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The form of the application for variety registration, the information to be submitted in the application, the list of documents to be attached to the application and the procedure for applying for registration of the variety

Adopted on 07.02.2006 No. 17
RTL 2006, 18, 319
entry into force 26.02.2006

Amended by the following acts

Reception	Disclosure	Enforcement
07.12.2009	RTL 2009, 92, 1335	01.01.2010
28.12.2010	RT I, 05.01.2011, 2	08.01.2011
17.02.2011	RT I, 25.02.2011, 5	28.02.2011
04/04/2012	RT I, 10.04.2012, 5	13.04.2012
27.02.2014	RT I, 04.03.2014, 7	10.03.2014
20.03.2019	RT I, 26.03.2019, 1	01.04.2019
26.10.2020	RT I, 04.11.2020, 1	01.01.2021
11.03.2021	RT I, 16.03.2021, 1	19.03.2021
21.06.2023	RT I, 04.07.2023, 1	07/07/2023

The Regulation is established on the basis of Section 8(3) and Section 28(7) of the " Plant Propagation and Variety Protection Act ".
[RTL 2009, 92, 1335 - entry into force. 01.01.2010]

§ 1. General provisions

The regulation establishes the form of the application specified in § 8 subsection 2 of the "Plant Propagation and Variety Protection Act", the data to be submitted in the application, the list of documents to be attached to the application and the procedure for applying for variety registration.

§ 2. Submitting an application

(1) A person who wishes to register a variety or who applies for the protection of a variety or the taking of a variety sheet, submits an application in accordance with the form established in Appendix 1 to the Agriculture and Food Board (hereinafter *the registrar*).
[RT I, 04.11.2020, 1 - enters into force. 01.01.2021]

(2) A person who wishes to register a variety intended for the preservation of genetic resources of agricultural and vegetable crops or to obtain a variety sheet of a variety intended for the preservation of genetic resources shall submit an application in accordance with the form established in Appendix 2 to the registrar.
[RT I, 10.04.2012, 5 - enters into force. 13.04.2012]

(3) A person who wishes to become a custodian of a well-known variety of fruit and berry culture with a proper variety description shall submit a corresponding application to the registrar.
[RT I, 26.03.2019, 1 - enters into force. 01.04.2019]

§ 3. List of documents to be attached to the application

(1) The following documents shall be submitted with the application:
[RT I, 10.04.2012, 5 - entered into force. 13.04.2012]

1) in case of application for variety protection, documents proving ownership of the variety;
[RT I, 10.04.2012, 5 - enters into force. 13.04.2012]

2) in the case of a representative, authorization to represent the variety;
[RT I, 10.04.2012, 5 - enters into force. 13.04.2012]

3) completed technical questionnaire about the variety;
[RT I, 26.03.2019, 1 - enters into force. 01.04.2019]

4) in the case of fruit and berry culture and decorative culture varieties, photos characterizing the variety;
[RT I, 16.03.2021, 1 - enters into force. 19.03.2021]

5) in case of application for variety protection, a document proving priority;
[RT I, 10.04.2012, 5 - enters into force. 13.04.2012]

6) documents containing data not subject to disclosure;
[RT I, 10.04.2012, 5 - enters into force. 13.04.2012]

7) in the case of a variety intended for the preservation of genetic resources, a description of the variety, an overview of cultivation experience and a report of registration tests.

[RT I, 10.04.2012, 5 - enters into force. 13.04.2012]

8) [invalid - RT I, 26.03.2019, 1 - entry into force. 01.04.2019]

1

(1) In the case of a variety containing a genetically modified organism, the number and date of the permit for the release of the genetically modified organism into the environment issued by the minister responsible for the field or the marketing permit issued in a member state of the European Union shall be added to the application.

[RT I, 04.07.2023, 1 - enters into force. 07.07.2023]

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(1) In the case of taking the variety sheet of a genetically modified crop, vegetable, fruit and berry crop variety, the number and date of the marketing permit of the genetically modified organism shall be added to the application.

[RT I, 26.03.2019, 1 - enters into force. 01.04.2019]

3

(1) In the case of using a product obtained from genetically modified crops and fruit and berry crops as food or feed, Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ L 268, 18.10. 2003, pp. 1–23), on the basis of the number of the decision on the placing on the market of a genetically modified organism issued by the European Commission.

[RT I, 25.02.2011, 5 - enters into force. 28.02.2011]

(2) The registrar publishes the form of the technical questionnaire specified in point 3 of paragraph 1 on his website.

2 3

(3) The photographs specified in clause 3 (1) 4 and the document number specified in subsections 1 2 and 1 3 shall be submitted to the registrar as soon as possible.

[RT I, 16.03.2021, 1 - enters into force. 19.03.2021]

§ 4. Procedure for applying for variety registration

(1) The application for variety registration shall be submitted to the registrar, signed in one copy, either on paper or electronically.

(2) The application for entering the variety in the variety sheet shall be submitted to the registrar no later than March 15 in the case of summer crops and July 15 in the case of winter crops.

[RT I, 04.03.2014, 7 - enters into force. 10.03.2014]

§ 5. Revocation of the regulation

[Omitted from this text.]

Appendix 1 Application form

[RT I, 04.07.2023, 1 - entered into force. 07.07.2023]

Appendix 2 Application form

[RT I, 10.04.2012, 5 - entered into force. 13.04.2012]