



## Law on Amendment and Supplement to the Seed and Propagating Material Act

### GUIDANCE № 172

Pursuant to Art. 98, item 4 of the Constitution of the Republic of Bulgaria

#### I DECIDE:

To promulgate in the State Gazette the Law on Amendment and Supplement to the Seed and Propagating Material Act adopted by the 44th National Assembly on July 11, 2019

Issued in Sofia on 22 July 2019

President of the Republic: **Rumen Radev**

Stamped with the state seal.

Minister of Justice: **Danail Kirilov**

### LAW

**amending and supplementing the Seed and Propagating Material Act** (promulgated, State Gazette, issue 20 of 2003, amended, SG No. 27/2005, issue 30 and 97 of 2006, pages 36 and 43 from 2008, pages 25 and 41 of 2010, pages 8 and 39 of 2011, No. 28 of 2016, No. 58 of 2017 and No. 17 of 2018)

§ 1. In Art. 1 para. 3:

"(3) The provisions of this Act shall not apply to seed and propagating material destined for export to third countries."

§ 2. In Art. 6, the following amendments are made:

1. In para. 4 the word "or" is replaced by "and / or".

2. Para. 20 and 21:

"(20) When at the official inspection of the field inspection under para. 17 shall establish inconsistencies attributable to the inspector who do not allow the certification of the crop to continue, the permit under para. 1 is deprecated.

(21) After withdrawal of the permit under the conditions of para. 20, the person may apply for a new permit under the procedure of para. 1 - 12. "

§ 3. In Art. 9 para. 3:

"(3) Where inconsistencies and / or incompleteness are found in the information submitted in the application, the applicant shall be notified thereof and shall be given a time limit for their removal, which may not be less than 10 working days.

§ 4. In Art. 13, the following amendments are made:

1. In para. (1) the words "Common catalog of varieties of agricultural plant species or Common catalog of varieties of vegetable crops" shall be deleted and the words "aromatic and fruit" shall be replaced by "and aromatic".

2. In para. 3 and 4, the words "Member State" shall be replaced by "Member State".

3. In para. 9 sentence first, the word "issue" shall be replaced by "publish on its website" and the second sentence shall be deleted.

§ 5. In Art. 14, the following amendments are made:

1. In para. 2 the words "tobacco and fruit plants" shall be replaced by "and tobacco".

2. In para. 3, item 2 after the words "vegetable crops" is added "fruit species".

3. Para. 7 and 8:

"(7) For entering the variety in the official list for the following year, the applicant shall submit an application in a form approved by the Executive Director of IASAS and shall pay a price according to the price list under Art. 22, para. 2. The application shall be filed annually by 20 December of the current calendar year in person, by proxy, electronically under the conditions and by the order of art. 5 and 22 of the Electronic Governance Act or through a licensed postal operator.

(8) Where inconsistencies and / or incompleteness are found in the information submitted in the application, the applicant shall be informed thereof and shall set a time limit for their removal which shall not be less than 10 working days.

§ 6. In Art. 16, para. 1 the word "ordinance" is replaced by "ordinances".

§ 7. In Art. 18, the following amendments are made:

1. In para. Finally, "national offices of the Member States of the European Union" shall be added "or in the offices of the European Plant Variety Office."

2. A new para. 13 and para. 14:

"(13) For issuance of a permit under para. 3 or a certificate under para. 8 the persons submit to IASAS an application in a form approved by the Minister of Agriculture, Food and Forestry, respectively by the Executive Director of the Agency. The application shall be filed personally, by proxy, electronically, under the conditions and by the order of art. 5 and 22 of the Electronic Governance Act or through a licensed postal operator.

(14) Where non-compliances and / or incompleteness are found in the information submitted in the application, the applicant shall be informed thereof and shall set a time limit for their removal, which may not be less than 10 working days. "

3. The previous para. 13 becomes para. 15.

§ 8. In Art. 19, the following amendments are made:

1. Paragraph 2 is amended as follows:

"(2) The variety test shall be carried out following an application filed in a form approved by the Executive Director of IASAS and on the basis of a contract concluded between the applicant for variety testing and the Agency. The application shall be filed personally, by proxy, electronically, under the conditions and by the order of art. 5 and 22 of the Electronic Governance Act or through a licensed postal operator. "

2. Create para. 4:

"(4) Where inconsistencies and / or incompleteness are found in the information submitted in the application, the applicant shall be notified thereof and shall be given a time limit for their removal, which may not be less than 10 working days.

§ 9. In Art. 20 para. 7 is repealed.

§ 10. In Art. 21, para. 2 after the words "para. 1 "is added" is also reported ".

§ 11. Article 22 shall be amended as follows:

"Art. 22. (1) For a field test for distinctiveness, homogeneity and stability, as well as for biological and economic qualities, fees shall be paid in the amount determined by the tariff under Art. 6, para. 7.

(2) The Executive Agency for Variety Testing, Approbation and Seed Control shall carry out activities and services of natural and legal persons according to a price list approved by the Executive Director, which shall be published on the website of the Agency.

(3) For the variety test for distinctiveness, homogeneity and stability, carried out in the national offices of EU Member States, as well as for performance of technological quality analyzes, a price according to the price list under par. 2. "

§ 12. In Art. 28, the following amendments are made:

1. New para. 6 and 7:

"(6) For registration under para. 4 the persons submit to IASAS an application in a form approved by the Executive Director of the Agency. The application shall be filed personally, by proxy, electronically, under the conditions and by the order of art. 5 and 22 of the Electronic Governance Act or through a licensed postal operator.

(7) Where inconsistencies and / or incompleteness are found in the information submitted in the application, the applicant shall be informed thereof and shall be given a time limit for their removal which shall not be less than 10 working days.

2. The previous para. 6 and 7 become para. 8 and 9.

§ 13. In Art. 31, para. The second sentence of Article 5 is amended as follows: "The authorization shall be issued to persons who have successfully passed a sampling exam organized by IASAS."

§ 14. In Art. 32, para. 5 the words "para. 6" shall be replaced by "para. 9".

§ 15. Наименованието на глава седма се изменя така: „Внос на посевен и посадъчен материал от трети страни“.

§ 16. В чл. 57 се правят следните изменения и допълнения:

1. В ал. 1 след думите „отговарят на изискванията“ се добавя „на решенията за еквивалентност на Европейската комисия“ и се поставя запетая.

2. В ал. 2 след думите „трябва да са“ се добавя „етикетирани с официални ОИСП етикети и“, а думите „документ за посевни качества и здравно състояние, издаден“ се заменят с „ОИСП сертификат и ISTA оранжев международен партиден сертификат, издадени“.

3. Алинея 3 се изменя така:

„(3) Търговските семена, които се внасят, трябва да са придружени от ISTA оранжев международен партиден сертификат, с изключение на търговските семена от декоративни растения, които се внасят с фирмен документ.“

4. В ал. 4 думите „са придружени от документ за качество, издаден от официален сертифициращ и/или контролен орган на страната износител“ се заменят с „отговарят на изискванията на решенията за еквивалентност на Европейската комисия“.

5. В ал. 5 изречение първо се заличава, а в изречение второ думите „OECD документ“ се заменят с „ОИСП сертификат и етикет, както и от ISTA оранжев международен партиден сертификат“.

§ 17. В чл. 58 се правят следните изменения и допълнения:

1. В ал. 2 след думите „изискванията на“ се добавя „решенията за еквивалентност на Европейската комисия, на“.

2. В ал. 4 след думата „несъответствие“ се добавя „с изискванията на решенията за еквивалентност на Европейската комисия и/или“.

3. Алинея 5 се изменя така:

„(5) За проверка на съответствието на семената с посоченото в документите в чл. 57 ИААСА взема проби и извършва лабораторен анализ на внесените семена.“

4. В ал. 6 думите „и грунтов контрол по ал. 5“ се заличават.

5. В ал. 8 думите „т. 1“ се заличават.

6. В ал. 9 думите „и/или грунтов контрол“ се заличават.

§ 18. В чл. 61 се правят следните изменения:

1. Алинеи 1 – 7 се отменят.

2. В ал. 8 думите „международен ISTA“ се заменят с „ISTA оранжев международен партиден“, а навсякъде абривиатурата „OECD“ се заменя с „ОИСП“.

§ 19. В чл. 62 се правят следните изменения:

1. В ал. 1 думите „който произвежда, заготвя и/или“ се заличават.

2. В ал. 2 думата „книгите“ се заменя с „книгата“.

§ 20. В § 1 от допълнителните разпоредби се правят следните изменения и допълнения:

1. В т. 17 абривиатурата „OECD“ се заменя с „ОИСП“.

2. Създават се т. 20 и 21:

„20. „ISTA оранжев международен партиден сертификат“ е сертификат за партиди семена, издаден от семетествашите лаборатории ISTA.

21. „Грунтов контрол“ е полски метод за установяване на сортова чистота и сортова автентичност на партиди семена.“

#### **Заклучителна разпоредба**

§ 21. Законът влиза в сила от деня на обнародването му в „Държавен вестник“.

Законът е приет от 44-то Народно събрание на 11 юли 2019 г. и е подпечатан с официалния печат на Народното събрание.

Председател на Народното събрание: **Цветя Караянчева**