to eliminate specific doubts. That proportion shall be at least 5%. This check sampling does not apply to automatic sampling.

Competent authorities shall compare the seed samples drawn officially with those of the same seed lot drawn under official supervision.

4) If officially authorized seed sampler who are found guilty of deliberately or negligently contravening the rules governing official examination, competent authorities may withdrawal of the authorization. Any certification of the seed sampled is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

(5) Authorized Seed testing

1) Seed testing shall be carried out by seed-testing laboratories which have been authorized for that purpose by the seed certification authority

2) The seed-testing laboratory shall have a seed analyst-in-charge who has direct responsibility for the technical operations of the laboratory and has the necessary qualifications for technical

management of a seed-testing laboratory, accordance with the procedures laid down in the laws and regulations regarding the training, examining and monitoring for Authorized Seed Samplers, field inspectors and seed testing laboratory;

3) Its seed analysts shall have the necessary technical qualifications obtained in training courses accordance with the procedures laid down in the laws and regulations regarding the training, examining and monitoring for Authorized Seed Samplers, field inspectors and seed testing laboratory;

4) The laboratory shall be maintained in premises and with equipment officially considered by the seed certification authority to be satisfactory for the purpose of seed testing, within the scope of the authorization and accordance with the procedures laid down in the laws and regulations regarding the training, examining and monitoring for Authorized Seed Samplers, field inspectors and seed testing laboratory;

5) It shall carry out seed testing in accordance with current international methods.

6) The seed-testing laboratory shall be:

(a) an independent laboratory; or

(b) a laboratory belonging to a seed company.

In the case referred to in (b), the laboratory may carry out seed testing only on seed lots produced on behalf of the seed company to which it belongs, unless it has been otherwise agreed between that seed company, the applicant for certification and the competent seed certification authority.

7) The seed-testing laboratory's performance of seed testing shall be subject to appropriate supervision by the seed certification authority. For the purposes of the supervision of the seed lots entered for the official certification shall be check-tested by official seed testing. That proportion shall in principle be as evenly spread as possible over natural and legal persons entering seed for certification, and the species entered, but may also be oriented to eliminate specific doubts. That proportion shall be at least 5 %.

8) If officially authorized seed-testing laboratories which are found guilty of deliberately or negligently contravening the rules governing official examinations, competent authorities may withdrawal of the authorization. Any certification of the seed examined is annulled in the event of such contravention unless it can be shown that such seed still meets all relevant requirements.

(6) Withdrawal or modification of the authorisation of a professional operator

1) Where an authorised professional operator no longer fulfils the requirements, the competent authority shall request that operator to take corrective actions within a specified period of time.

2) The competent authority shall without delay withdraw, or modify as appropriate, the authorisation, if the professional operator does not apply the corrective actions referred to in the first subparagraph within the specified period of time.

3) In case it is concluded that the authorisation had been granted following fraud, the competent authority shall impose the appropriate sanctions to the professional operator.

Article 8. Requirements for the registers of the seed production system

(1) For the proper functioning of the seed and seedling production system the Competent authorities shall ensure the maintenance and is the holder of the following state electronic registers:

- a) Register of seeds production entities,
 - b) Register of Authorized Seed Samplers, field inspectors and seed testing laboratory
 - c) Register of Certified Seed Lot
- (2) The information contained in the specified state registers is open and public. Competent authorities provides free twenty-four-hour and free of charge access to the information contained in these registers via the Internet.
- (3) Information of state registers as provided for in part one of this Article and obtained by accessing them via the Internet shall:
- a) have the status of official information;
 - b) not require any additional confirmation;
 - c) can be used by any public authorities and local self-government bodies, individuals, individual entrepreneurs, legal entities.

Article 9. Regulations Regarding Growing and Marketing of Seed, Recognition and Seed Circulation of Conservation Variety and Vegetable Variety Developed for Growing under Particular Conditions

- (1) Regulations regarding the growing and marketing of seed shall govern:
- 1) the procedures for registration of profesional operators in the Register of seeds production entities, 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 varietal purity and health, 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 in the laws and regulations 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 in the laws and regulations 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 in the laws and regulations regarding growing and marketing of seed;
 - 10) the documents to be submitted for growing and marketing of seed and the content thereof;
 - 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) Regulations regarding the recognition and seed circulation of a conservation variety shall govern:

- 1) the requirements for the recognition of conservation variety;
- 2) the minimum requirements and procedures for carrying out of distinctness, uniformity and stability test of the conservation variety;
- 3) the requirements and procedures for inclusion of the conservation variety in the National List of varieties of agricultural plant and vegetable species;
- 4) the requirements for seed circulation of conservation varieties and quantitative restrictions for such circulation;
- 5) the requirements for the quality of conservation varieties;
- 6) the requirements for the packaging and labelling of conservation varieties;
- 7) the requirements for post-control of seed of conservation varieties in order to examine the identity of variety and varietal purity.

(3) Regulations regarding the recognition and seed circulation of a vegetable variety developed for growing under particular conditions shall govern:

- 1) the requirements for the recognition of a vegetable variety developed for growing under particular conditions;
- 2) the minimum requirements and procedures for the performance of distinctiveness, uniformity and stability test of the vegetable variety developed for growing under particular conditions;
- 3) the requirements and procedures for inclusion of the vegetable variety developed for growing under particular conditions in the National List of varieties of agricultural plant and vegetable species;
- 4) the requirements for seed circulation of the vegetable variety developed for growing under particular conditions;
- 5) the requirements for the quality of seed of the vegetable variety developed for growing under particular condition;
- 6) the requirements for the packaging and labelling of seed of the vegetable variety developed for growing under particular conditions;
- 7) the requirements for post-control of seed of the vegetable variety developed for growing under particular conditions in field plots.

Article 10. Regulations Regarding Plant Seed Mixtures for the Preservation of the Natural Environment

Regulations regarding seed mixtures for the preservation of the natural environment shall govern:

- 1) the types of acquisition of seed mixtures and the territories from which the acquisition thereof is permitted;
- 2) the procedures for the issuance and cancellation of a permit for the marketing of seed mixtures;
- 3) the quantitative restrictions for marketing of seed mixtures;
- 4) the requirements for the quality of seed mixtures;

5) the requirements for the packaging and labelling of seed mixtures.

Article 11. Permit to Market Seed Mixtures for the Preservation of the Natural Environment

The decision to issue a permit to market seed mixtures for the preservation of the natural environment or refuse to issue a permit shall be taken within 12 months after the date for submitting the application laid down in the laws and regulations regarding fodder seed mixtures for the preservation of the natural environment, but not later than within five working days after receipt of all documents attesting to the seed quality determined in the abovementioned laws and regulations.

Article 12. Regulations Regarding the training, examining and monitoring for Authorized Seed Samplers, field inspectors and seed testing laboratory

Regulations regarding the training, examining and monitoring for Authorized Seed Samplers, field inspectors and seed testing laboratory shall govern:

- 1) the requirements for the training Authorized Seed Samplers, field inspectors and seed testing laboratory
- 2) the requirements for the examining Authorized Seed Samplers, field inspectors and seed testing laboratory
- 3) the requirements for the monitoring for Authorized Seed Samplers, field inspectors and seed testing laboratory

Article 13. Regulations Regarding the National List of varieties of agricultural plant and vegetable species and the National Variety Register of fruit genera and species

Regulations regarding the creation of a lists of varieties of National List of varieties of agricultural plant and vegetable species and National Variety Register of fruit genera and species shall govern:

- 1) the requirements and procedures for the inclusion and maintenance of varieties in the lists of varieties, as well as for the deletion thereof from the lists of varieties;
- 2) the requirements for the variety description and the procedures for the recognition thereof;
- 3) the procedures for the storage and publishing of information related to the creation of the lists of varieties;
- 4) the procedures for the exchange of information related to the lists of varieties.

Article 14. Financing of Seed Growing / State support for breeding and seeds production

(1) Seed growing shall be financed by funding from professional operators – natural persons and legal persons, by subsidies from the State budget from general revenue, as well as income from the provision of paid services.

(2) State support for breeding, seeds and seedlings production is carried out within the funds provided in the State Budget of Ukraine for the corresponding year.

Chapter III Requirements to be Met for Seed Growing, Processing, Packaging and Marketing

Article 15. Registration of professional operators

- (1) A person shall submit an application to the Competent authorities for the registration with the Register of seeds production entities if it is engaged in certified seed growing and marketing of seed or in seed processing or packing.
- (2) A person shall be registered with the Register of seeds production entities in accordance with the procedures laid down in the laws and regulations regarding growing and marketing of seed.
- (3) Registration shall be cancelled:
 - 1) if the registered person has submitted the relevant application;
 - 2) if the legal person has been excluded from the Commercial Register or the natural person is dead;
 - 3) in the cases provided for in laws and regulations regarding growing and marketing of seed;
 - 4) if, within two years after the day of receipt of the last application, the application for the certification of seeds has not been submitted to the Competent authorities. In such case the Competent authorities have the right to cancel the registration with the Register of seeds production entities without prior warning.
- (4) Changes in the Register of seeds production entities shall be made by the Competent authorities upon receipt and evaluation of the application from the person, provided the State fee is paid.
- (5) The Competent authorities shall post on its website information regarding the registered persons which during the last two years have submitted the application for the certification of seeds by indicating the name and legal address of the legal person or the given name and surname of the natural person and also the code, type of activity and telephone number of the seed grower.

Article 16. Obligations of professional operators

- (1) The obligations of seed of professional operators 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 the regulations regarding 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 Competent authorities inspector to production premises, warehouses, land areas and accounting documents, as well as to provide requested additional information regarding seed circulation;
 - 6) ensure the organisation of accounting documents in order that the Competent authorities inspector has access to information regarding all the stages of seed circulation.

- 7) be available personally, or designate another person, to liaise with the competent authorities for facilitating the official controls;
- 8) identify and monitor the critical points of the production process, or of the marketing, which may influence the identity and quality of seeds;
- 9) keep records of the monitoring of the critical points and provide them for examination when requested by the competent authorities;
- 10) ensure that lots of seed remain separately identifiable;
- 11) keep updated information on the address of the premises and other locations, including those of contracting third parties, used for the activities
- 12) make sure that competent authorities have access to the premises and other locations where the activities take place, including premises and fields of third contracting parties, and to the records of the monitoring and all related documents;
- 13) take measures, where appropriate, for the maintenance of the identity of the seeds; and
- 14) make available on request of the competent authorities any contracts with third parties, without prejudice to national and Union rules on confidentiality, access to information and private data protection.

(2) Seed packers have an obligation to ensure that the quality of seed in the package conforms to the label or marking and the document approving quality.

(3) 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.

(4) If the variety has been 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 State for propagation shall, by 1 March submit an official variety description to the Competent authorities (if the Competent authorities certifies that such variety description does not exist).

Article 17. **Traceability**

(1) Professional operators who are registered according to, shall ensure that seeds is traceable at all stages of production and marketing.

(2) For the purposes of paragraph 1, professional operators shall keep information or records allowing them to identify:

a) the professional operators or other persons, who have supplied them with the seeds concerned;

b) the professional operators or the persons to whom they have supplied seeds and the seeds concerned, except in case of non-professional users.

On request, they shall make such information available to the competent authorities.

(3) Professional operators shall keep records of the seeds and the information of the professional operators and persons referred to in paragraph 2 for at least 6 years after the seeds has been respectively supplied to or by them.

Article 18. Notification of the production and certification of pre-basic, basic and certified seed, commercial seed and material and, of the production of standard seed and material

(1) Professional operators shall provide the competent authority once a year, in accordance with the procedures laid down in the rules on seed growing and seed management, with the following information:

- (a) production of pre-basic, basic and certified seed and material, and commercial seed; and
- (b) the production of pre-basic, basic and certified seed and material, and commercial seed that started in previous years and continues in the year concerned.

(2) That notification shall state the plant species, varieties or where appropriate, selected clones or polyclonal mixtures, and categories of the seeds concerned and the exact location of production.

(3) Once a year, professional operators shall submit to the competent authority a declaration concerning the quantities per species of standard seed and material they produced for the purpose of its marketing,

Chapter IV Certification of Seed and Seed Examination

Article 19. Seed Certification

(1) Seed certification is the identification of varieties, testing of growing conditions and checking of the characterizing 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 meets one of the following conditions:

a) the variety has been included in the National List of varieties of agricultural plant and vegetable species;

b) the variety has been included in one of the European Union common species catalogues and in accordance with Article 16 (4) of this Law an official variety description has been submitted to the Competent authorities;

c) the variety has been included in the list of varieties in the Seed Scheme (in which State participates) of the Organization for Economic Co-operation and Development (OECD) and such seed varieties are intended for bringing out to countries other than European Union Member States;

2) the field where the seed is grown meets the requirements of regulations regarding growing and marketing of seed;

3) the quality of seed meets the requirements of regulations regarding growing and marketing of seed;

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 of which has been performed under the supervision of the official institution in accordance with the laws and regulations of the Member States shall, in terms of quality, be equivalent to seeds certified by the Competent authorities .

(4) The Competent authorities shall take the decision to issue a permit to certify seed with reduced germination or the decision to issue a permit to lower the breeder seed category within one month

after expiration of the time limit for submitting applications provided for in the regulations regarding growing and marketing of seed.

Article 20. Seed Examination

(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 regarding growing and marketing of seed.

(2) Seed examination shall be performed:

1) for standard seed, if the variety is included in the National List of varieties of agricultural plant and vegetable species or in the European Union common catalogue of vegetable varieties, taking into account the requirements included in the regulations regarding 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 regarding growing and marketing of seed;

3) for seed of conservation variety if the variety is included in the National List of varieties of agricultural plant and vegetable species, taking into account the requirements included in the regulations regarding the recognition of conservation variety and seed circulation;

4) for seed of vegetable varieties developed for growing under particular conditions, if the variety has been included in the National List of varieties of agricultural plant and vegetable species as a vegetable variety developed for growing under particular conditions, taking into account the requirements included in the regulations regarding recognition and seed circulation of vegetable variety developed for growing under particular conditions.

Article 21. Documents certifying the quality of the seed

The following documents shall attest the quality of seed:

1) For the certified seed in State:

a. a seed testing report indicating that the seed lot conforms to the requirements for the relevant category - if the seed has been obtained and is intended to be sown in the same seed growing farm;

b. if the seed is intended for marketing - an official label issued by authorized authorities with the indication "European Union Legislation" or "EU Legislation";

2) For seed certified in European Union Member State, as well as Iceland and Norway - an official label of the seed package with a reference to European Union Legislation, that is issued by authorized authorities of the relevant states;

3) For the seed certified in the country referred to in the laws and regulations on seed equivalence from third countries - seed quality attesting documents and seed packaging label that conforms with the requirements referred to in the laws and regulations on seed equivalence from third countries,

4) For the seed certified in Switzerland and Liechtenstein - an official label of the seed package, that is issued by authorized authorities of the relevant states;

- 5) for the seed mixtures certified in State, European Union Member State, as well as Iceland, Norway, Switzerland and Liechtenstein - an official label of the seed package or a stamp, which contains the information official label;
- 6) for previously certified seed, when repacking them in small packages for the final user of the seed - packer's label or stamp which contains the information official label.

Article 22. Field Inspection

- (1) On the basis of an application by the professional operator, the Competent authorities or authorized field inspectors under official supervision 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 regarding growing and marketing of seed.
- (2) The decision of the field inspector on the results of the field inspection may be disputed within three working days, submitting to the Competent authorities an application.
- (3) The Competent authorities shall decide on the conformity of the sowing fields of the variety for obtaining of seed within three months, in turn, for biennial and perennial vegetable species - within 15 months after expiration of the time limit for submitting applications provided for in the regulations regarding growing and marketing of seed, but not later than within three working days after the last field inspection.

Article 23. Seed sampling

- (1) On the basis of an application by the professional operator, the checking of varieties, and for the examination of seed for certification, samples are drawn officially or under official supervision in accordance with appropriate methods and accordance with the regulations regarding growing and marketing of seed.
- (2) Seed sampling with a view to official inspections are carried out in relation to the marketing, shall be carried out officially.
- (3) For the examination of seed for certification, samples shall be drawn from homogeneous lots. The maximum weight of a lot and the minimum weight of a sample are indicated in the regulations regarding growing and marketing of seed.

Article 24. Seed Quality Assessment

- (1) The seed quality, also the commercial seed quality, shall be assessed by the Competent authorities or authorized seed-testing laboratories in accordance with the regulations regarding growing and marketing of seed of relevant species during the certification process thereof.
- (2) The quality of standard seed, seed of conservation varieties and seed of vegetable varieties developed for growing under particular conditions shall be assessed by the processor or packer, or by the Competent authorities.
- (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). The methods included in the regulations regarding growing and marketing of seed shall be applied for the species to which the regulations of International Seed Testing Association (ISTA) are not applicable.

(4) The Competent authorities shall decide on the compliance of the seed quality with the requirements of seed category provided for in the regulations regarding growing and marketing of seed of the relevant species within two months after the day when the application was submitted, but not later than within three working days after expiration of the time limit for analysis provided for in the regulations of the International Seed Testing Association (ISTA).

Article 25. Assessment of the identity and varietal purity of seed material of agricultural and vegetable plants (Post-control of Seed)

(1) The Competent authorities shall perform the post-control of seed in accordance with the laws and regulations regarding seed growing and seed circulation:

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

(2) Varietal identity and purity are assessed:

- 1) seed material of agricultural and vegetable plants of the basic category and certified category intended for further reproduction;
- 2) seed material of agricultural plants submitted for field evaluation carried out in accordance with OECD systems;
- 3) not less than 10%:
 - a) lots of seed material of agricultural and vegetable plants of the certified category,
 - b) lots of seed material of standard category vegetable plants on the market,
 - c) lots of seed material of conservation varieties of agricultural plants, seed material of the certified category or standard category of conservation varieties of vegetable plants, seed material of the standard category of Vegetable Variety Developed for Growing under Particular Conditions on the market.

(3) Samples to assess the identity and varietal purity of seed material are taken at the same time, with sampling for the purpose of certification or seed testing or at the request of the operator:

(4) Assessment of the identity and varietal purity of the seed material is carried out on control plots. This assessment aims in particular to check whether the tested seed lot complies with:

- 1) official description and standard sample of the reproduced variety;
- 2) varietal purity requirements specified in the regulations of seeds certifications

(5) Assessment of the identity and varietal purity of seed material consists of:

- 1) preliminary assessment - covering the material of seed lot constituting the starting material for subsequent reproductions, carried out in parallel with the field assessment;
- 2) post-assessment - covering the material of seed lot produced and placed on the market, carried out in the growing season following the year of harvest.

(6) If during the initial assessment referred to in point 5.1, the lack of varietal identity of the tested material of seed lot is found, this is the basis for disqualification of the seed plantation sown with this seed lot.

(7) If, as a result of the follow-up assessment referred to in point 5.2, it is found that the seed material of the standard category of vegetable plants lacks varietal identity, the competent body may, by way of a decision, prohibit the holder of the variety from recognizing the seed material of this category produced by him.

(8) If, as a result of the follow-up assessment referred to in point 5.2, the lack of varietal identity from a conservation variety or Vegetable Variety Developed for Growing under Particular Conditions is found, the competent body may, by way of a decision, prohibit the evaluation of the seed material by the person preserving the variety.

Chapter V National List of varieties of agricultural plant and vegetable species and National Variety Register of fruit genera and species

Article 26. State Catalogue of Plant Varieties

(1) National List of varieties of agricultural plant and vegetable species is a list of plant varieties, the seed of varieties included in which may be certified or examined as standard seed, seed of conservation variety or seed of vegetable varieties developed for growing under particular conditions and marketed in accordance with the laws and regulations regarding growing and marketing of seed and also with the regulations regarding the recognition of a conservation variety or vegetable variety developed for growing under particular conditions and seed circulation.

(2) The Catalogue shall include cereals, forage plants, oil plants and fibre plants, beetroot, potato and vegetable varieties.

(3) The Competent authorities shall post the National List of varieties of agricultural plant and vegetable species on its website. The following information shall be included in the National List of varieties of agricultural plant and vegetable species:

- 1) the name of the variety;
- 2) time period for which the variety has been included in the National List of varieties of agricultural plant and vegetable species;
- 3) the country in which the variety has been bred;
- 4) for the breeder or maintainer of the variety - a legal person - the name, address and telephone number, but for a natural person - the given name, surname and telephone number;
- 5) for the holder of the breeder's right or an authorized representative of the holder of the breeder's right which has the right to enter into a license agreement - a legal person - the name, address and telephone number, but for a natural person - the given name, surname and telephone number;
- 6) indicators that characterize the variety;
- 7) the relevant indication if the variety is genetically modified;
- 8) the indication "conservation variety" if it has been included in the National List of varieties of agricultural plant and vegetable species as a conservation variety;
- 9) the indication "vegetable variety developed for growing under particular conditions" if it has been included in the National List of varieties of agricultural plant and vegetable species as a vegetable variety developed for growing under particular conditions.

(4) The Competent authorities shall take the decision to include a variety in the National List of varieties of agricultural plant and vegetable species or delete it therefrom, as well as to make other

amendments to the National List of varieties of agricultural plant and vegetable species. The Competent authorities in accordance with the laws and regulations regarding the formation of the National List of varieties of agricultural plant and vegetable species shall publish in the Official Gazette information regarding the decisions taken.

Article 27. Inclusion of Plant Varieties in the National List of varieties of agricultural plant and vegetable species and European Union Common Species Catalogues

(1) A variety shall be included in a National List of varieties of agricultural plant and vegetable species if:

1) it has been recognized as distinct, uniform, and stable in accordance with the laws and regulations regarding examination of distinctness, uniformity and stability of a variety. A variety shall be recognized 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 has already been included in one of the European Union common species catalogues or has been submitted for inclusion in such a National List for certification and marketing in a Member State of the European Union or certification in another country;

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;

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

2) the name thereof meets the requirements of the International Union for the Protection of New Varieties of Plants (UPOV) and European Union legislation. The Competent authorities shall decide on the conformity of the name of the variety within six months after the day when an application for the inclusion of the variety in the National List of varieties of agricultural plant and vegetable species has been submitted;

3) after the assessment of the value for the cultivation and use of the variety, such variety has been recognized as conforming to the requirements prescribed by the by-laws of the National List of varieties of agricultural plant and vegetable species. The Cabinet shall determine the requirements, procedures and pricing for the assessment of the value for the cultivation and use of the variety. The requirements for the assessment of the value for the 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 used only as components in the development of hybrids.

(2) A variety shall be recognized as conservation variety and included in the National List of varieties of agricultural plant and vegetable species, if it meets the following conditions:

1) the variety is recognized as distinct, uniform and stable in accordance with the regulations regarding 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 regarding the recognition of conservation variety and seed circulation;

3) the requirements provided for in the laws and regulations regarding the recognition of conservation variety and seed circulation have been complied with.

(3) Varieties of other European Union Member States shall be included in a National List of varieties of agricultural plant and vegetable species on the basis of the same principles varieties bred in State are included.

(4) Some of the varieties included in the European Union common species catalogues and the National List of varieties of agricultural plant and vegetable species shall not be subjected to other marketing restrictions.

(5) Genetically modified varieties shall be included in the National List of varieties of agricultural plant and vegetable species in accordance with the requirements of European Union legislation and the procedures laid down in State laws and regulations regarding the use and distribution of genetically modified organisms.

(6) Varieties which are intended only for export to countries other than European Union Member States shall not be included in the National List of varieties of agricultural plant and vegetable species.

(7) The Competent authorities shall ensure that each of the varieties included in the National List of varieties of agricultural plant and vegetable species and such varieties as regards which an application has been submitted for its inclusion in the National List of varieties of agricultural plant and vegetable species, a description and the justification for its inclusion in the National List of varieties of agricultural plant and vegetable species is accessible to the European Commission and the European Union Member States. Information which is associated with the abovementioned circulation of documents is restricted access information.

(8) The Competent authorities shall place on its website guidelines for the specification of the distinctiveness, uniformity and stability of a variety.

(9) A variety shall be recognized as a vegetable variety developed for growing under particular conditions and included in the National List of varieties of agricultural plant and vegetable species if it meets the following conditions:

1) the variety has been recognized as distinct, uniform and stable in accordance with the regulations regarding the recognition and seed circulation of a vegetable variety developed for growing under particular conditions at least according to the minimum requirements for the distinctiveness, uniformity and stability test of a vegetable variety developed for growing under particular conditions;

2) the variety has no significant value in commercial production of vegetables, but it has been developed for growing under special agrotechnical conditions, climatic conditions or conditions characteristic to soil;

3) the requirements provided for in the regulations regarding the recognition and seed circulation of a vegetable variety developed for growing under particular conditions.

(10) The Competent authorities shall, after receipt of an application for the inclusion of a variety in the National List of varieties of agricultural plant and vegetable species, decide on:

1) the species for which the assessment of the value for cultivation and use of the variety must be performed:

a) within three years - for varieties of cereal crops (spring crop forms), annual fodder plants, oil plants (spring crop forms), fibre plants, potatoes and beet;

- b) within three and a half years - for varieties of cereal crops (winter crop forms) and oil plants (winter crop forms);
 - c) within five years - for varieties of perennial fodder plants;
- 2) the species for which the assessment of the value for cultivation and use of the variety need not be performed in accordance with Paragraph one, Clause 3 of this Article - within seven months.

Article 28. National Variety Register of fruit genera and species

- (1) Varieties of genera and species of fruit, as well as varieties of interspecies hybrids, referred to in the regulations regarding the circulation of propagating material of fruit genera and species shall be included in the National Variety Register of fruit genera and species.
- (2) The Competent authorities shall organize, maintain and placed on its website the National Variety Register of fruit genera and species.
- (3) It shall be allowed to market the propagating material of varieties included in the National Variety Register of fruit genera and species in accordance with the laws and regulations regarding circulation of propagating material of fruit genera and species.
- (4) The following information shall be indicated in the National Variety Register of fruit genera and species:
- 1) the botanical name of the species;
 - 2) the name of the variety and synonyms thereof;
 - 3) the indication "official description" or "officially recognized description";
 - 4) the country in which the variety has been bred (if information is available);
 - 5) the given name, address and telephone number of the submitter;
 - 6) the relevant indication if the variety is genetically modified;
 - 7) the date when the variety is included in the National Variety Register of fruit genera and species or the time period for maintaining the variety in the National Variety Register of fruit genera and species is extended;
 - 8) time period for which the variety has been included in the National Variety Register of fruit genera and species;
 - 9) the name, address and telephone number of the person for which the mother plant is available;
 - 10) a description of the variety.

Article 29. Inclusion of Varieties in the National Variety Register of fruit genera and species

The Competent authorities shall include the variety in the National Variety Register of fruit genera and species if it conforms to the following requirements:

- 1) it has one of the following descriptions of the variety:
 - a) official description of the variety which is established after examination of distinctness, uniformity and stability in accordance with the laws and regulations regarding the examination of distinctness, uniformity and stability of a variety;

- b) a officially recognized description of a variety which meets the requirements laid down in the laws and regulations regarding the formation of the National Variety Register of fruit genera and species if the examination has not been conducted for the variety and it has been for sale until 30 September 2012;
- 2) mother plant is available in State of which propagating material is obtained;
- 3) the name of the variety meets the requirements laid down in the laws and regulations regarding the formation of the National Variety Register of fruit genera and species;
- 4) a permit for the distribution of genetically modified variety on the market has been issued in accordance with the laws and regulations regarding the circulation of genetically modified organisms.

Article 30. **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 recognized, 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 authorized 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 National List of varieties of agricultural plant and vegetable species as the maintainer of the variety.

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

- 1) to ensure the conformity of the variety to the variety description, which has been developed by the institution, which examines the distinctness, uniformity and stability of the variety;
- 2) on the basis of a request from the Competent authorities 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 organize records regarding the maintenance of varieties;
- 5) to keep for six years all documentation and records associated with the maintenance of varieties;
- 6) to ensure access for the Competent authorities 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.

Article 31. **Variety maintenance**

1. Varieties registered in a National List of varieties of agricultural plant and vegetable species shall be maintained by the applicant, or by any other person notified by the applicant to the competent authority. The competent authority shall authorize that other person to carry out the maintenance of the variety, if that person proves its capacity for that task, and the competent authority shall withdraw that authorization if that person is no longer capable for that.

The name and registration number of that person shall be notified by the applicant to the competent authority of the Member State.

2. Variety maintenance shall take place in accordance with accepted practices concerning, as appropriate, genera, species or particular types of varieties.

3. The persons referred to in paragraph 1 shall keep records concerning the variety maintenance. It shall at all times be possible for the competent authority to check the variety maintenance from those records. Those records shall also cover the production of pre-basic, basic, certified and standard material, and the stages of production prior to pre-basic material.

A standard sample of the variety concerned shall be provided to the competent authority on request.

4. The competent authority shall carry out controls on the manner in which the variety maintenance is carried out and may, to this purpose, take samples of the varieties concerned. The frequency of those controls shall be based on the likelihood of noncompliance with paragraphs 1 to 3.

5. Where a competent authority finds that the person responsible for variety maintenance does not comply with paragraphs 1 to 3, it shall give that person appropriate time to take corrective action or request another person to carry out the variety maintenance. If no such action is taken within that time limit, the competent

authority shall remove the variety from the national variety register.

6. Where variety maintenance takes place in a Member State other than the Member State in whose National Variety List the variety has been registered, the competent authorities of the two Member States concerned shall assist each other in the controls on variety maintenance. If no such assistance is provided within a reasonable period of time, or if it is concluded that the variety maintenance is not carried out in accordance with this Article, the respective competent authority shall remove the variety from the National Variety List.

7. Where variety maintenance takes place in a third country, the competent authorities of the Member State, in whose National Variety List the variety has been registered, shall request the third country's authorities assistance in the controls on variety maintenance, if such a maintenance has been subject to the recognition of equivalence. If no such assistance is provided within a reasonable period of time, or if it is concluded that the variety maintenance is not carried out in accordance with this Article, the respective competent authority shall remove the variety from the National Variety List.

Chapter VI Marketing of Seed and Release Thereof into the Market

Article 32. 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;

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.

Article 33. Sale of Seed

(1) The following may be sold:

1) certified seed, if:

a) the variety is included in the National List of varieties of agricultural plant and vegetable species or in the European Union common catalogues of varieties;

b) the seed is certified in State, in another European Union Member State or in a country which is referred to in the regulations regarding equivalence of seed from the third countries;

c) the seed lot meets the requirements laid down in the regulations regarding growing and marketing of seed;

d) the seed is packaged and labelled in accordance with the requirements laid down in the regulations regarding growing and marketing of seed;

e) the documents attesting the seed quality meet the requirements laid down in the regulations regarding growing and marketing of seed;

2) seed which is not completely certified, if:

a) the variety is included in the National List of varieties of agricultural plant and vegetable species or in the European Union common catalogues of varieties;

b) the seed has been acquired in State, in another European Union Member State or in a country which is referred to in the regulations regarding equivalence of seed from the third countries;

c) the seed is packaged and labelled in accordance with the requirements laid down in the regulations regarding growing and marketing of seed;

d) the documents attesting the seed quality meet the requirements laid down in the regulations regarding growing and marketing of seed;

3) standard seed, if:

a) the variety is included in the National List of varieties of agricultural plant and vegetable species or in the European Union common catalogues of varieties;

b) the seed is recognised as corresponding to the requirements of standard seed in State or in another European Union Member State or propagated in a country which is referred to in the regulations regarding equivalence of seed from the third countries,

c) the seed lot meets the requirements laid down in the regulations regarding growing and marketing of seed;

d) the seed is packaged and labelled in accordance with the requirements laid down in the regulations regarding growing and marketing of seed;

e) the documents attesting the seed quality meet the requirements laid down in the regulations regarding growing and marketing of seed;

4) commercial seed, if:

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

b) the seed lot meets the requirements laid down in the regulations regarding growing and marketing of seed;

c) the seed is packaged and labelled in accordance with the requirements laid down in the regulations regarding growing and marketing of seed;

d) the documents attesting the seed quality meet the requirements laid down in the regulations regarding growing and marketing of seed;

5) the seed of genetic resources conservation variety, if:

a) the variety is included in the National List of varieties of agricultural plant and vegetable species as conservation variety;

b) the quality of seed meets the requirements laid down in the regulations regarding the recognition of conservation variety and seed circulation;

c) the seed lot meets the requirements laid down in the regulations regarding the recognition of conservation variety and seed circulation;

d) the seed is packaged and labelled in accordance with the requirements laid down in the regulations regarding the recognition of conservation variety and seed circulation;

e) the documents attesting the seed quality meet the requirements laid down in the regulations regarding the recognition of conservation variety and seed circulation;

f) the quantitative restrictions of seed amount which have been laid down in the laws and regulations regarding the recognition of conservation variety and seed circulation are ensured;

6) seed mixtures, if:

a) the mixture has been prepared in accordance with the requirements laid down in the regulations regarding growing and marketing of seed in State and in another European Union Member State;

b) the components included in the mixture prior to the preparation of the mixture meet the sales conditions of seed referred to in this Article;

c) the seed lot meets the requirements laid down in the regulations regarding growing and marketing of seed;

d) the seed is packaged and labelled in accordance with the requirements laid down in the regulations regarding growing and marketing of seed;

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

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

b) the variety is included in the National List of varieties of agricultural plant and vegetable species, 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

9) the seed of vegetable varieties developed for growing under particular conditions, if

a) the variety is included in the National List of varieties of agricultural plant and vegetable species or in the European Union common catalogue of vegetable varieties as a vegetable variety developed for growing under particular conditions;

- b) the seed quality meets the requirements laid down in the regulations regarding the recognition and seed circulation of a vegetable variety developed for growing under particular conditions;
 - c) the seed is packaged and labelled in accordance with the requirements laid down in the regulations regarding the recognition and seed circulation of a vegetable variety developed for growing under particular conditions;
 - d) the documents attesting to the seed quality meet the requirements laid down in the regulations regarding the recognition and seed circulation of a vegetable variety developed for growing under particular conditions;
- 10) seed mixture for the preservation of the natural environment, if:
- a) the Competent authorities has issued a permit for the acquisition and marketing thereof;
 - b) the seed is packaged and labelled in accordance with the requirements laid down in the regulations regarding the mixtures for the preservation of the natural environment;
 - c) the seed quality complies with the requirements laid down in the regulations regarding mixtures for the preservation of the natural environment;
 - d) the quantitative restrictions of seed amount which have been laid down in the laws and regulations regarding mixtures for the preservation of the natural environment are ensured.
- (2) Within the meaning of this Law, other restrictions which are associated with variety features, assessment requirements, packing, labelling and sealing may not be determined for the marketing of seed.
- (3) The use 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.
- (4) In accordance with the relevant regulations, the Competent authorities shall, regarding the prohibition of growing or restriction of growing of the variety concerned, assess the potential damage and send a submission to the European Commission for a permission to take the decision on the prohibition of growing the relevant variety in the State territory.

Article 34. Seed Release into the Market

Seed release into the market shall be the offer of such seed varieties for trials or production tests for which an application has been submitted, but which are not yet included in the National List of varieties of agricultural plant and vegetable species or in any of the National Lists of the European Union Member States.

Article 35. 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 used a label or seal shall be used in order to close the packaging.
- (2) State supervision and control of the closing and labelling (also re-labelling) of seed packaging shall be performed by the Competent authorities.

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

(4) The official label shall be issued by the competent authority and bear a serial number, given by the competent authority. That label shall ensure the unique identification and traceability of the respective lot.

It shall be printed by:

(a) the competent authority, or

(b) the professional operator, under the official supervision of the competent authority, when the professional operator is authorized to carry out such printing; the professional operator may carry out the printing of the label through a contracted third party.

(5) The official label shall be newly issued. Adhesive official labels may be used, if so authorised by the competent authority where there is no risk that they can be re-used.

(6) The official label may be issued in electronic format (electronic official label).

(7) In the cases provided for in the rules for growing and marketing seed, the supplier's label shall be used.

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

(9) If seed is brought in from countries other than the European Union Member States, requirements for the packaging and labels thereof shall be governed by the regulations regarding growing and marketing of seed.

(10) On the packaging of the seed of genetically modified varieties the letters "GMO" shall be printed. Use and distribution of genetically modified organisms shall be governed in accordance with the procedures laid down in laws and regulations.

(11) Upon request of the 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 regarding growing and marketing of seed, may be sold without packaging. The final user of seed may not use the obtained harvest for the obtaining of seed.

(12) Pre-basic, basic and certified material and seed, imported from third countries, shall be marketed in the Union with the respective OECD label that was accompanying them at import, or with another official label if so provided for by applicable international standards

Article 36. Treatment of Seed with Bio-preparations, Plant Protection Products and Chemicals

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 laws and regulations.

Article 37. Exceptions in the Marketing of Seed and Release into the Market

(1) The contact point laid down 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 Competent authorities .

(2) If temporary difficulties have been encountered in the supply of seed and the relevant seed variety is unavailable in State, the Competent authorities 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 for which an application has been submitted, but which have not been included yet in the National List of varieties of agricultural plant and vegetable species or the National List of the European Union Member States, shall be determined by the Cabinet. The Competent authorities shall, within two months after receipt of the application, issue a permit for the release into the market of such variety seeds for which an application has been submitted, but which have not been included yet in the National Lists of varieties of agricultural plant and vegetable species or the National Lists of the European Union Member States.

(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 may, in accordance with the procedures laid down in the legal acts of the European Union, address the issue regarding the marketing of seed of the relevant variety in State 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 National List of varieties of agricultural plant and vegetable species. In such cases, the additional requirement for other type of label on the packaging of seed shall be complied with in accordance with the laws and regulations regarding growing and marketing of seed.

Chapter VII Import of Seed from Countries which are not Member States of the European Union

Article 38. Import of Seed from Countries which are not Member States of the European Union

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

(2) It is allowed to import:

1) certified seed, if:

a) it is produced in a country which is referred to in regulations regarding the equivalence of seed from the third countries;

b) the variety is included in the European Union common catalogues of varieties or in the National List of varieties of agricultural plant and vegetable species;

c) the quality thereof is certified by the seed 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);

d) the seed is packaged and labelled in accordance with the requirements laid down in this Law and the laws and regulations regarding growing and marketing of seed;

2) seed which is not finally certified, if:

a) it is produced in a country which is referred to in regulations regarding the equivalence of seed from the third countries;

b) the variety is included in the European Union common catalogues of varieties or in the National List of varieties of agricultural plant and vegetable species;

c) the quality thereof is attested by the seed certificate of the Organisation for Economic Co-operation and Development (OECD) and a relevant document if there is a relevant indication in the laws and regulations regarding growing and marketing of seed;

d) the seed is packaged and labelled in accordance with the requirements laid down in this Law and the laws and regulations regarding growing and marketing of seed;

e) a seed propagation contract is registered in the Competent authorities for the species laid down in the laws and regulations regarding growing and marketing of seed;

3) standard seed of vegetable species propagated in a country which is referred to in the regulations regarding 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 National List of varieties of agricultural plant and vegetable species;

b) the seed is packaged and labelled in accordance with the requirements laid down in this Law and the laws and regulations 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 the laws and regulations regarding growing and marketing of seed provide exceptions in the marketing of seed specific plant species;

6) the seed for propagation if it is intended for export, which is certified by a relevant contract, to a country 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 State is taking part in the referred to Seed Schemes;

b) the quality thereof is attested by the seed certificate of the Organisation for Economic Co-operation and Development (OECD);

c) the variety is included in variety list of the Seed Schemes of the Organisation for Economic Co-operation and Development (OECD) and State 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 country which is not a European Union Member State;

8) the seed of such plant species which are not referred to in the laws and regulations regarding growing and marketing of seed;

9) the seed for personal use in small amount which is not taxable with customs duty in accordance with the laws and regulations regarding customs;

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

(4) If the Competent authorities determines that the use 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 taken according to the procedures provided for in laws and regulations regarding plant protection or GMO.

Chapter VIII Control of Compliance with this Law

Article 39. Control of Compliance with this Law

(1) The Competent authorities shall control compliance with this Law.

(2) Officials of the Competent authorities are entitled, when controlling compliance with this Law, to visit companies and trading sites during working hours and:

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

(3) The Competent authorities is entitled to:

- 1) suspend or prohibit the marketing of particular seed lots if violations of this Law or the regulations regarding growing and marketing of seed have been established;
- 2) indicate the deadlines for the rectification of the established deficiencies;
- 3) permit suspended operations to be continued if the previously established deficiencies have been rectified;
- 4) in the case of repeated violations of this Law or other laws and regulations in the field of seed circulation, to cancel the registration with the Register of seeds and seedlings production entities.

Article 40. Procedures for the Provision of Information

Natural persons and legal persons who are engaged in seed growing, seed processing, packaging and marketing shall, upon request of the Ministry of Agriculture or the Competent authorities, provide the necessary information and ensure the possibility to conduct examinations.

Article 41. State supervision over field inspection, seed sampling and seed sample analysis

(1) The Competent authorities exercises state supervision over field inspection. In the course of state supervision, it is checked every year at least 5% whether the assessment made by authorized field inspectors a field inspection report corresponds to the actual situation.

(2) Where it is established in the course of state supervision that an assessment made with regard to a seed field in a field inspection report does not correspond to the actual situation, the field inspection has not been carried out in accordance with the requirements. In such an event the Competent authorities makes a new field inspection report with regard to the seed field, which is relied on upon certifying a seed lot originating from the field.

(3) The Competent authorities exercises state supervision over seed sampling. In the course of state supervision, a sample taken by an authorized seed sampler from a seed lot presented for certification is compared against a control sample taken by the Competent authorities to the every year at least 5%

(4) Subsection 3 of this article does not apply to seed sampling carried out using an automated sampling device.

(5) The Competent authorities exercises state supervision over analyzing samples in a authorized seed testing laboratory. In the course of state supervision the results of an analysis of a seed sample carried out by a seed testing laboratory are, to every year at least 5%, compared with the results of analyzing a duplicate seed sample of the same lot by a seed testing laboratory accredited in accordance with the ISTA's methods.

Chapter IX Liability for violation of legislation in the field of seed production

Section 42. Administrative Offences in the Field of Marketing of Seed

1 For the violation of the requirements for the marketing of seed, a warning or a fine from (.....) to (.....) units of fine shall be imposed on a natural person, but a fine from (.....) to (.....) units of fine - on a legal person.

2 The imposition of penalties does not exempt the guilty persons from indemnification in cases and in the manner prescribed by law.

Section 43. Competence in Administrative Offence Proceedings

The administrative offence proceedings for the offences referred to in Section xxxxx of this Law shall be conducted by the Competent authorities .

Transitional Provisions

1. The Cabinet shall, by make the necessary amendments to the relevant regulations regarding the growing and marketing of seed.

Informative Reference to European Union Directives

This Law contains 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;
- 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';
- 12) Commission Directive 2009/145/EC of 26 November 2009 providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties (Text with EEA relevance);
- 13) Commission Directive 2010/60/EU of 30 August 2010 providing for certain derogations for marketing of fodder plant seed mixtures intended for use in the preservation of the natural environment (Text with EEA relevance).