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# Requirements for the production and marketing of propagating material of decorative crops<sup>1</sup>

Adopted on 18.04.2006 No. 47  
RTL 2006, 35, 617  
entry into force 01.05.2006

## Amended by the following acts

Reception	Disclosure	Enforcement
07.08.2006	RTL 2006, 63, 1142	18.08.2006
08.12.2009	RTL 2009, 93, 1348	01.01.2010
01.02.2012	RT I, 03.02.2012, 2	06.02.2012
12.06.2014	RT I, 18.06.2014, 2	01.07.2014
13.08.2018	RT I, 15.08.2018, 3	01.10.2018
13/05/2020	RT I, 20.05.2020, 3	01.06.2020
29.06.2020	RT I, 03.07.2020, 7	06.07.2020
06.12.2021	RT I, 16.12.2021, 1	01.01.2022
18.05.2023	RT I, 24.05.2023, 1	01.07.2023

The regulation is established on the basis of § 4 subsection 3, § 34 subsection 3, § 64 subsection 5, § 65 subsections 4 and 7, § 76 subsection 4, § 101 subsection 4 and § 104 subsection 4 of the «Plant Propagation and Variety Protection Act».  
[ RTL 2006, 63, 1142 - entry into force. 18.08.2006]

## § 1. Scope of regulation

(1) The regulation establishes the requirements for compiling a list of varieties of ornamental crops, the requirements for the production of propagating material for ornamental crops, including the supplier's self-control system and the list of plant pests that reduce the quality of propagating material, the requirements for the quality and marketing of propagating material for ornamental crops, and the requirements for the production and marketing of organic heterogeneous propagating material for ornamental crops.  
[ RT I, 16.12.2021, 1 - enters into force. 01.01.2022]

(2) The requirements of the Regulation do not apply to the production and marketing of propagating material of ornamental crops used in experiments, research, variety breeding or for the preservation of genetic resources.

(3) The requirements stipulated in the "Plant Protection Act" also apply to the production and distribution of propagating material of decorative crops.  
[ RT I, 03.02.2012, 2 - enters into force. 06.02.2012]

(4) The requirements of the regulation apply to the supplier of propagating material entered in the plant health register on the basis of the Plant Protection Act.  
[ RT I, 24.05.2023, 1 - enters into force. 01.07.2023]

(5) The requirements of the Regulation do not apply to reproductive material, the products obtained from which are not intended for decorative use and to which the requirements of other legislation on the marketing of reproductive material are applied.  
[ RT I, 03.02.2012, 2 - enters into force. 06.02.2012]

## § 2. Propagation material of decorative crops

(1) The requirements of the regulation apply to the following families, genera and species of ornamental crops:

- 1) garden carnation ( *Dianthus caryophyllus* L.) and its hybrids;
- 2) Christmas star ( *Euphorbia pulcherrima* Wild. ex Kletsch);
- 3) chrysanthemum ( *Dendranthema x grandiflorum* (Ramat) Kitam.);
- 4) black pine ( *Pinus nigra* );
- 5) genera and species of the palm family ( *Palmae* ) listed in the annex to Commission Directive (EEC) No. 93/49 ; 6) the gerbera family ( *Gerbera* L.); 7) gladiolus family ( *Gladiolus* L.); 8) family rosehip ( *Rosa* ); 9) family lily ( *Lilium* L.); 10) family narcissus ( *Narcissus* L.); 11) genus pelargonium ( *Pelargonium* L.); 12) pear family ( *Pyrus* L.); 13) family plum tree ( *Prunus* L.); 14) citrus family ( *Citrus* L.); 15) family apple tree ( *Malus* Mill.); 16) rose begonia ( *Begonia x hiemalis* Fotsch); 17) other types of woody plants and annual, biennial and perennial herbaceous plants. [ RT I, 15.08.2018, 3 - enters into force. 01.10.2018]

(2) For the purposes of the Regulation, propagating material of ornamental culture (hereinafter *propagating material*) is plant material that is intended for propagation of genera and species of ornamental culture and their hybrids or production for marketing purposes.  
[ RT I, 03.02.2012, 2 - enters into force. 06.02.2012]

(3) For the purposes of the Regulation, a batch of propagating material is a quantity of propagating material of the same type and variety with the same origin and composition.  
[ RT I, 03.02.2012, 2 - enters into force. 06.02.2012]

### **§ 3. List of varieties of decorative crops**

(1) The supplier prepares a list of the varieties of ornamental crops listed in subsection 1 of § 2 that it produces, processes or markets (hereinafter *the list of varieties*).

(2) The list of varieties does not have to be prepared in the cases provided for in § 34 subsection 2 of the "Plant Propagation and Variety Protection Act".

(3) The following shall be entered in the list of varieties:

- 1) the name of the variety together with its commonly known synonyms;
- 2) information on how the varietal authenticity and purity of the variety is maintained and what method is used to propagate the variety;
- 3) variety description, which contains at least the characteristics and expression of characteristics required for applying for Community variety protection on the basis of Council Regulation (EC) No. 2100/94 on community variety protection (OJ L 227, 1.09.1994, pages 1–30);
- 4) the most important characteristics by which the variety can be distinguished from other similar varieties.

(4) A supplier who is only engaged in the marketing of propagating material does not have to enter the data specified in points 2 and 4 of paragraph 3 in the list of varieties.

### **§ 4. Self-control system of the supplier of reproduction material**

(1) In order to ensure the correctness of the reproduction material production and the correct reproduction material to be marketed, the supplier determines the important critical points of production and the measures implemented in them due to the production method, documents them and ensures the implementation of these measures (hereinafter *self-control system*).

(2) The following activities are primarily considered to be critical points:

- 1) bringing propagating material to the company and assessing its quality, including plant health status;
  - 2) sowing, propagating, planting, planting and transplanting propagating material;
  - 3) cultivation of propagating material, taking into account the technology used;
  - 4) cleaning of reproductive material;
  - 5) application of measures to identify the presence of a plant pest in the evaluation of propagating material;
- [ RT I, 18.06.2014, 2 - enters into force. 01.07.2014]
- 6) processing, packaging, storage and transportation of reproductive material.

(3) The self-inspection plan must contain at least the following information:

- 1) name and contact information of the entrepreneur;
  - 2) name and contact details of the person responsible for production;
  - 3) the number of the register entry in the plant health register;
  - 4) data on the source material for reproduction, including its bringing to the company and its origin;
  - 5) data on the propagating material to be grown by species, varieties and batches together with data on the plot of land used for production, based on the field book or land use plan and the building or facility use plan;
  - 6) data on stored and marketed reproductive material by lot;
  - 7) data on the performed observations and assessments, including sampling and their results;
- [ RT I, 18.06.2014, 2 - enters into force. 01.07.2014]

8) a description of the measures and control measures implemented to prevent the introduction of a plant pest into the company and to prevent its spread, and the results of their implementation;

9) a description of the measures implemented to get rid of the plant pest and the results of their implementation, including data on the destruction of damaged plants and their quantity, and a description of the method of destruction.

(4) The supplier shall keep data on the evaluation of critical points and the results of implemented measures, as well as data and documents on purchased, imported, produced, stored and marketed reproduction material in paper or electronic form for at least three years.

[ RT I, 18.06.2014, 2 - enters into force. 01.07.2014]

### **§ 5. Plant pests reduce the quality of propagating material**

(1) A supplier involved in the production of propagating material visually assesses the propagating material during its growth in order to detect the presence of a plant pest.

[ RT I, 18.06.2014, 2 - enters into force. 01.07.2014]

(2) In the case of a plant species propagated by bulbs, tubers and rhizomes, the supplier engaged in the production of propagating material shall visually assess the seedling during the growth of the propagating material to detect the presence of a plant pest.

[ RT I, 18.06.2014, 2 - enters into force. 01.07.2014]

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(2 ) In the production of propagating material, the measures to prevent the occurrence of the quality-reducing plant pest specified in Part C of Annex V of the Implementing Regulation (EU) 2019/2072 of the European Parliament and of the Council are implemented.

[ RT I, 20.05.2020, 3 - enters into force. 01.06.2020]

(3) If the supplier discovers a plant pest reducing the quality of the propagating material of ornamental crops specified in the Annex to Commission Directive (EEC) No. 93/49 during the visual assessment of the propagating material or seedling at the place of production (hereinafter the *plant pest* ), he shall immediately implement appropriate control measures to destroy the plant pest, including, if necessary, destroy the damaged propagating material .

[ RT I, 15.08.2018, 3 - enters into force. 01.10.2018]

## § 6. Adequate reproduction material

(1) Propagating material is appropriate:

1) which is of uniform quality within one lot, true to species and pure, and in the case of decorative crops belonging to a variety, true to variety and pure;

2) which, upon visual assessment, is free from the plant pests specified in the Annex to Commission Directive (EEC) 93/49 and the Implementing Regulation (EU) 2019/2072 of the European Parliament and of the Council, which establishes uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and of the Council in relation to protective measures against plant pests and Commission Regulation (EC) No. 690/2008 is repealed and Commission Implementing Regulation is amended (EU) 2018/2019 (OJ L 319, 10.12.2019, pp. 1–279), on dangerous plant pests mentioned in Annex II;

[ RT I, 20.05.2020, 3 - enters into force. 01.06.2020]

3) which, depending on the characteristics specific to the species and variety, is normally developed, without damage and without signs of wilting;

4) which, when marketed as a potted plant, is well-rooted and with a healthy root system, and is dormant when marketed as a bare root;

5) the germination of which is sufficient for the seed.

(2) Propagation material of a species belonging to the genus *Citrus* must, in addition to the requirements set out in subsection 1, meet the following requirements:

1) originate from propagative material, which, as a result of a visual assessment, has not been found to contain the virus, virus-like organism or fungus specified in the Annex to Commission Directive (EEC) No. 93/49 as a plant pest of the genus *Citrus* caused by disease symptoms and which have been analyzed in a laboratory using appropriate methods and which have been recognized as free from these plant pests;

[ RT I, 15.08.2018, 3 - enters into force. 01.10.2018]

2) have been evaluated during the last growing season and as a result of the evaluation, no disease symptoms caused by the virus, virus-like organism or fungus mentioned as a citrus plant pest in the annex of Commission Directive (EEC) No. 93/49 have been discovered;

[ RT I, 15.08.2018, 3 - enters into force. 01.10.2018]

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2 ) be produced at a production site where the measures to prevent the occurrence of the quality-reducing plant pest mentioned in Part C of Annex V of the European Parliament and Council Implementing Regulation (EU) 2019/2072 are applied;

[ RT I, 20.05.2020, 3 - enters into force. 01.06.2020]

3) in case of grafting, be grafted on a rootstock that is not susceptible to viroids.

(3) Propagation material of a species belonging to the palm family must have been produced at a production site where the measures to prevent the occurrence of the quality-reducing plant pest mentioned in Part C of Annex V of the Implementing Regulation (EU) 2019/2072 of the European Parliament and of the Council are implemented.

[ RT I, 20.05.2020, 3 - enters into force. 01.06.2020]

## § 7. Distribution of reproduction material

(1) The reproductive material to be marketed must meet the quality requirements set forth in § 6.

(2) Propagation material to be marketed is kept as a batch. It must be possible to distinguish and identify different batches. In the case of combining batches of propagating material of different origins, the supplier shall maintain data on the composition of the batch and the origin of the various parts of the batch.

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(2 ) The batch or sales package of the propagating and planting material of ornamental crops specified in Part D of Annex IV of the Implementing Regulation (EU) 2019/2072 of the European Parliament and of the Council shall be equipped with a plant passport upon distribution.

[ RT I, 03.07.2020, 7 - enters into force. 06.07.2020]

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(2 ) The batch or sales package of ornamental culture seed specified in point 10 of Annex XIII of the Implementing Regulation (EU) 2019/2072 of the European Parliament and of the Council shall be equipped with a plant passport upon distribution.

[ RT I, 03.07.2020, 7 - enters into force. 06.07.2020]

(3) Subsection 2 does not apply to reproduction material marketed to the end user by way of retail sale.

[ RT I, 03.07.2020, 7 - enters into force. 07/06/2020]

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(3 ) Paragraphs 2<sup>1</sup> and 2<sup>2</sup> do not apply to Regulation (EU) 2016/2031 of the European Parliament and of the Council concerning protective measures against plant pests, amending Regulations of the European Parliament and of the Council (EU) No. 228/2013, (EU) No. 652/ 2014 and (EU) No. 1143/2014 and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC,

2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, pages 4–104), in the case provided for in Article 81.  
[ RT I, 03.07.2020, 7 - enters into force. 07/06/2020]

(4) The supplier issues a supplier's document for a batch or individual plant of reproductive material that is marketed to a person engaged in the production of reproductive material and to a supplier engaged in the marketing of reproductive material.

(5) The supplier supplies the end user with a product description of the lot or individual plant of propagating material to be marketed at retail, on which the name of the plant species of the propagating material in Estonian and Latin, the name of the variety, the country of origin and the name of the supplier are indicated.

[ RT I, 03.07.2020, 7 - enters into force. 07/06/2020]

(6) The supplier's document is disposable, it is filled out in Estonian and, if necessary, in another official language of the European Union. The following data shall be noted on the supplier's document:

- 1) the words "EU quality";
- 2) the name of the Member State or its abbreviation;
- 3) the name of the competent authority or its abbreviation;

[ RT I, 18.06.2014, 2 - enters into force. 01.07.2014]

- 4) supplier's registration number in the plant health register;
- 5) name of the supplier;
- 6) lot number or other identifier identifying the lot;
- 7) date of issuance of the supplier's document;
- 8) the botanical name of the plant species of the propagating material in Latin;
- 9) variety name or plant group name;
- 10) in the case of using a rootstock, the variety name of the rootstock, labeling or the name of the plant species of the rootstock, if the rootstock is from another plant species;
- 11) the number of plants forming the lot;
- 12) in the case of reproduction material delivered to Estonia from a non-Community country, the name of the country of manufacture.

(7) The name of the variety is indicated on the supplier's document and product description only if the variety of propagating material is known, protected, entered in the national variety register or the list of varieties specified in § 34 subsection 1 of the "Plant Propagation and Variety Protection Act". If the name of the plant group is indicated on the supplier's document, it is indicated in a way that prevents the name of the plant group from being confused with the name of the variety.

(8) In the case of micro-reproduced reproduction material, the word "Micro-reproduced" is indicated on the supplier's document or product description.

(9) A supplier dealing solely with the marketing of reproductive material prepares a self-inspection plan, which describes the critical points specified in § 4 subsection 2 clause 6 and which contains the data listed in subsection 3 clauses 1-3 and 6 of the same section.

(10) The supplier is responsible for the species and varietal authenticity and species and varietal purity of the propagating material being marketed.

[ RT I, 03.02.2012, 2 - enters into force. 06.02.2012]

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### **§ 7 . Requirements for the production and marketing of organic heterogeneous propagating material**

In the production and marketing of organic heterogeneous propagating material, Commission Delegated Regulation (EU) 2021/1189 is followed, supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council regarding the production and marketing of plant propagating material consisting of organic heterogeneous material of certain families and species (OJ L 258, 20.07.2021, p 18–27), requirements.

[ RT I, 16.12.2021, 1 - enters into force. 01.01.2022]

### **§ 8. Revocation of the regulation**

[Omitted from this text.]

### **§ 9. Implementation of the Regulation**

Reproducible material may be labeled in accordance with the requirements in force until now, and such reproducible material may be marketed until the manufacturer's documents, product descriptions or reproducible material are exhausted, but no longer than December 31, 2006.

### **§ 10. Entry into force of the Regulation**

The regulation enters into force on May 1, 2006.

## 1

Council Directive 98/56/EC on the marketing of ornamental crops (OJ L 226, 13.08.1998, pp. 16–23), amended by Council Regulation 806/2003/EC (OJ L 122, 16.05.2003, pp. 1–35) and the Council with Directive 2003/61/EC (OJ L 165, 03.07.2003, pages 23–28);

Directive 93/49/EEC of the European Commission, which provides a list of the conditions to which, in accordance with Council Directive 91/682/EEC, propagating material of ornamental plants and ornamental plants must comply (OJ L 250, 7.10.1993, pp. 9–18), amended by Directives 1999/67 /EC (OJ L 164, 30.06.1999, p 78), 2018/484/EU (OJ L 81, 23.03.2018, pp. 10–12) and 2020/177/EU (OJ L 41, 13.02.2020, pp. 1–77), (EU) 2022/2438 ( OJ L 319, 13.12.2022, p 54–65);

European Commission Directive 1999/66/EC establishing the requirements for labeling or other documents drawn up by the supplier in accordance with Council Directive 98/56/EC (OJ L 164, 30.06.1999, pp. 76-77);

European Commission Directive 1999/68/EC laying down additional provisions on lists of ornamental plant varieties maintained by

suppliers under Council Directive 98/56/EC (OJ L 172, 08.07.1999, pp. 42-43)  
[ RT I, 24.05.2023, 1 - by force. 01.07.2023]

Addendum

[Repealed - RT I, 15.08.2018, 3 - entry into force. 01.10.2018]