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

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## Amended by the following acts

Reception	Disclosure	Enforcement
14.06.2018	RT I, 20.06.2018, 3	23.06.2018
13.12.2018	RT I, 19.12.2018, 4	01.01.2019
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12.03.2020	RT I, 19.03.2020, 7	01.04.2020
13/05/2020	RT I, 20.05.2020, 3	01.06.2020
29.06.2020	RT I, 03.07.2020, 7	06.07.2020
26.10.2020	RT I, 04.11.2020, 1	01.01.2021
06.12.2021	RT I, 16.12.2021, 1	01.01.2022
18.05.2023	RT I, 24.05.2023, 1	30.06.2023

The Regulation is established in accordance with § 4 subsection 3, § 64 subsection 5, § 65 subsections 4 and 7, § 73 subsections 8 and 9, § 74 subsection 5, § 75 subsection 2, § 76 subsection 4, § 101 subsection 4 of the Plant Propagation and Variety Protection Act and on the basis of subsection 4 of § 104.

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

## Chapter 1 General provisions

### § 1. Scope of regulation

(1) The regulation establishes categories of fruit and berry culture propagating and planting material, fruit and berry culture variety description requirements, fruit and berry culture propagating and planting material production requirements, including supplier self-control system requirements, fruit and berry culture propagating and planting material certification procedure, and requirements, list of plant pests that reduce the quality of fruit and berry culture propagating and planting material, fruit and berry culture requirements for storage, labeling and marketing of propagating and planting material and requirements for production and marketing of organic heterogeneous propagating and planting material for fruit crops.

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

(2) The requirements set forth in the Plant Protection Act also apply to the reproduction of propagating material for fruit and berry crops and the production and marketing of propagating and planting material.

(3) The requirements of the regulation apply to the supplier of propagating and planting material entered in the plant health register on the basis of the Plant Protection Act.

[ RT I, 24.05.2023, 1 - enters into force. 30.06.2023]

(4) The requirements of the regulation also apply to rootstocks of other plant families and plant species or their hybrids not listed in the regulation, or to other plant parts, if they are grafted or intended for grafting onto plants of the species specified in this regulation.

(5) The requirements of the regulation do not apply to the production and marketing of propagating and planting material of fruit and berry crops used in experiments, research, variety breeding and conservation of genetic resources.

### § 2. List of species of fruit and berry crops

(1) The requirements of the regulation apply to the propagating and planting material of the following fruit and berry culture plant families and plant species:

- 1) European olive tree or common olive tree ( *Olea europaea* L.);
- 2) sour cherry tree ( *Prunus cerasus* L.);
- 3) common apricot tree ( *Prunus armeniaca* L.);
- 4) [invalidated - RT I, 26.03.2019, 1 - entered into force. 01.04.2019] 5) common chestnut tree ( *Castanea sativa* Mill.); 6) common quince ( *Cydonia oblonga* Mill.); 7) common almond tree ( *Prunus dulcis* (Mill) DA Webb); [ RT I, 24.05.2023, 1 - enters into force. 30.06.2023] 8) common pistachio ( *Pistacia vera* L.); 9) plum tree ( *Prunus domestica* L.); 10) common hazel ( *Corylus avellana* L.); 11) common fig ( *Ficus carica* L.); 12) common peach tree ( *Prunus persica* (L.) Batsch); 13) walnut tree ( *Juglans regia* L.); 14) sweet cherry tree ( *Prunus avium* L.); 15) willow-leaved plum tree or Chinese plum tree ( *Prunus salicina* Lindley); 16) family kinkan tree ( *Fortunella* Swingle); 17) family strawberry ( *Fragaria* L.); 18) family blackberry ( *Rubus* L.); 19) family blueberry ( *Vaccinium* L.); 20)

pear family ( *Pyrus* L.); 21) family poncirus ( *Poncirus* Raf.); 22) family currant ( *Ribes* L.); 23) citrus family ( *Citrus* L.); 24) family apple tree ( *Malus* Mill.).

(2) Planting material for fruit and berry culture within the meaning of this regulation is a plant intended for planting or transplanting after its marketing.

(3) A batch of propagating and planting material for the purposes of this Regulation is a quantity of propagating and planting material of the same type and variety with the same origin and composition.

[ RT I, 24.05.2023, 1 - entry into force 30.06.2023]

(4) Visual inspection and visual inspection within the meaning of this regulation is the examination of plants and plant parts with the naked eye or in another way that enables the identification of a quality-reducing and dangerous plant pest (hereinafter referred to as a *plant pest* ).

## **Chapter 2**

### **Categories of propagating and planting material**

#### **§ 3. Categories of propagating and planting material**

(1) The superelite propagating material category includes fruit and berry culture propagating material that:

- 1) is produced from a superelite mother plant in accordance with generally accepted methods to maintain varietal purity, including pomological properties, and to prevent plant diseases;
- 2) is intended for the production of elite or certified propagating material, with the exception of planting material;
- 3) meets the requirements established for the category of super-elite reproduction material and is equipped with a document proving it.

(2) The category of elite propagating material includes fruit and berry culture propagating material that:

- 1) is produced from a non-elite plant or super-elite propagating material directly or as a result of a certain number of vegetative propagation stages in order to maintain varietal purity, including pomological properties, and to prevent the spread of plant diseases in accordance with generally accepted methods;
- 2) is intended for the production of certified reproductive material;
- 3) meets the requirements established for the category of elite reproduction material and is equipped with a document proving it.

(3) The category of certified propagating material includes fruit and berry crop propagating material which:

- 1) has been produced from a certified mother plant or directly by vegetative propagation from elite or super-elite propagating material or, if it is intended for the production of rootstocks, from certified seed originating from elite or certified propagating material intended for the production of rootstocks;
- 2) is intended for the production of certified planting material;
- 3) complies with the requirements established for the category of certified propagating material and is provided with a document certifying this.

(4) The category of certified planting material includes planting material for fruit and berry culture, which:

- 1) is produced from a certified mother plant or directly from certified, elite or super-elite propagating material;
- 2) is intended for the production of fruits or berries;
- 3) meets the requirements established for the category of certified planting material and is equipped with a document certifying it.

(5) The category of controlled propagating and planting material (hereinafter *CAC material* ) includes propagating and planting material of fruit and berry crops that:

- 1) is true to variety and pure in variety;
- 2) is intended for the production of propagating or planting material or fruits and berries;
- 3) meets the requirements established for the category of CAC material;
- 4) is equipped with the appropriate supplier's document.

## **Chapter 3**

### **Production, storage and certification of propagating and planting material**

#### § 4. Requirements for the production of propagating and planting material of the categories to be certified

(1) The mother plant used for the production of propagating and planting material is true to species and variety, pure in species and variety, intended for the production of propagating and planting material of the relevant category and appropriately marked, properly preserved, grown in the proper soil or growing substrate, and free from substances that reduce the quality of propagating and planting material of plant pests.

(2) The mother and father plant (hereinafter referred to as *the mother plant*) is a plant that is appropriately marked and designated in accordance with § 3 for the production of propagating material of the relevant category as follows:

- 1) super-elite mother plant is a plant intended for the production of super-elite propagating material;
- 2) a non-elite plant is a plant intended for the production of elite reproductive material;
- 3) a certified mother plant is a plant intended for the production of certified propagating material.

(3) For the purposes of this regulation, a plant pest that reduces the quality of propagating and planting material is a species of plant, animal or pathogen that damages plants or plant products, which is listed in Annexes I–III of the European Commission's Implementing Directive (EU) No. 2014/98.

(4) The mother plant of the category to be certified and the propagating and planting material produced from it must be free from plant pests that reduce the quality of the propagating and planting material listed in Annexes I and II of the European Commission's Implementing Directive (EU) No. 2014/98 for the relevant plant family or plant species.

(5) The elite and certified mother plant and the elite and certified propagating material must be free from quality-reducing plant pests specified in Annexes I and II of the European Commission's implementing directive 2014/98/EU for the relevant plant family or plant species.

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

(6) The presence of plant pests that reduce the quality of propagating and planting material is determined by visual inspection.

(7) The mother plant and the propagating material produced from it are grown in soil or growth substrate that is free from the plant pests listed in Annex III of the European Commission's Implementing Directive (EU) No. 2014/98 for the relevant plant family or plant species, which are hosts for viruses that damage the plant family or plant species in question.

(8) A rootstock without a variety must correspond to the description of the plant species of the rootstock, be grown in the proper soil or growth substrate, and be properly stored. The rootstock must be free from quality-reducing plant pests listed in Annexes I and II of the European Commission's Implementing Directive (EU) No. 2014/98 for the relevant plant family or plant species.

(9) Mother plants and propagation material can be preserved by freezing to an extremely low temperature in such a way that the viability of the plant is preserved (hereinafter *cryopreservation*).

(10) Cryopreserved mother plants and propagating material do not need to be assessed for the presence of quality-reducing pests listed in Annexes I and II to Commission Implementing Directive (EU) No 2014/98 for the relevant plant family or plant species.

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(10 ) In the case of mother plants and propagating material produced in the area specified in subsection 11 (1) of the Plant Protection Act, the presence of quality-reducing pests listed in Annexes I and II to Commission Implementing Directive 2014/98/EU for the relevant plant family or plant species need not be assessed.

[ RT I, 24.05.2023, 1 - entry into force 30.06.2023]

(11) The produced propagating and planting material is stored separately by category in such a way that mixing of propagating and planting material of different categories is excluded.

#### § 5. Superelite mother plant production requirements

(1) The super-elite mother plant used for the production of super-elite propagation material can be produced by vegetative propagation or micro-propagation.

(2) A super-basic mother plant may be used for the production of super-basic reproductive material after the Agricultural and Food Board has recognised the mother plant as a super-basic mother plant.

[ RT I, 04.11.2020, 1 - entry into force 01.01.2021]

(3) In order to certify a mother plant as a super-basic mother plant, the supplier shall submit an application for certification as a super-basic mother plant to the Agricultural and Food Board.

[ RT I, 04.11.2020, 1 - entry into force 01.01.2021]

(4) The requested super-elite mother plant is a mother plant for which the supplier has submitted an application for recognition as a super-elite mother plant to the Agriculture and Food Board.

[ RT I, 04.11.2020, 1 - enters into force. 01.01.2021]

(5) The Board of Agriculture and Food checks the conformity of the requested super-elite mother plant with the requirements of varietal authenticity during recognition as a super-elite mother plant. For this purpose, the compliance of the varietal characteristics of the said mother plant with the varietal description is checked.

[ RT I, 04.11.2020, 1 - enters into force. 01.01.2021]

(6) The variety of the requested super-elite mother plant corresponds to the variety description, if the characteristics of the variety correspond to:

- 1) the characteristics given in the variety description of the variety entered in the variety register;
- 2) to the characteristics given in the description of the variety submitted with the application for registration of the variety;
- 3) to the characteristics given in the application for the protection of the variety or in the variety description submitted with the application for the protection of the variety, or
- 4) to the characteristics given in the variety description of a variety registered as a known variety.

(7) The variety of the requested super-elite mother plant is deemed to correspond to the characteristics given in the variety description if, in the cases specified in points 2 and 3 of paragraph 6, the report of the variety registration tests is available to the Agriculture and Food Board and as a result of the evaluation of the report, the Agriculture and Food Board finds that the variety is distinguishable, uniform and permanent and corresponds to the characteristics given in the variety description.

[ RT I, 04.11.2020, 1 - enters into force. 01.01.2021]

(8) The requested super-elite mother plant must be free of plant pests listed in Annexes I–III of the European Commission's Implementing Directive (EU) No. 2014/98 for the relevant family or plant species.

(9) The Agriculture and Food Board visually checks the presence of plant pests referred to in paragraph 8 and, in accordance with Annex IV of the European Commission's Implementing Directive (EU) No. 2014/98, takes samples, if necessary, which are analyzed in the laboratory designated by the Agriculture and Food Board using an internationally recognized analysis method.

[ RT I, 04.11.2020, 1 - enters into force. 01.01.2021]

(10) If the requested super-elite mother plant is a seedling grown from the seed of a plant that is free from the characteristics caused by viruses, viroids and virus-like diseases listed in Annex II of the European Commission's Implementing Directive (EU) No. 2014/98, the Agriculture and Food Board will only visually check in the case of the relevant plant family or plant species, viruses transmitted by pollen and listed in Annex II of the European Commission's implementing directive (EU) No. 2014/98, the presence of viroids and virus-like diseases and takes samples for laboratory analysis to detect their presence.

[ RT I, 04.11.2020, 1 - enters into force. 01.01.2021]

(11) During the processing of the application, the requested super-elite mother plant must be kept in a building or facility protected from plant pests, preventing its contamination through air or other sources of pollution.

(12) The requested super-elite mother plant is kept separately from other plants and propagating or planting material until the results of the analysis of the sample taken to detect the presence of a plant pest that reduces the quality of the propagating or planting material listed in Annexes I–III of the European Commission Implementing Directive (EU) No. 2014/98 for the relevant plant family or plant species until it becomes clear and the suspicion of contamination ends.

(13) The Agricultural and Food Board shall determine the compliance of the applied-for super-basic mother plant with the requirements laid down in subsections 8 and 10–12 during an on-site inspection, taking into account the results of the analysis of a sample taken to identify the presence of a plant pest.

[ RT I, 04.11.2020, 1 - entry into force 01.01.2021]

(14) The Board of Agriculture and Food makes a decision to recognize a mother plant as a super-elite mother plant, if the requested super-elite mother plant meets the requirements of varietal purity, is free from plant pests referred to in subsections 8 and 10, and has been properly preserved.

[ RT I, 04.11.2020, 1 - enters into force. 01.01.2021]

## **§ 6. Requirements for the production of superelite reproductive material**

(1) Superelite propagation material can be produced from a superelite mother plant by means of vegetative propagation or micropropagation.

(2) Vegetative reproduction within the meaning of this section is the vegetative production of mother plants of the same category.

(3) The super-elite mother plant and the super-elite propagating material produced from it, which belongs to a variety whose registration application is still being processed, may only be used for the production of elite propagating material or certified propagating and planting material until a decision is made to register the variety.

(4) The supplier producing pre-basic propagating material shall visually inspect the pre-basic mother plant and the pre-basic propagating material produced from it during their cultivation for any signs of damage, discoloration, scarring or drying. If a plant with the abovementioned damage is found, that plant shall be eliminated from the qualified pre-basic plants and qualified pre-basic propagating material.

(5) The super-elite mother plant may be used for the production of super-elite propagating material only during such a period of time, which makes it possible to ensure the species and varietal authenticity and species and varietal purity of the propagating material produced. The duration of said time is calculated by the supplier engaged in the production of super-elite propagating material based on the persistence of the variety of the plant being grown or the conditions of the growing environment of the plants and any other factors affecting the persistence of the variety.

(6) Renewal of a super-elite mother plant within the meaning of this section means the replacement of the mother plant with a mother plant obtained from it by vegetative propagation.

(7) The super-elite mother plant may be renewed according to the protocol of the European and Mediterranean Plant Protection Organization (hereinafter *EPPO*) or another internationally recognized protocol.

(8) The compliance of the superelite mother plant and the superelite propagating material produced from it to the variety description is evaluated during the certification process after each mother plant has been renewed or vegetatively or micropropagation has been produced from it.

(9) The super-elite mother plant and the super-elite propagating material produced from it are stored in a building or facility protected from plant pests during the entire production process, preventing their contamination through air or other sources of pollution.

(10) The super-basic mother plant and the super-basic propagating material produced from it shall be propagated and grown separately from the soil in a soil-free or sterilised growing medium, appropriately labelled to ensure their traceability and stored in such a way that they can be identified throughout the production process.

(11) Superelite mother plant and superelite propagating material produced from it, which does not meet the variety description, and their non-varietal rootstock, which has not been preserved in accordance with the requirement for preserving the superelite mother plant and superelite propagating material produced from it, or that does not meet the superelite mother plant and from it the quality requirements established for the produced super-elite propagating material, or the soil or growing substrate used for its production does

not meet the requirements established for it, will be eliminated from proper super-elite mother plants and proper super-elite propagation material.

[ RT I, 20.06.2018, 3 - enters into force. 23.06.2018]

(12) In relation to the super-elite mother plant, the super-elite propagating material produced from it and their non-variety rootstock removed in accordance with paragraph 11, appropriate measures shall be taken, if possible, to ensure that the super-elite mother plant, the propagation material produced from it and their non-variety rootstock comply with the requirements established for them.

[ RT I, 20.06.2018, 3 - enters into force. 23.06.2018]

(13) A super-basic mother plant, super-basic propagating material produced from it and their non-varietal rootstocks which have been disposed of in accordance with subsection 11 and which cannot be brought into compliance with the requirements established for super-basic mother plants, super-basic propagating material and their non-varietal rootstocks by taking appropriate measures may be used as basic, certified or CAC material if they comply with the requirements established for the relevant categories in this Regulation.

[ RT I, 20.06.2018, 3 - entry into force 23.06.2018]

## **§ 7. Requirements for the production of basic reproductive material**

(1) A non-elite plant used for the production of elite reproductive material may be produced from a super-elite reproductive material or a non-elite plant by means of vegetative propagation or micropropagation.

(2) Vegetative reproduction within the meaning of this section is the vegetative production of mother plants of the same category.

(3) Renewal of an elite plant within the meaning of this section means the replacement of a mother plant with a mother plant obtained from it by vegetative propagation.

(4) A non-elite plant used for the production of elite reproductive material may be produced by the maximum total number of generations allowed for the relevant plant family or plant species specified in Annex V of the European Commission's Implementing Directive (EU) No. 2014/98.

(5) If a non-elite plant is produced from a non-elite plant during the generations referred to in subsection 4, each generation, except for the first, may be produced from any previous generation of a non-elite plant. Propagation material of different generations is kept separately by generation in such a way that intermixing of propagative material of different generations is excluded.

(6) The non-elite plant and the propagating material produced from it are stored in the open field separated from possible sources of contamination such as other plants, machines and grafting equipment, taking into account the plant species of the propagating material, the plant pests present in the relevant area and possible risks.

(7) A non-elite plant and the elite reproductive material produced from it, which does not meet the variety description, and their non-varietal rootstock, which has not been preserved in accordance with the requirements for the preservation of the elite plant and the elite reproductive material produced from it, or which does not meet the quality requirements established for the elite plant and the elite reproductive material produced from it, or which is used for the production of the soil or growing substrate does not meet the requirements established for it, the appropriate elite plants and the appropriate from the elite reproductive material.

[ RT I, 20.06.2018, 3 - enters into force. 23.06.2018]

(8) In relation to the non-elite plant, the elite propagating material produced from it and their non-varietal rootstock removed in accordance with paragraph 7, appropriate measures shall be taken, if possible, to ensure that the elite plant, the propagation material produced from it and their non-varietal rootstock meet the requirements established for them.

[ RT I, 20.06.2018, 3 - enters into force. 23.06.2018]

(9) The non-elite plant, the elite reproductive material produced from it and their non-varietal rootstock removed in accordance with paragraph 7, which cannot be brought into compliance with the requirements established for the elite plant, elite reproductive material and their non-varietal rootstock by taking appropriate measures, may be used as certified or CAC material if they meet the to the requirements established in the regulation for the relevant categories.

[ RT I, 20.06.2018, 3 - enters into force. 23.06.2018]

## **§ 8. Production of certified propagation and planting material**

(1) A certified mother plant used for the production of certified propagating and planting material may be produced from super-elite propagating material or elite propagating material.

(2) Certified mother plant, certified reproductive material produced from it, which does not meet the variety description, and their non-varietal rootstock, which has not been preserved in accordance with the requirements for the preservation of the certified mother plant and the certified reproductive material produced from it, or which does not meet the requirements established for the certified mother plant and the certified reproductive material produced from it quality requirements, or the soil or growing substrate used for its production does not meet the requirements established for it, properly certified mother plants and properly certified from among the reproduction material.

[ RT I, 20.06.2018, 3 - enters into force. 23.06.2018]

(3) In relation to the certified mother plant, the certified propagating material produced from it and their non-varietal rootstock removed in accordance with paragraph 2, appropriate measures are taken, if possible, to ensure that the certified mother plant, the propagation material produced from it and their non-varietal rootstock comply with the requirements established for them.

[ RT I, 20.06.2018, 3 - enters into force. 23.06.2018]

(4) The certified mother plant, the certified propagating material produced from it and their non-variety rootstock removed in accordance with paragraph 2, which cannot be brought into compliance with the requirements established for the certified mother plant, certified propagation material and their non-variety rootstock by taking appropriate measures, may be used as CAC material if they meet the relevant requirements for CAC material in this regulation.

[ RT I, 20.06.2018, 3 - enters into force. 23.06.2018]

## **§ 9. Soil sampling**

(1) The conformity of soil or growing medium to the requirements shall be determined on the basis of the results of the analysis of a sample taken from the soil or growing medium (hereinafter referred to as *soil sample* ).

(2) The Agriculture and Food Board takes a soil sample to check the suitability of the soil or growing substrate before starting the production of propagating and planting material of the category to be certified.

[ RT I, 04.11.2020, 1 - enters into force. 01.01.2021]

(3) It is not necessary to take a soil sample if the propagation and planting material of the plant family or plant species specified in Annex III of the European Commission's Implementing Directive (EU) No. 2014/98 is intended to be grown in the soil or growing medium, which has not been grown in the intended soil or growing medium for at least five years before , when the said propagating and planting material is intended to be grown, and if, taking into account the objective circumstances, there is no doubt that the soil in question contains the relevant plant pests.

(4) It is not necessary to take a soil sample from the soil or growth substrate used for the production of certified planting material.

#### **§ 10. Requirements for the production of CAC material**

(1) CAC material can be produced from a mother plant of CAC material that is true to variety, the variety of which is registered, under variety protection or with a variety description recognized as appropriate in another member state, and which is almost free from the relevant Annexes I and II of the European Commission Implementing Directive (EU) No. 2014/98 of plant pests that reduce the quality of propagating and planting material listed per plant family or plant species.

(2) The supplier may produce non-varietal rootstocks of CAC material that meet the description of this plant species and are almost free of plant pests that reduce the quality of propagation and planting material listed in Annexes I and II of the European Commission's Implementing Directive (EU) No. 2014/98 for the relevant plant family or plant species.

(3) A supplier engaged in the production of CAC material or its non-varietal rootstock shall visually inspect the CAC material and its non-varietal rootstock during cultivation to detect the presence of damage, discoloration, scar tissue or desiccation. If a plant with the aforementioned damage is discovered, that plant shall be removed from the eligible CAC material or its eligible rootstocks.

(4) If the produced CAC material or its unvaried rootstock does not meet the relevant requirements set out in subsections 1-3, the supplier shall remove such CAC material or its unvaried rootstock from among the proper CAC material or its unvaried proper rootstock or take appropriate measures to ensure Compliance of the CAC material or its unvaried rootstock with the requirements set forth in paragraphs 1–3.

(5) CAC material must be almost free of plant pests listed in Annexes I and II of the European Commission's Implementing Directive (EU) No. 2014/98 for the relevant plant family or plant species. Propagation and planting material of the CAC material category is almost free of plant pests if, based on a visual inspection by the supplier, plant pests are present to an extent that does not impair the quality of the propagation and planting material.

(6) The supplier makes visual observations of the CAC material or its unvaried rootstock, takes samples to detect the presence of plant pests that reduce the quality of the propagating and planting material listed in Annexes I and II of the European Commission's Implementing Directive (EU) No. 2014/98 for the relevant plant family or plant species European Commission's Implementing Directive (EU) No. 2014/98 in accordance with the requirements established in Annex IV.

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(6 ) In the case of CAC material produced in the area specified in § 11 subsection 1 of the Plant Protection Act, it is not necessary to assess the presence of quality-reducing plant pests specified in Annexes I and II of Commission Implementing Directive 2014/98/EU for the relevant plant family or plant species.

[ RT I, 24.05.2023, 1 - enters into force. 30.06.2023]

(7) Cryopreserved CAC material does not need to be evaluated for the presence of quality-reducing plant pests listed in Annexes I and II of the European Commission's Implementing Directive (EU) No. 2014/98 for the relevant plant family or plant species.

[ RT I, 20.06.2018, 3 - enters into force. 23.06.2018]

#### **§ 11. Production of propagation and planting material by micropropagation**

The relevant requirements established in Regulation No. 80 of the Minister of Agriculture of July 3, 2006 "Micropropagation and laboratory requirements" apply to the production of propagating material of fruit and berry crops by micropropagation.

#### **§ 12. Self-control system of the supplier of propagating and planting material**

[ RT I, 19.12.2018, 4 - entered into force. 01.01.2019]

(1) A supplier engaged in the production of propagating and planting material:

1) determines the critical points of production and the measures implemented in them, documents them and ensures the implementation of the measures (hereinafter *self-control system* );

2) makes visual observations on propagating and planting material to detect the presence of plant pests;

3) takes samples, if necessary, to detect the presence of a plant pest that reduces the quality of propagating and planting material according to the sampling method prescribed in the EPPO protocols for the relevant plant family or plant species;

4) ensures the distinguishableness of batches of propagating or planting material during production in such a way that it is possible to identify them.

(2) The supplier appoints the person responsible for the implementation and execution of the self-control system.

(3) The supplier prepares a self-inspection plan in order to fulfill the requirement set forth in paragraph 1, clause 1, in which it describes the critical points of production and the measures implemented in them due to the production method.

(4) 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 or propagating, planting, planting or replanting propagating material;

3) cultivation of propagating and planting material, taking into account the technology used;

- 4) harvesting of propagating and planting material;
  - 5) implementation of measures to detect the presence of a plant pest on the propagation and planting material upon visual inspection of the propagation and planting material;
  - 6) processing, packaging, storage and transportation of propagating and planting material.
- (5) The self-inspection plan must contain at least the following information:
- 1) name and contact information of the entrepreneur;
  - 2) the name and contact details of the person responsible for the implementation and execution of the self-checking system;
  - 3) the number of the register entry in the plant health register;
  - 4) data on reproduction material, including the time and origin of its bringing to the company;
  - 5) data on the produced propagating and planting material by plant families, plant species, varieties, categories and batches, including the number and location of plants produced as propagating or planting material with the accuracy of the plot of land or building or facility used for production;
  - 6) data on stored and marketed propagating and planting material by lot;
  - 7) data on observations made, including sampling and their results;
  - 8) a description of the measures and control measures implemented to prevent the introduction of a plant pest with propagating and planting material into the enterprise and to prevent its spread, and the results of their implementation;
  - 9) a description of the measures implemented to get rid of a plant pest that reduces the quality of propagating and planting material and the results of their implementation, or data on the destruction of plants damaged by dangerous plant pests and their quantity, and a description of the method of destruction.
- (6) The supplier shall keep the self-control plan and the data documented on the basis of it within the term specified in § 77 subsection 4 of the Plant Propagation and Variety Protection Act.
- (7) A supplier dealing solely with the marketing of propagating and planting material prepares a self-inspection plan, which describes the critical points specified in clause 4, clause 6, and which contains the data listed in clauses 1-3 and clauses 6 and 7 of clause 5.
- (8) In order to prevent the spread of a plant pest introduced with propagating and planting material provided in point 8 of paragraph 5, in the description of the measures and control measures implemented in the company, the detection of the presence of a quality-reducing plant pest listed in Annexes I and II of the European Commission's Implementing Directive (EU) No. 2014/98 for the relevant plant family or plant species is provided in case of immediate plant protection works or destruction of damaged plants.
- (9) The sample taken to detect the presence of a plant pest is analyzed in an accredited laboratory.

### **§ 13. Certification procedure**

- (1) The Board of Agriculture and Food certifies super-elite, elite and certified propagation and planting material of fruit and berry culture in accordance with internationally established requirements.  
[ RT I, 04.11.2020, 1 - enters into force. 01.01.2021 ]
- (2) In order to certify fruit and berry culture propagating and planting material, their lineage, species and varietal purity and purity, quality, and the presence of plant pests are assessed, and analysis is organized to determine plant pests and to determine whether the propagating and planting material meets the quality requirements.
- (3) The supplier submits an application for the certification of fruit and berry culture propagating and planting material to the Agriculture and Food Board by March 1. The following data and documents are attached to the application:  
[ RT I, 04.11.2020, 1 - entered into force. 01.01.2021 ]
- 1) for agricultural land entered in the register of agricultural subsidies and arable land, which the person has the right to use, the identification of the agricultural land and the number of the field, data on the area to the nearest 0.01 hectare and data on the plant family, plant species, variety and category of the produced propagating and planting material;
  - 2) for agricultural land not entered in the register of agricultural subsidies and agricultural land and other land that the person has the right to use, cadastral code in the land cadastre and field number, data on the area with an accuracy of 0.01 hectares and; data on the plant family, plant species, variety and category of the produced propagating and planting material;
  - 3) in case of use of the building or facility, its plan of use, data on the plant family, plant species, variety and category of the produced propagating and planting material;
  - 4) superelite, elite or certified mother plant label or its copy if they exist.
- (4) Superelite, elite and certified mother plants and propagating and planting material correspond to the variety description, if the characteristics of the variety correspond to:
- 1) the characteristics given in the variety description of the variety entered in the variety register;
  - 2) to the characteristics given in the variety description of a variety registered in another Member State;
  - 3) the characteristics given in the variety description of a variety under variety protection or the application for taking the variety under protection, or
  - 4) the characteristics given in the variety description of a variety registered as a known variety.
- (5) If the conformity of the superelite, elite and certified mother plant to the variety description can be determined only on the basis of the characteristics of the fruiting plant variety, then the characteristics of the variety are determined for the fruiting plant propagated from the superelite mother plant and kept separately from other superelite mother plants and other superelite propagating material based on the fruits during the fruiting period, taking into account the growth conditions specific to the plant species.
- (6) A fruit-bearing plant within the meaning of this regulation is a plant propagated from a mother plant, which is grown to produce fruit in order to determine the varietal authenticity of the mother plant.
- (7) The Agriculture and Food Board visually checks the presence of plant pests on site and, in accordance with Annex IV of the European Commission's Implementing Directive (EU) No. 2014/98, if necessary, takes samples which are analyzed in an accredited laboratory using internationally recognized analysis methods.  
[ RT I, 04.11.2020, 1 - enters into force. 01.01.2021 ]

(8) When taking a sample and analyzing it, climatic conditions, plant growth conditions and the biology of plant pests relevant to the plant are taken into account.

(9) The Board of Agriculture and Food makes a certification decision on a lot of propagating and planting material of fruit and berry culture that meets the certification requirements, taking into account the results of field recognition and the results of laboratory analysis of the sample taken to detect the presence of a plant pest, and issues labels based on a person's request or determines the number of labels allowed to be printed.

[ RT I, 04.11.2020, 1 - enters into force. 01.01.2021]

#### **§ 14. Validation of the varietal description of a well-known variety of fruit and berry culture**

[Repealed - RT I, 26.03.2019, 1 - from entry into force. 01.04.2019]

### **Chapter 4**

### **Labeling and marketing of propagating and planting material**

#### **§ 15. Requirements for labeling propagating and planting material**

(1) Propagation and planting material shall be marked with an appropriate label, which shall be affixed under the supervision of the Agriculture and Food Board to the plant, plant part, or the package, bundle or container or lot of propagating or planting material marketed as propagating or planting material.

[ RT I, 04.11.2020, 1 - enters into force. 01.01.2021]

(2) At least one-year-old planting material is marked per plant in open ground. When marking the planting material removed from the open ground, the plants of one lot are kept separated from the other lot until each plant is marked.

(3) In addition to the label specified in paragraph 1, the supplier may prepare an accompanying document for a batch consisting of propagating or planting material of different varieties or types of super-elite, elite or certified category, but which are marketed together.

(4) The shipping document specified in paragraph 3 must:

- 1) contain information to be marked on the label;
- 2) be presented in at least two copies, one of which remains with the supplier and the other with the recipient;
- 3) be accompanied by propagation or planting material from the location of the supplier to the location of the recipient;
- 4) contain the name and address of the recipient;
- 5) contain the date of issue;
- 6) be prepared in at least one official language of the European Union;
- 7) contain additional information about the lot if necessary.

(5) If the data specified on the delivery document differ from the data specified on the label, then the data specified on the label is considered correct.

(6) The supplier's document is attached to the batch of propagating and planting material of the CAC material category marketed for further cultivation, propagation or establishment of a production plantation.

(7) The supplier provides the end user with a product description of the batch of CAC material or planting material that is marketed as retail, which includes the name of the plant species of the planting material in Estonian and Latin, the name of the variety, the country of origin and the name of the supplier.

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

(8) The batch or sales package of the propagating and planting material of fruit and berry cultures specified in Part J 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. 07/06/2020]

(9) The batch or sales package of the fruit culture seed specified in point 11 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. 07/06/2020]

(10) Paragraphs 8 and 9 do not apply to Regulation (EU) 2016/2031 of the European Parliament and of the Council concerning protective measures against plant pests, amending Regulations (EU) No. 228/2013, (EU) No. 652/2014 and (EU) of the European Parliament and of the Council EU) No. 1143/2014 and which repeals 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, pp. 4–104), in the case provided for in Article 81.

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

#### **§ 16. Label and supplier document form requirements**

(1) The label of the super-elite category of propagating and planting material is white with a violet diagonal stripe, the label of the elite category is white, and the label of the certified category is blue.

(2) The label material used must be untearable and the entries printed on the label must be indelible.

(3) The supplier's document must be in one of the official languages of the European Union, easily visible and readable, and the entries printed on it must be indelible.

(4) The supplier's document must be yellow in color if it is attached to a plant or plant part marketed as propagation or planting material of CAC material.

[ RT I, 19.03.2020, 7 - enters into force. 04/01/2020]

#### **§ 17. Data to be marked on the label and supplier's document**

(1) The following information shall be indicated on the label of propagating or planting material of the super-elite, elite or certified category:



- 1) the words "EU requirements and standards";
- 2) the name of the member state that issued the label or its abbreviation;
- 3) the name of the competent authority or its abbreviation;
- 4) the supplier's plant health register entry number and supplier's name;
- 5) lot number or other identifier identifying the lot;
- 6) the name of the type of propagating or planting material in Estonian and Latin;
- 7) category of propagating and planting material, generation number in the case of elite category material;
- 8) fruit and berry culture variety name or clone name;
- 9) in the case of a rootstock, the variety name of the rootstock or the name of the plant species of the rootstock in Estonian, or the name of an interspecies hybrid;
- 10) in the case of grafted planting material, the variety name of both the rootstock and the scion, the name of the plant species or the name of the interspecies hybrid in Estonian;
- 11) where necessary, the words "known variety";
- 12) the number of plants forming the batch;
- 13) the name of the producing country or its abbreviation, if it is propagation and planting material labeled in another member state;
- 14) year of issuing the label;
- 15) year of issue of the original label, if the original label has been replaced by another label.

(2) The following information shall be noted on the document of the supplier of propagation and planting material of the CAC material category:

- 1) the words "EU requirements and standards";
- 2) the name of the Member State or its abbreviation;
- 3) the name of the competent authority or its abbreviation;
- 4) the supplier's plant health register entry number and supplier's name;
- 5) lot number or other identifier identifying the lot;
- 6) date of issuance of the supplier's document;
- 7) the name of the type of propagating or planting material in Estonian and Latin;
- 8) fruit and berry culture variety name or clone name;

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8 ) in the case of a fruit and berry crop, for which the application for registration of a variety, obtaining a variety sheet or taking under protection is being processed, the words "proposal of variety name" and "application under processing";

[ RT I, 19.03.2020, 7 - enters into force. 01.04.2020]

9) in the case of rootstock, the variety name of the rootstock or the name of the plant species of the rootstock in Estonian, or the name of an interspecies hybrid;

10) in the case of grafted planting material, the variety name of both the rootstock and the scion, the name of the plant species or the name of the interspecies hybrid shall be provided in Estonian;

11) the number of plants forming the batch;

12) the words "CAC material";

13) in the case of imported propagating and planting material, the name of the country of manufacture.

(3) In the case of micropropagated propagation and planting material, the word "micropropagation" is indicated on the supplier's document or product description.

(4) The labeling or document of the genetically modified propagating or planting material to be marketed must contain an indication that the variety is genetically modified and information about the genetically modified organisms contained therein.

## **§ 18. Requirements for marketing propagating and planting material**

(1) Propagation and planting material belonging to the category of propagating and planting material provided in § 3, which is clearly marked, may be marketed. In the case of distribution of propagating and planting material, the required documents state the variety name of the propagating and planting material being marketed. In the case of non-varietal rootstock, the name of the species or interspecies hybrid concerned is indicated on the documents.

(2) The variety of propagating and planting material to be marketed is:

- 1) under variety protection;
- 2) registered or

1

3) known within the meaning of § 11 subsection 2<sup>1</sup> of the Plant Propagation and Variety Protection Act .

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

(3) Propagation and planting material belonging to the lot to be marketed is true to species and variety, meets the requirements for the presence of quality-reducing plant pests set forth in § 4 subsection 4 and § 10 subsection 1, has developed normally, is free of frost, drought, mechanical and other damage and with no signs of wilting, well-rooted and with a healthy root system, dormant when marketed as bare roots and provided with a proper document.

(4) If the batch of super-elite, elite or certified propagation and planting material to be marketed consists of plants or plant parts belonging to a different variety or different species, for example in a sealed package or a sealed container or a sealed bundle, then the plants of one variety must belong to one species and one category, or plant parts must be in a sealed package or in a sealed container or in a sealed bundle by variety, species or category.

(5) Sealed closure within the meaning of this regulation is a method, as a result of which it is not possible to open the package or container without damaging the sealing means and, in the case of a bundle, the binding means.

(6) A genetically modified fruit and berry culture may be marketed if its variety is registered and if a marketing permit or marketing permit has been issued for the genetically modified organism contained in it.

(7) To the species *Citrus* L., *Fortunella* Swingle and *Poncirus* Raf. marketed propagating and planting material belonging to the CAC material category:

- 1) originates from identified propagating material that does not have signs of the presence of quality-reducing plant pests listed in Annexes I and II of European Commission Implementing Directive (EU) No. 2014/98 as a result of visual inspection, and which is identified by an appropriate method using laboratory analyzed and recognized as almost free from the above-mentioned plant pests;
- 2) as a result of the evaluation carried out during the last growing season, it has been recognized as almost free of the plant pests listed in Annex II of the European Commission's Implementing Directive (EU) No. 2014/98;
- 3) in the case of grafting, it is grafted onto a rootstock that is not susceptible to viroids.

(8) The supplier is responsible for the species and varietal authenticity and species and varietal purity of the propagating and planting material of the category of CAC material being marketed.

(9) Elite or certified propagation and planting material of the relevant variety produced during the processing of the application submitted for registration of the variety is not allowed to be marketed during the processing of the application.

(10) If propagating and planting material of different origins are assembled or mixed during packaging, storage, transport or other operations, the supplier shall keep data on the composition of the batch and the origin of its parts.

## 1

### 4 . chapter

## PRODUCTION AND MARKETING OF ORGANIC HETEROGENEOUS PROPAGATION AND PLANTING MATERIAL

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

## 1

### § 18 . Requirements for the production and marketing of organic heterogeneous propagating and planting 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]

## Chapter 5

### Final provisions

### § 19. Implementation provision

## 1

(1) The provisions of Section 14 apply in accordance with § 136 subsection 1 of the Plant Propagation and Variety Protection Act until December 31, 2018.

(2) The Annex to the Regulation applies until December 31, 2018.

(3) Propagation and planting material for fruit and berry culture produced in accordance with the requirements in force before January 1, 2017, which is certified or meets the requirements established for CAC material, may be marketed until December 31, 2029. In case of marketing of such propagating and planting material, Article 32 of the European Commission's Implementing Directive (EU) No. 2014/98 shall be referred to on the label and the document referred to in paragraphs 1 and 2 of § 17.

[ RT I, 24.05.2023, 1 - entry into force. 30.06.2023]

(4) A fruit and berry crop variety registered in the variety register published on the website of the Agriculture and Food Board until December 31, 2016 shall be considered a variety listed in the fruit and berry variety list for the following 30 years from January 1, 2017.

[ RT I, 24.05.2023, 1 - enters into force. 30.06.2023]

(5) A plant or part of a plant marketed as propagating or planting material of CAC material supplied with a compliant supplier document valid before April 1, 2020 may be marketed until June 30, 2021. In this case, the said supplier's document refers to Article 3 of the European Commission's Implementing Directive (EU) No. 2019/1813.

[ RT I, 19.03.2020, 7 - entry into force. 04/01/2020]

### § 20. Revocation of the regulation

[Omitted from this text.]

### § 21. Entry into force of the regulation

The regulation enters into force on January 1, 2017.

## 1

Council Directive 2008/90/EC on propagating material and marketing of fruit trees intended for fruit production (OJ L 267, 08.10.2008, pp. 8–22);

European Commission Implementing Directive 2014/96/EU on labeling, sealing and packaging requirements for propagating material and fruit trees intended for fruit production within the scope of Directive 2008/90/EC (OJ L 298, 16.10.2014, pp. 12–15), amended by Directive 2019/ 1813/EU (OJ L 278, 30.10.2019, pages 7–9);

Implementing Directive 2014/97/EU of the European Commission implementing Council Directive 2008/90/EC regarding the registration of suppliers and varieties and the common list of varieties (OJ L 298, 16.10.2014, pp. 16–21);

European Commission Implementing Directive 2014/98/EU, which implements Council Directive 2008/90/EC with regard to the special requirements applicable to the families and species of fruit trees referred to in Annex I, the special requirements applicable to suppliers

and the detailed rules regarding official inspection (OJ L 298, 16.10.2014, pp. 22–61), amended by Directive 2020/177/EU (OJ L 41, 13.02.2020, pp. 1–77), (EU) 2022/2438 (OJ L 319, 13.12.2022, pp. 54–65).  
[ RT I, 24.05.2023, 1 - enters into force. 30.06.2023]

Appendix Characteristics of well-known varieties of fruit and berry crops

[ RT I, 20.06.2018, 3 - entered into force. 23.06.2018, applies until 31 December 2018]