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The origin of the starting material of the cultivation material permitted to be used in forest renewal, the requirements for the supply and marketing of the cultivation material¹

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Amended by the following acts

Reception	Publication	Enforcement
07.10.2021	RT I, 12.10.2021, 1	15.10.2021
16.03.2023	RT I, 21.03.2023, 4	24.03.2023

§ 24 (8) of the Forestry Act and § 5 (3), § 64 (6), § 65 (6), § 73 (12), § 74 (6), § 75 (3), § 76 (5), § 97 of the Plant Propagation and Plant Variety Protection Act are established subsection 3, § 101 subsection 5, § 104 subsection 5, § 105 subsection 8, § 111 (2) and on the basis of § 112 (4).

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

§ 1. Scope

(1) The regulation establishes:

1) a list of tree species and hybrids subject to certification in Estonia;
2) categories of cultivation material, requirements for the source material of the cultivation material and the procedure for keeping records of the source material;

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

3) Quality requirements for cultivation materials marketed in Estonia;
4) the origin of the source material of the cultivation material permitted to be used in reforestation;
5) cultivation material certification procedure;
6) requirements for a laboratory producing culture material using the micropropagation method;
7) requirements for packaging cultivation material and closing, marking and filling in the sales package;
8) requirements for the self-control system of the cultivation material supplier;
9) requirements for the notification to the relevant authority of the destination country of cultivation material marketed in a member state of the European Union;
10) requirements for importing cultivation material from third countries.

(2) The Regulation applies to the cultivation material of the tree species and hybrids listed in Appendix 1.

§ 2. Definitions

In the regulation, the terms are used in the following sense:

1) *source material* - single tree, stand, selective seed stand, seed, parents of families, clones; 2) *cultivation material* – forest tree seeds, forest plant parts and forest plants; 3) *certification of cultivation material* – recognition of the cultivation material as meeting the requirements in accordance with the procedure provided by legislation and issuing a basic certificate for it; [RT I, 12.10.2021, 1 - enters into force. 15.10.2021] 4) *supplier of cultivation material* - a person who is engaged in propagation, production, packaging, storage, processing, marketing, export or import of cultivation material and is registered in the register of plant health or economic activity; [RT I, 12.10.2021, 1 - enters into force. 15.10.2021] 5) *marketing of cultivation material* - offering cultivation material for sale by the supplier of cultivation material, making it available to the buyer in any way according to the requirements established by legislation; 6) *type of forest plant* – open-rooted plants and potted plants; 7) *place of origin* - the place where a single tree, stand or selective seed stand

grows; [RT I, 12.10.2021, 1 - enters into force. 15.10.2021] 7¹) *source area* – an area with uniform ecological conditions, where there are stands or individual trees with uniform phenotypic or genetic characteristics; [RT I, 12.10.2021, 1 - enters into force. 15.10.2021] 8) *seed unit* - cones, fruits and seeds; 9) *autochthonous single tree, stand or selective seed stand* - naturally renewed or renewed with cultivation material from the same source; [RT I, 12.10.2021, 1 - enters into force. 15.10.2021] 10) *indigenous single tree, stand or selected seed stand* - cultivated from cultivation material from the same source area; [RT I, 12.10.2021, 1 - enters into force. 15.10.2021] 11) *stand* - a set of trees in a forest that are uniform in structure, age, way of formation and other characteristics; [RT I, 12.10.2021, 1 - enters into force. 15.10.2021] 12) *selective seed stand* - a well-grown and healthy stand specially selected for the storage of forest tree seeds, which is phenotypically suitable, and which can be prepared and used to store high-quality forest tree seeds; 13) *single tree* – a tree adapted to ecological conditions, healthy and free of pests;

14) *plus tree* - a tree selected on the basis of a good phenotype, but not genetically tested; 15) *seedling* - a tree plantation established for the production of forest tree seeds consisting of clones or parents of families, which is sufficiently isolated or kept in such a way that pollination from external sources is avoided or reduced, and which is managed to produce a frequent, abundant and easily stored seed crop; 16) *nursery* – land area for the production of forest plants; 17) *clone* – a genetically identical offspring propagated vegetatively from a plus tree; 18) *parents of families* - trees intended for the production of forest tree seeds, which are used to produce offspring through controlled or free pollination in such a way that one identified parent has been used as a mother plant, which has been pollinated with the pollen of one or more identified or unidentified parents; 19) *origin* – in the case of an autochthonous stand or a single tree, the place where the trees grow. Other than in the case of an autochthonous stand or single tree, the place from which the forest tree seeds or forest plants were originally obtained. [RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

§ 3. The origin of the source material of the cultivated material allowed to be used for reforestation in Estonia

(1) In Estonia, it is allowed to use the cultivation material of tree species and hybrids listed in Annex 1 of the regulation suitable for the place of growth, regardless of its place of origin in Estonia.

(2) During forest renewal, it is allowed to use:

1) Scots pine and Scots fir cultivation material, the original material of which comes from the Republic of Latvia;
2) Scots pine cultivation material, the source material of which originates from the Republic of Belarus, and Scotch spruce cultivation material, the source material of which originates from the Republic of Belarus or the Pskov and Novgorod regions of the Russian Federation, provided that the source material originating from the respective region is in accordance with Directive 1999/105/EC of the Council of the European Union on the marketing of forest reproductive material on (OJ L 11, 15.1.2000, pp. 17–40, hereinafter referred to as Directive 1999/105/EC), the decision of the European Commission on the guarantees given to cultivation material;

3) cultivated material of the qualified or tested category of tree species specified in Regulation No. 69 of 04.12.2006 of the Minister of the Environment "List of foreign tree species permitted to be used in reforestation", regardless of its place of origin in the European Union.

[RT I, 21.03.2023, 4 - enters into force. 24.03.2023]

§ 4. Cultivation material categories

(1) The source material determines the category of cultivation material.

(2) Cultivation material categories are:

- 1) original source known;
- 2) selected;
- 3) qualified;
- 4) tested.

(3) Cultivation material whose category has been determined may be marketed.

(4) Cultivation material of marketed artificial hybrids and vegetatively propagated species must belong to the category *selected*, *qualified* or *tested*.

§ 5. Requirements for the recognition of the initial material of marketed cultivation material known as the original source in the category

(1) Cultivation material whose source material is a stand or a single tree that meets at least the following requirements is included in the category *known as original source*

- : 1) the stand's rating is IA, I or II;
- 2) the stand has reached the cutting age or maturity diameter for renewal cutting;
- 3) in the stand, the share of the tree species of the seed unit to be stocked must be at least 50%;
- 4) the individual tree must be adapted to the ecological conditions of the region, healthy and free of pests;
- 5) the stand or single tree is autochthonous, indigenous or of unknown origin;
- 6) the coordinates and height or range of heights of the starting point of the source material are known.

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(2) The seed units of Scots pine, Scots fir, Scots pine, Scots pine and Scots pine must be stocked from a stand that has valid inventory data in the national forest resource accounting register. It is allowed to stock up seed units of Arukas and Sanglepa also from single trees growing in forest land, if there are valid inventory data for the forest land in the national register of forest resource accounting.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

§ 6. Requirements for the recognition of the source material of the commercialized cultivation material *selected* in the category

(1) The *selected* category includes cultivation material whose starting material is a selective seed stand that meets at least the following requirements:

- 1) the stand is of autochthonous, indigenous or unknown origin;
- 2) in the case of the same majority tree species, the neighboring stand of the stand must have at least II rating;
- 3) the stand must have an area of at least 0.5 ha to ensure sufficient cross-pollination;
- 4) the stand has reached the felling age or maturity diameter for renewal felling;
- 5) in the stand, the share of the tree species of the stored seed unit in the composition must be at least 80%;
- 6) trees growing in stands must be clearly adapted to the ecological conditions of the region;
- 7) trees growing in stands must be free of pests;
- 8) the reserve growth of the stand must exceed the average increase of the stand acceptable under the same ecological and management conditions;
- 9) trees whose wood quality is impaired by thick branches growing at a very small angle to the trunk may not grow in the stand;
- 10) the trunks of the trees forming the stand must be straight and with a regular cross-section, with an even crown and good chipping.

(2) The Environmental Board assesses the compliance of the choice seed stand with the requirements.

(3) The seed units of Scots pine, Scots fir, arukas, sookas, and sanglepa must be stocked from selective seed stands that have valid inventory data in the national forest resource accounting register.

§ 7. Requirements for the recognition of the initial material of cultivated cultivation material *qualified* in the category

(1) Cultivation material whose source material is a seed, parents of families or clones belongs to the category *qualified*.

(2) Requirements for the seed:

- 1) the seed consists of a mixture of plus tree clones recognized by the Environmental Board;
- 2) the number of clones in the seed, the proportion and the selection method must ensure sufficient genetic diversity, and one seed must have at least 20 different clones, and the proportion of rootstocks of suitable origin must be at least 97%;

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3) the scheme of the type, purpose, location, isolation, clone composition and location of clones and all changes to these indicators shall be approved, registered and maintained by the Environment Agency;

- 4) clones in the seed must be identifiable;
- 5) the scheme of seed thinning together with tree selection criteria is approved by the Environmental Board;
- 6) if the purpose of establishing a seedbed is to breed a hybrid, the proportion of hybrids in the cultivation material must be determined by appropriate analyzes or tests;
- 7) the owner of the land informs the Environment Agency about the change in the purpose of use of the land with a digitally signed notice by e-mail.

(3) Requirements for parents of families:

- 1) parents of families are recognized by the Environmental Board based on their best characteristics;
- 2) significant changes in the purpose of crossbreeding, the crossbreeding plan and pollination system, isolation, location and all these indicators are confirmed, registered and preserved by the Environmental Board;
- 3) the identity, number and proportion of the parents of the families forming the mixture during cross-breeding shall be confirmed, registered and preserved by the Environment Agency;
- 4) when parents of families are used to breed a hybrid, the proportion of hybrids in the culture material must be determined by appropriate analyzes or experiments.

(4) Requirements for clones:

- 1) clones are recognized by the Environmental Board based on their best characteristics;
 - 2) clones must be identifiable;
 - 3) the clones are evaluated and their data is confirmed, registered and stored by the Environmental Board;
- [RT I, 12.10.2021, 1 - enters into force. 15.10.2021]
- 4) a maximum of one million forest plants can be vegetatively propagated from one source specimen for reforestation in Estonia.

§ 8. Requirements for the recognition of the source material of marketable cultivation material *tested* in the category

(1) Cultivation material whose quality has been proven genetically or by comparison tests belongs to the category *tested*.

(2) Requirements for comparative tests and genetic verification:

- 1) the methodology shall be prepared and compiled, the test results shall be analysed, interpreted and documented in accordance with internationally recognised requirements;
- 2) the number of repetitions in the comparative test shall ensure the statistical reliability of the results;
- 3) the data of comparative tests and genetic verification shall be confirmed, registered and stored by the Environmental Board.

§ 9. Procedure for keeping records of the data list of starting material and cultivation material

[RT I, 12.10.2021, 1 - entry into force 15.10.2021]

(1) The source material data list is a register where the data of the source material of the cultivation material that meets the requirements set forth in §§ 5–8 is entered by category.

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(2) Individual trees or stands *known as the original source* are entered in the data collection by county, by selected selective seed stands in the category and *by qualified* seeds in the category.

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(3) Each source material is given a unique identification code when entered in the register.

(4) Estonia shall enter the raw material data into the raw material database in accordance with the European Commission Regulation No. 1597/2002, which establishes the detailed implementation rules of EU Council Directive 1999/105/EU on the form of national lists of forest propagation material raw material (OJ L 240, 7.9.2002, pp. 34–38) , and the Environmental Board checks the compliance of the data with the requirements. Data that do not meet the requirements are deleted from the data list of the source material.

(5) The Environmental Board publishes the data list of raw material on its website.

(6) In order to monitor the origin of the cultivation material and supervise the suppliers, the Environmental Board, in addition to the above, keeps a record of the cultivation material originating from the original material entered in the database and other characterizing information entered on the basic certificate.

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(7) The Environmental Board keeps records of cultivation material brought into Estonia that is not marketed to the end consumer on the basis of information provided by the importer of cultivation material or received from the member state.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

§ 10. Requirements for the self-control system of the supplier of cultivation material engaged in the production of forest plants

(1) Cultivation material must be identifiable and traceable during production, storage and distribution according to the basic certificates of the forest tree seed lot.

(2) The supplier of the cultivation material must document the production methods, their risks and risk mitigation measures, as well as the quality control of the forest plants to be marketed.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

(3) The supplier of the cultivation material is obliged to document the time, place, extent of the damage and the measures used to control the damage in the event of damage.

(4) The supplier of the cultivation material must monitor the health and vitality of the forest plants during production and storage, as well as the compliance of the height and age with the requirements before packaging.

(5) Cultivation material *selected* for the category , *qualified* or *tested* may be used for vegetative propagation, provided that the resulting cultivation material is stored and identified separately.

(6) The Environmental Board shall verify the compliance of the self-monitoring system of the supplier of cultivation material with the requirements.

(7) An inspection report shall be drawn up regarding the inspection and submitted to the supplier of the cultivation material. The inspection report shall include:

- 1) an assessment of compliance with the requirements;
- 2) the time of the inspection;
- 3) the name, position and signature of the inspector;
- 4) the date of the inspection report.

(8) In the event of deficiencies, the Environmental Board sets a deadline for eliminating the deficiencies and conducts an additional inspection, for which an inspection protocol is drawn up in accordance with paragraph 7.

§ 11. Requirements for forest tree seeds, checking compliance with requirements and forming a seed batch

(1) When forming a seed batch, the supplier of the cultivation material must make sure that the seed units come from the places entered in the data list of the cultivation material.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

1

(1) Before seed stocking begins, the collector of the seed unit shall notify the Environment Agency, adding to the notification the place of seed stocking and the tree species to be stocked.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

2

(1) If seed units are stocked from a land unit belonging to another person to form a seed batch, permission must be obtained from the land owner or, in the case of state land, the manager of the state forest.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

(2) The seed batch is formed according to the places of origin and the seeds and the years of maturity of the seeds. In the case of stands and selective seed stands, the seed lot can be formed within a maximum of one county.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

1

(2) A seed lot may be formed by mixing certified cultivation material from one source area of two or more categories of seed units *known* or *selected* in the original source , taking into account the following:

- 1) only seed units belonging to the same category may be mixed;
- 2) by mixing cultivation material originating from a single tree and stands belonging to the same source area category *known in the original source* , the new batch must be certified as *originating from a single tree* ;
- 3) by mixing cultivation material from other than autochthonous or indigenous source material with such cultivation material, the origin of which source material is unknown, the new batch must be certified as of *unknown origin* ;

4) by mixing the cultivation material of one unit produced in different years, the year of production of each seed unit and its proportion in the mixture shall be indicated on the application for certification.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

2

(2) When the cultivation material is mixed, the seed batches must be identifiable and the batch of the mixed cultivation material must be certified.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

(3) When forming a seed batch, technology must be used in the processing of seed units and seeds, which excludes the mixing of different seed batches.

1

(3) The creator of the seed batch shall give the batch a number during the creation, which must include the number of the plant health register of the supplier of the cultivation material.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

2

(3) Containers of the seed batch are marked with the number of the seed batch, the date of formation and the container number.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

(4) Compliance with the requirements of seed units and the technology used in seed processing is checked by the Environmental Board.

(5) An inspection protocol shall be drawn up for the inspection, which shall be submitted to the supplier of the cultivation material. The inspection report contains:

- 1) assessment of compliance with requirements;
- 2) inspection time;
- 3) name, position and signature of the inspector;
- 4) the date of the inspection report.

(6) In the event of deficiencies, the Environmental Board sets a deadline for eliminating the deficiencies and conducts an additional inspection, for which an inspection report is drawn up in accordance with paragraph 5.

(7) The seeds must be at least 99% true to species, in the case of closely related species, the trueness of seeds may be less than 99%. In the case of closely related species, the percentage of species authenticity is determined in the laboratory.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

(8) Forest tree seeds must meet the quality requirements set out in Annex 2 of the regulation.

(9) [Repealed - RT I, 12.10.2021, 1 - entered into force. 15.10.2021]

(10) [Repealed - RT I, 12.10.2021, 1 - entry into force. 15.10.2021]

(11) [Repealed - RT I, 12.10.2021, 1 - entry into force. 15.10.2021]

(12) [Repealed - RT I, 12.10.2021, 1 - entry into force. 15.10.2021]

§ 12. Requirements for forest plants, ensuring compliance with requirements and forming a batch of forest plants

(1) Marketable forest plants must be of high quality. Healthy and viable forest plants are considered high-quality.

(2) Forest plants with:

- 1) mechanical injuries are not considered viable;
- 2) signs of drying, overheating or visible damage by harmful organisms;

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

- 3) weakly developed or deformed root system;

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

- 4) multistem or multifaceted.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

(3) The minimum heights and maximum ages of marketable forest plants used for forest regeneration are set out in Annex 3 to the Regulation, by forest plant type.

(4) A batch of marketable forest plants used for reforestation must contain at least 95% healthy and viable forest plants corresponding to the minimum height and maximum age.

(5) Compliance with the requirements of forest plants is ensured by the supplier of cultivation material.

(6) A forest plant lot is formed for marketable forest plants after sowing.

(7) A forest plant lot is formed on the basis of the master certificate of each forest tree seed lot, the type of forest plant, the year of sowing and the nursery.

§ 13. Requirements for the micropropagation laboratory of culture material

(1) The micropropagation laboratory of cultivation material must:

- 1) be equipped with micropropagation technology equipment;
- 2) ensure that employees are competent to produce culture material using the micropropagation method;
- 3) develop, document and implement methods and procedures to the extent necessary to ensure the quality of production;
- 4) have a self-control system;
- 5) establish the procedure for certifying the initial material used for the production of cultivation material;
- 6) keep accurate records of the cultivation material produced by the micropropagation method.

(2) Compliance with the requirements of the micropropagation laboratory of the cultivation material is checked by the Environmental Board.

(3) An inspection protocol shall be drawn up for the inspection, which shall be submitted to the supplier of the cultivation material. The inspection report contains:

- 1) assessment of compliance with requirements;
- 2) inspection time;
- 3) name, position and signature of the inspector;
- 4) the date of the inspection report.

(4) In the event of deficiencies, the Environmental Board sets a deadline for eliminating the deficiencies and conducts an additional inspection, for which an inspection report in accordance with paragraph 3 is drawn up.

§ 14. Certification of cultivation material

[RT I, 12.10.2021, 1 - entered into force. 15.10.2021]

(1) A seed lot of forest trees listed in Appendix 1 or a lot of vegetatively propagated cultivation material is subject to certification if it meets the requirements set forth in §§ 5–8 and §§ 11 and 12 of the regulation.

(2) For certification, the supplier of cultivation material submits an application according to the form of Annex 4 to the Regulation to the Environmental Board.

(3) The Environment Agency takes a seed sample from the seed lot in order to check the compliance of the seed lot with the quality requirements.

(4) The seed sample taken from the seed batch is analyzed in an accredited laboratory. The seed sample must be homogeneous and extendable to the entire seed lot.

(5) A sampling report is drawn up for the seed sample taken from the seed lot for analysis, and the taken seed sample is provided with a label, which must have the number of the seed lot indicated.

(6) The sampling report of the seed sample must contain the following:

- 1) number of the sampling report of the seed lot;
- 2) manufacturer's seed batch number and date of preparation;
- 3) seed batch ID;
- 4) tree species;
- 5) net weight of the seed lot;
- 6) net weight of the seed sample;
- 7) type and number of storage tare;
- 8) the number of tare sites sampled;
- 9) name, office and signature of the sampler;
- 10) sampling date.

(7) The seed sampler:

- 1) ensures that the producer has marked the package with the seed lot number, date of formation and container number;
- 2) takes samples in accordance with internationally recognised methodology;
- 3) performs his/her duties impartially and properly;
- 4) prepares a seed sample taking report;
- 5) closes the package or container of the seed lot to be certified with a security sticker or seal.

(8) No seed sample is taken from an unmarked package.

(9) A report on the analysis of the seed lot shall be drawn up, which must contain the following:

- 1) the number of the analysis report;
- 2) the date of taking the semen sample;
- 3) tree species;
- 4) manufacturer's seed batch number;
- 5) weight of the seed batch;
- 6) degree of authenticity;
- 7) the number of germinating or viable seeds in one kilogram;
- 8) purity of the seed lot;
- 9) germination or viability of the seed lot;
- 10) weight of 1000 seeds;
- 11) conditions of analysis;
- 12) start and end time of analysis;
- 13) date of issuance of the protocol;
- 14) name and address of the accredited laboratory.

(10) The validity of the seed lot analysis is up to five years for conifer seeds and up to two years for hardwood seeds.

(11) When certifying vegetatively propagated cultivation material, its compliance with the requirements of §§ 7 and 8 of the regulation, species and clone authenticity and traceability of lineage are checked.

(12) A basic certificate shall be issued for a batch of forest tree seeds and a batch of vegetatively propagated forest plants that meet the requirements.

(13) If the vegetatively propagated cultivation material is used for vegetative propagation the next time as well, a new application for certification shall be submitted.

(14) The Environmental Board decides whether to issue or refuse to issue a basic certificate.

(15) The basic certificate is issued to the supplier of the cultivation material for the certification of the seed lot within 45 calendar days and for the certification of the vegetatively propagated cultivation material within ten calendar days of submitting a proper application to the Environmental Board.

(16) The basic certificate forms are presented in Annexes 5–7 of the regulation.

(17) In the event of refusal to issue a basic certificate, the Environmental Board shall submit a reasoned decision in writing to the applicant for the basic certificate within the term provided for in subsection 15.

(18) The Environmental Board registers the basic certificates of cultivation material and publishes the register data on its website.

(19) An application for repeated analysis of a seed batch shall be submitted to the Environmental Board, in which the following are indicated:

- 1) the applicant's name and registry code;
- 2) plant health register number;
- 3) tree species that is to be analyzed;
- 4) manufacturer's seed batch number and date of formation;
- 5) basic certificate number;
- 6) mass of the seed lot;
- 7) type and quantity of storage tare;
- 8) location of the seed lot.

(20) The owner of the seed lot shall pay for repeated analysis of the seed lot on the basis of an invoice.

(21) Regarding the results of repeated analysis based on the application submitted in paragraph 19, after payment of the invoice, an analysis report is issued to the applicant, which contains at least the purity of the seed batch and the germination or viability.

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§ 15. Issuance of the basic certificate of cultivation material

[Repealed - RT I, 12.10.2021, 1 - entry into force. 15.10.2021]

§ 16. Requirements for packaging, closing and labeling of the cultivation material

(1) A forest tree seed packer must have:

- 1) room for weighing and packing seeds;
- 2) refrigeration device for storing and preserving seeds;
- 3) recorded weight for determining a weight of up to 10 kilograms with an accuracy of 0.1 gram.

(2) Marketable forest tree seeds must be hermetically sealed in a package in a way that does not allow the package to be closed a second time after opening in accordance with the packaging requirements.

(3) During distribution, the supplier of cultivation material must provide the buyer with a copy of the basic certificate for the cultivation material being sold, and in the case of distribution of forest tree seeds, a copy of the valid analysis protocol of the seed lot.

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(4) The sales packaging of the cultivation material to be marketed must be equipped with a label stating:

- 1) name and address of the supplier;
- 2) plant health register number;

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- 3) the botanical name of the species in Estonian and Latin;
- 4) number of the basic certificate of cultivation material;
- 5) the amount of cultivation material in the sales package;
- 6) purpose;
- 7) in the case of forest tree seeds, the number of the seed batch analysis protocol;
- 8) in the case of forest plants, the type, age, minimum height of the forest plant;
- 9) in the case of vegetative propagation or in the case of a genetically modified organism, also a corresponding indication.

(5) If a colored label is used to label a lot of cultivation material, the color of the label must be as follows according to the categories of cultivation material:

- 1) yellow if the original source of the category *is known*
- ; 2) green if the category *is selected*
- ; 3) pink if the category *is qualified*
- ; 4) category blue if *tested* .

(6) The label of the sales package of the cultivation material must be made of non-tearable material and attached to the sales package of the cultivation material or the means of transport in a way that excludes its second use.

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(7) If cultivation material that meets less stringent requirements is marketed in accordance with Article 18(1) of Directive 1999/105/EU in order to overcome temporary difficulties related to stockpiling or production of cultivation material, the label of the lot of this cultivation material must state: "Cultivation material meets less strict requirements".

§ 17. Report on marketing of cultivation material

(1) The supplier of cultivation material must submit a report on distribution to the Environmental Board by distribution period within one month after the end of the distribution period of cultivation material.

(2) There are two marketing periods for cultivation material in a calendar year:

- 1) spring marketing period from January 1 to June 30;
- 2) autumn marketing period from July 1 to December 31.

(3) The cultivation material marketing report must contain the following data:

- 1) the name of the cultivation material supplier;
- 2) plant health register number;

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3) the amount of forest tree seeds marketed in Estonia by the supplier of cultivation material, imported from a member state of the European Union, exported from Estonia, detained in Estonia and used for the supplier's own use in Estonia by tree species and by basic certificates, and the amount of forest plants by tree species, by type of forest plant, by age and by basic forest tree seed certificates.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

(4) The Environmental Board submits a summary of reports on the marketing of cultivation material on its website after the spring marketing period, no later than August 31, and after the autumn marketing period, no later than February 28.

§ 18. Content and submission procedure of notification of marketing of cultivation material to another member state

(1) In case of marketing of cultivation material to another member state, the supplier of cultivation material must submit a notification of marketing of cultivation material to another member state to the Environment Agency.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

(2) The notification form for marketing cultivation material to another member state is provided in Annex 8 of the regulation.

(3) The supplier of cultivation material submits to the Environmental Board a digitally signed notification by e-mail within one month of sending the cultivation material to another member state.

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(4) The Environmental Board shall assign a unique number to the notification and register it.

§ 19. Quality requirements for cultivation material imported from third countries

(1) The batch of cultivation material of the tree species to be imported must meet the requirements for cultivation material established in Estonia and be equipped with a document certifying certification or inspection in accordance with European Commission Decision 2008/989/EC, which allows member states to make decisions on forest propagation material imported from certain third countries on the basis of Council Directive 1999/105/EC on the equivalence of guarantees provided (OJ L 352, 31.12.2008, pages 55–57).

(2) The document certifying the certification must correspond to the form provided in Annex VIII of Directive 1999/105/EC or is an official basic certificate issued by the country of origin, and the third country supplier must also provide documentation containing details of all batches of cultivated material to be exported.

§ 20. Applying for and granting an import permit when importing from third countries

(1) Before importing a batch of cultivation material from third countries, the supplier of cultivation material submits an application for an import permit according to the form of Annex 9 of the Regulation to the Environment Agency.

(2) A copy of the document certifying the certification of the cultivation material shall be attached to the import permit application.

(3) An import permit is granted to the supplier of the cultivation material within 20 working days from the registration of the application for the import permit at the Environmental Board, if there is a shortage of cultivation material that meets the requirements on the local cultivation material market, which cannot be overcome within the European Union.

(4) The import permit form is presented in Appendix 10 of the regulation.

(5) In the case of refusal to grant an import permit, the Environmental Board shall submit a written, reasoned decision to the import permit applicant within the time limit specified in subsection 3.

§ 21. Keeping records of cultivation material imported from third countries

(1) The supplier of cultivation material from third countries keeps records of the import of cultivation material and submits an import record report to the Environmental Board. The report must contain the following information:

- 1) the number of the document certifying certification, the date of issue and the name of the issuing authority;
- 2) the botanical name of the tree species in Latin and Estonian;
- 3) category of cultivation material;
- 4) intended use of the cultivation material;
- 5) cultivation material;
- 6) height range of the source material of the cultivation material *known* and *selected* in the category source source above sea level and geographic location in ranges of north latitudes and east longitudes; 7) height above sea level and exact geographical location of the source material of the cultivated material belonging to the categories *qualified* and *tested* ; 8) autochthonous, indigenous, non-autochthonous, non-indigenous or unknown origin; 9) in the case of parent material of seeds and families, the composition and basis of compilation of this material; 10) in the case of cultivated material belonging to the *tested* category , information on the genetic transformation of the cultivated material; 11) year and weight of forest tree seed maturity; 12) age of forest plants, type and quantity of forest plants.

(2) The supplier of the cultivation material must submit a written import accounting report on the imported cultivation material to the Environmental Board within 20 working days from the date of the border crossing of the cultivation material submitted in the application for an import permit for the cultivation material.

§ 21 . Requirements for carrying out research, production trials or national trials when importing cultivation material

(1) When importing cultivation material for forest breeding, research or state trials, an application shall be submitted to the Environmental Board, stating:

- 1) the name and registry code of the applicant;
- 2) the country from which the import is made;
- 3) what is being imported;
- 4) the purpose of the trial;
- 5) the place where the trial will be conducted;
- 6) the trial method.

(2) The Environmental Board evaluates the purpose of the test and the method chosen for it.

(3) The Environmental Board issues a permit to the applicant for forest breeding, research or national experiments within 15 working days from the date of receipt of the application and all documents necessary for making a decision.

(4) The Environmental Board refuses to issue a permit in the cases specified in § 112 subsection 3 of the Plant Propagation and Plant Variety Protection Act.

[RT I, 12.10.2021, 1 - enters into force. 15.10.2021]

§ 22. Revocation of regulations

[Omitted from this text].

Directive 1999/105/EC of the Council of the European Union on the marketing of forest reproductive material (OJ L 11, 15.1.2000, pp. 17–40).

Appendix 1 List of tree species and hybrids subject to certification in Estonia

Appendix 2 Quality requirements for forest tree seeds

[RT I, 21.03.2023, 4 - entered into force. 24.03.2023]

Appendix 3 Minimum heights and maximum ages of forest plants by type of forest plant

[RT I, 12.10.2021, 1 - entry into force. 15.10.2021]

Appendix 4 Application for certification

[RT I, 12.10.2021, 1 - entered into force. 15.10.2021]

Appendix 5 Basic certificate of cultivation material originating from a stand, individual tree or selected seed stand

[RT I, 12.10.2021, 1 - entry into force 15.10.2021]

Appendix 6 Basic certificate of cultivation material originating from Seemla or parents of families

[RT I, 12.10.2021, 1 - effective. 15.10.2021]

Appendix 7 Basic certificate of cultivation material originating from clones and mixtures of clones

[RT I, 12.10.2021, 1 - effective. 15.10.2021]

Appendix 8 Notification of distribution of cultivation material to another member state

Annex 9 Application for import permit for cultivation material

Appendix 10 Import permit