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The Statute of the Variety Register

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RT I, 12.03.2019, 57
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Amended by the following acts

Reception	Disclosure	Enforcement
20.03.2019	RT I, 26.03.2019, 1	01.04.2019
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11.03.2021	RT I, 16.03.2021, 1	19.03.2021
17.12.2021	RT I, 23.12.2021, 12	01.01.2022
21.06.2023	RT I, 04.07.2023, 1	07/07/2023

The Regulation is established on the basis of § 57 (1) of the Plant Propagation and Variety Protection Act .

Chapter 1 General provisions

§ 1. Name and purpose of the database

(1) The official name of the database is the variety register (hereinafter *the register*).

(2) The purpose of the register is to ensure the preservation of the variety, the protection of the rights of the owner of the protected variety, and the effective supervision of plant propagation and compliance with the requirements set forth in the Variety Protection Act.

§ 2. Controller in charge of the register

(1) The responsible processor of the register is the Ministry of Regional Affairs and Agriculture.

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(2) The controller in charge of the register hosts the register and organizes the administration of the register's services and technological environment.

§ 3. Authorized processor of the register

(1) The authorized processor of the register is the Agriculture and Food Board.

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(2) The authorized processor of the register processes register data, including collecting, storing, organizing, disclosing, changing and deleting them.

(3) The authorized processor of the register follows the instructions of the responsible processor when processing data and ensures the security of the database.

§ 4. Register users

(1) The controller in charge of the register appoints his official or employee as a user with administrator rights (hereinafter *the administrator*). The administrator performs the tasks of the controller in charge of the register, including giving the officer or employee of the controller in charge the right to access the technological environment of the register. The administrator has the right to access all data and logs.

(2) The authorized processor of the register appoints its official or employee as the authorized main user of the register (hereinafter *the authorized main user*). The authorized main user performs the tasks of the authorized processor of the registry, including granting the authorized processor's official or employee the right to access the technological environment of the registry. The authorized master user has the right to access all data and logs and can change the data if it is necessary to ensure the smooth operation of the system or data integrity.

(3) The authorized processor of the register appoints its official or employee as the authorized user of the register (hereinafter *the authorized user*). An authorized user performs the tasks of an authorized processor, including collecting, storing, organizing, disclosing, changing and deleting registry data. The authorized user has the right to access the data to the extent necessary for the performance of his official or work duties.

Chapter 2

The composition of the register and the keeping of the register, as well as the data entered in the register and the data processing procedure

§ 5. Method and structure of keeping the register

(1) The register is kept digitally as a single-level database.

(2) The composition of the register includes:

- 1) a digital database;
- 2) registry archive.

§ 6. Protection of register data

(1) The authorized processor of the register ensures the integrity and usability of the register data, as well as the keeping of the register and the processing, protection, preservation and archiving of the register data by means of physical, organizational and IT measures.

(2) The security class of register data is K1T1S2. The security level of the registry is medium (M).

§ 7. Data entered in the register

(1) The following information about the variety is entered into the digital database of the register:

- 1) the number of the application specified in subsection 2 of § 8 of the Plant Propagation and Variety Protection Act and the date of registration and publication of the application;
- 2) applicant's name and contact details, registry code or personal identification number;
- 3) the name and contact information, registry code or personal identification number of the owner of the variety and the method of acquiring the rights of the owner of the variety;
- 4) the name and contact information of the breeder of the variety, registry code or personal identification number, the name of the country where the variety was bred, and the degree of participation of the breeders in the breeding of the variety;
- 5) name and contact information, registry code or personal identification number of the representative of the variety;
- 6) the name and contact details of the custodian of the variety, registry code or personal identification number and the code of the European Union and the Organization *for Economic Co-operation and Development* ;
- 7) the name of the species in Latin and Estonian and the International Union *for the Protection of New Varieties of Plants* code;
- 8) breeding number of the variety;
- 9) the proposal of the sort name and the synonym of the sort name together with the name of the country;
- 10) information about the trademark;
- 11) the date of submission of the sort name proposal;
- 12) date of publication of the sorting proposal;
- 13) date of approval of the variety name;
- 14) date of publication of approval of the variety name;
- 15) the date of setting the priority for taking the variety under protection;
- 16) data according to the technical questionnaire of the variety;

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16) Regulation (EU) 2018/848 of the European Parliament and of the Council, which deals with organic production and labeling of organic agricultural products and which repeals Council Regulation (EC) No. 834/2007 (OJ L 150, 14.06.2018, pp. 1–92) , the data specified in paragraph 2 of Article 13 of organic heterogeneous propagating material and seed about;

[RT I, 23.12.2021, 12 - enters into force. 01.01.2022]

17) the content of the objection submitted to the proposal of the variety and the objection submitted to the protection of the variety, and the date of receipt of the objection;

18) the date and sequence of the application procedure, the variety name or the proposal for a variety name, of the application for variety protection, the taking of a variety certificate or the application for a patent filed in another country;

19) data on the marketing of the variety in Estonia and abroad;

20) the date of signing or entry into force of the judgment made in the field of variety protection regarding the variety and the content of the judgment;

21) information on whether the variety is genetically modified or not;

22) data describing the use characteristics of the variety;

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22) data describing the characteristics and field of use of organic heterogeneous propagating material and seed;

[RT I, 23.12.2021, 12 - enters into force. 01.01.2022]

23) order of registration tests, the name of the country where the tests are performed, the name of the test institution and the time and results of the tests;

24) order and year of national economic experiments;

25) results of national economic tests;

26) time and results of additional tests;

27) variety certificate number;

28) protected variety certificate number;

29) data on the compulsory license;

30) registrar's decision and the date of its publication;

31) the amount of the received state fee and the basis for payment of the state fee and the date of receipt;

32) content and date of the appeal submitted regarding the rights of the owner of the variety;

33) other relevant information about the variety.

(2) The data specified in point 33 of subsection 1 may be deemed not to be disclosed upon a reasoned request of the person.

§ 8. Basic documents of register data

(1) The basic documents for entering data into the register are:

1) an application submitted for registration of a variety, taking it under protection, obtaining a variety sheet, extending the variety under protection or keeping it in the variety sheet;

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- 2) technical questionnaire of the variety;
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 - 2) file of organic heterogeneous propagating material and seed;
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 - 3) variety registration test report, official description of the variety and an overview of cultivation experience for the variety intended for the preservation of genetic resources;
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 - 4) report of national economic experiments;
 - 5) report of additional tests;
 - 6) a copy of the permit to release a genetically modified organism into the environment or a copy of the marketing permit of a genetically modified organism;
 - 7) a document certifying the right of ownership or representation of the variety;
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 - 8) a document proving the priority of taking the variety under protection;
 - 9) decision of the registrar;
 - 10) a written notification issued to the applicant and the relevant authorities and received from them or a copy thereof;
 - 11) a copy of the compulsory license;
 - 12) an extract of the judgment made regarding the variety in the field of variety protection;
 - 13) objection;
 - 14) the appeal submitted regarding the variety;
 - 15) other relevant documents related to the variety to be attached to the application.
- (2) In order to enter data in the register, the basic document must have a date and the name and signature of the responsible person.

§ 9. Submission of data and submitter

(1) Data entered in the register shall be submitted on paper or digitally at the address indicated on the website of the authorized processor of the register. A digitally submitted document must have a digital signature.

(2) The submitters of the data to be entered in the register are the variety registration applicant and the Agriculture and Food Board. The applicant and data provider can also be:

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- 1) owner of the variety;
- 2) variety preserver;
- 3) representative of the owner of the variety;
- 4) in the case of a breeder from outside a member state of the European Union or the owner of a variety, his authorized representative in Estonia;
- 5) the authority of a foreign country in accordance with the concluded international agreement.

(3) Data entered into the register on the basis of the decision of the authorized processor of the register shall be deemed to have been submitted from the date of the relevant decision.

§ 10. Data from databases

In the administrative system of the state information system, the data designated as the main data of another database are obtained from the data set in which they are collected as basic data.

§ 11. Entry of data into the register

(1) Data on the variety and its owner shall be entered in the register on the day of making the decision to register the variety.

(2) The authorized processor has the right to submit an inquiry to the data provider if there is a doubt about the accuracy of the data. The authorized processor of the register informs the responsible processor of the register about the submitter of incorrect data.

§ 12. Correction of incorrect data

(1) In the event of a change in the register data, the data submitter shall request to change the register data within 14 days after learning of the data change.

(2) If the register data changes or incorrect data appears in the register, the authorized processor of the register closes access to the incorrect data until it is corrected.

(3) The authorized processor of the register shall correct incorrect data in the register within five working days from the submission of correct data.

(4) Register data that do not correspond to the document that was the basis for making the entry shall be corrected by the authorized processor of the register independently within five working days from the date of the deficiency.

§ 13. Data exchange

Data exchange with other databases takes place through the data exchange layer of state information systems in accordance with the procedure established on the basis of § 43⁹ subsection 1 point 5 of the Public Information Act.

§ 14. Archiving of register data

(1) Register data is digitally archived.

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(2) Register data and basic documents are archived within ten working days from the date of loss of relevance of the data.

(3) Archived register data and basic documents are stored permanently.

§ 15. Data logging

(1) Entry of data into the register, including changes to register data, shall be logged. The content of the entry, the date and time, and the name of the person who made the entry are stored in the log.

(2) The log is kept for three years from the date of entry. When the retention period expires, the log is deleted.

§ 16. Acceptance of data into the register and issuance of register data and record keeping thereof

(1) Public register data is issued from the register in accordance with the procedure provided for in the Public Information Act.

(2) Registry data not subject to disclosure may be issued to the person to whom the data relates, and to a person or institution for which the data is necessary to fulfill a duty prescribed by law.

(3) Records of the time of data acceptance into the register and the time of its release from the register, the recipient of the data and the payment of the state fee shall be kept in a digital record book.

(4) Upon acceptance of data into the register, the following shall be registered for the basic documents:

- 1) sequence number or code;
- 2) name;
- 3) date of issue;
- 4) publisher;
- 5) the date of submission of the document underlying the issuance of the basic document to the supervisory authority.

(5) When issuing register data, the following shall be registered:

- 1) the name of the person who received the data;
- 2) composition of data;
- 3) time of issuing data.

(6) A state fee shall be paid for making a certified extract from the register data on paper.

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Chapter 3

Supervision of the keeping of the register and termination of the register

§ 17. Supervision over the keeping of the register

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(1) The controller in charge of the register and the authority specified in subsection 1 § 53¹ of the Public Information Act supervise the keeping of the register. Data protection supervision over the legality of keeping the register is carried out by the Data Protection Inspectorate in accordance with its competence.

(2) The person authorized to exercise supervision has the right, in accordance with his competence, to check the compliance of the register keeping with laws and other legislation at any time and to obtain information about the issuance of register data and their use.

(3) In the event of a deficiency arising in the keeping of the register, the authorized processor of the register is obliged to eliminate the deficiency specified in the prescription of the person who performed the supervision by the specified deadline.

§ 18. Termination of the register

The activity of the register will be terminated in accordance with the requirements stipulated in the Archives Act and the Public Information Act.

Chapter 4

Application settings

§ 19. Implementation provisions

(1) The register was established by the Government of the Republic Regulation No. 259 of 17 November 1998 "Establishment of the National Register of Protected Varieties".

(2) The processing of the data provided for in Regulation No. 52 of the Government of the Republic of February 28, 2006 "Regulations for the Maintenance of the Variety Register" shall be continued for the data provided for in this Regulation.

§ 20. Entry into force of the regulation

The regulation enters into force on March 15, 2019.