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Requirements for the production and marketing of propagating material of vegetable crops¹

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Amended by the following acts

Reception	Disclosure	Enforcement
21.02.2014	RT I, 28.02.2014, 4	31.03.2014
12.06.2014	RT I, 18.06.2014, 2	01.07.2014
13/05/2020	RT I, 20.05.2020, 3	01.06.2020
03.06.2020	RT I, 05.06.2020, 1	01.07.2020
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

The regulation is established on the basis of § 4 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 .
[RT I, 20.05.2020, 3 - enters into force. 01.06.2020]

§ 1. Scope of regulation

(1) The regulation establishes the requirements for the production of propagating and planting material for vegetable crops, including the supplier's self-control system and the list of plant pests that reduce the quality of propagating and planting material, the quality and marketing requirements for propagating and planting material for vegetable crops, and the requirements for the production and marketing of organic heterogeneous propagating and planting material for vegetable 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 propagation and planting material of vegetable crops used in experiments, research, variety breeding or for the preservation of genetic resources.

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

(4) The requirements of the regulation apply to the supplier registered in the plant health register dealing with propagating and planting material specified in § 31 (1) point 2 and subsection 2 of the Plant Protection Act.

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

§ 2. List of types of vegetable crops

(1) The requirements of the regulation apply to the following types of vegetable crops:

1) *Allium cepa* L. – common onion and spring onion (*Cepa* group) and shallot (*Aggregatum* group); 2) *Allium fistulosum* L. – spring onion; 3) *Allium porrum* L. – leek; 4) *Allium sativum* L. – garlic; 5) *Allium schoenoprasum* L. – chive; 6) *Anthriscus cerefolium* (L.) Hoffm. – garden magpie booth; 7) *Apium graveolens* L. – celery and celeriac; 8) *Asparagus officinalis* L. – asparagus; 9) *Beta vulgaris* L. – beetroot, including beetroot Cheltenham, beetroot or Swiss chard; [RT I, 05.06.2020, 1 - enters into force. 01.07.2020] 10) *Brassica oleracea* L. - broccoli, including broccoli and asparagus, cauliflower, kale, Brussels sprouts, curly cabbage, white cabbage, red cabbage, palm cabbage, tufted cabbage, kohlrabi; [RT I, 05.06.2020, 1 - enters into force. 01.07.2020] 11) *Brassica rapa* L. – Beijing turnip and turnip; 12) *Capsicum annuum* L. – common paprika or red pepper; [RT I, 05.06.2020, 1 - enters into force. 01.07.2020] 13) *Cichorium endivia* L. – curly endive chicory and smooth endive chicory or escarole; 14) *Cichorium intybus* L. – salad chicory, red chicory or Italian chicory, industrial chicory or root chicory; [RT I, 05.06.2020, 1 - enters into force. 01.07.2020] 15) *Citrullus lanatus* (Thunb.) Matsum. en Nakai - ordinary watermelon; 16) *Cucumis melo* L. – melon; 17) *Cucumis sativus* L. – common cucumber and gherkin; 18) *Cucurbita maxima* Duchesne – large-fruited pumpkin; 19) *Cucurbita pepo* L. - common pumpkin, including plate pumpkin and roller pumpkin; [RT I, 05.06.2020, 1 - enters into force. 01.07.2020] 20) *Cynara cardunculus* L. – common artichoke and Spanish artichoke or card; 21) *Daucus carota* L. – garden carrot for food or fodder; [RT I, 05.06.2020, 1 - enters into force. 01.07.2020] 22) *Foeniculum vulgare* Mill. – fennel Azoricum group; [RT I, 05.06.2020, 1 - enters into force. 01.07.2020]

23) *Lactuca sativa* L. – garden lettuce; 24) *Solanum lycopersicum* L. – common tomato; [RT I, 28.02.2014, 4 - enters into force. 31.03.2014] 25) *Petroselinum crispum* (Mill.) Nyman ex AW Hill – leaf parsley, root parsley; [RT I, 05.06.2020, 1 - enters into force. 01.07.2020] 26) *Phaseolus coccineus* L. – flowering plant; 27) *Phaseolus vulgaris* L. – bush and lattuba; 28) *Pisum sativum* L. (partim) – pea, smooth pea and sugar pea; 29) *Raphanus sativus* L. – radish and black radish; 30) *Rheum rhabarbarum* L. - Curly-leaved rhubarb, including common rhubarb; [RT I, 05.06.2020, 1 - enters into force. 01.07.2020] 31) *Scorzonera hispanica* L. – garden black root; 32) *Solanum melongena* L. – eggplant; 33) *Spinacia oleracea* L. – garden spinach; 34) *Valerianella locusta* (L.) Laterr. – field fungus; 35) *Vicia faba* L. (partim) – field bean; 36) *Zea mays* L. (partim) – sweet corn and cracking corn.

(2) For the purpose of the regulation, the propagating material of vegetable culture is the part of the plant and the entire plant material, including the rootstock intended for the propagation and production of vegetables.

(3) In the sense of the Regulation, planting material for vegetable culture is a plant or part of a plant intended for planting for the purpose of vegetable production, including parts grafted onto plants.

(4) For the purposes of the Regulation, a batch of propagating and planting material is a quantity of propagating and planting material of the same species and variety with the same origin and composition.

§ 3. Requirements for production of propagating and planting material

(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 to identify the presence of quality-reducing plant pests and dangerous plant pests (hereinafter together with *plant pests*). In the case of a plant species propagated by bulbs, tubers and rhizomes, a visual observation is made of the propagating and planting material while the seedling is growing;

3) if necessary, take samples to detect the presence of a plant pest in accordance with the procedure prescribed by the Agriculture and Food Board;

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

4) ensures the distinguishable nature of the batches during production in such a way that it is possible to identify the purpose of the batch of propagating or planting material.

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

(3) In the case of detection of the presence of a plant pest that reduces the quality of the propagating material of vegetable crops specified in the Annex of the European Commission Directive 93/61/EEC, plant protection work is carried out immediately or the damaged plants are destroyed.

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

(4) The supplier immediately informs the Agriculture and Food Board of the presence of a plant pest exceeding the permitted limit and takes the measures required by the Agriculture and Food Board.

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

(5) The sample taken to detect the presence of a plant pest is analyzed in the laboratory prescribed by the Agriculture and Food Board.

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

§ 4. Propagation and planting material supplier self-control system

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

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

1) bringing the starting material for propagation to the company and assessing its quality, including plant health status;

2) sowing, propagation, planting, planting and transplanting of propagating and planting material;

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

4) harvesting of propagating and planting material;

5) application of measures to identify the presence of a plant pest in the evaluation of propagating and planting material;

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

6) processing, packaging, storage and transportation of propagating and planting material.

(3) The self-control plan contains at least the following information:

1) name and contact details 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 cultivated propagating and planting material by species, variety and lot, 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 propagating and planting 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 propagating and planting material in paper form or electronically for at least three years.

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

§ 5. Quality requirements for propagation and planting material

Propagation and planting material is appropriate:

1) which is of uniform quality within one batch, true to species and pure, and true to variety and pure;

2) the visual assessment of which does not contain more than the limit of presence of plant pests specified in the Annex to the European Commission Directive 93/61/EEC or the Implementing Regulation (EU) 2019/2072 of the European Parliament and the Council, which establishes uniform conditions for the implementation of the Regulation (EU) 2016/2031 of the European Parliament and the Council in relation to protection measures against plant pests and repealing Commission Regulation (EC) No 690/2008 and amending of the Commission's Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, pp. 1–279), dangerous plant pests mentioned in Annex II;

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

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2) in the production of which the measures to prevent the occurrence of the quality-reducing plant pest specified in Part H of Annex V of the Implementing Regulation (EU) 2019/2072 of the European Parliament and of the Council have been implemented;

[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 has a healthy root system.

§ 6. Distribution of propagating and planting material

(1) Propagation and planting material to be marketed meets the quality requirements set forth in § 5.

(2) Propagation and planting material to be marketed must belong to a variety that is included in the European Union's uniform vegetable crop variety sheet.

(3) Propagation and planting material to be marketed is kept as a batch. Different batches must be able to be distinguished and identified. In case of combining batches of propagating and planting material of different origin, the supplier shall keep data on the composition of the batch and the origin of the different parts of the batch.

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(3) A batch or sales package of vegetable propagating and planting material referred to in Part I of Annex IV to Implementing Regulation (EU) 2019/2072 of the European Parliament and of the Council shall be provided with a plant passport upon marketing.

[RT I, 03.07.2020, 7 - entry into force 06.07.2020]

(4) Subsection 3 does not apply to propagating and planting 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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(4) Paragraph 3 shall not apply in the case provided for in Article 81 of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council 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, pp. 4–104).

[RT I, 03.07.2020, 7 - entry into force 1. 06.07.2020]

(5) The supplier shall issue a supplier's document for a batch of propagating and planting material that is marketed to a person engaged in the production of propagating and planting material and to a supplier engaged in the marketing of propagating and planting material.

(6) The supplier's document is completed in Estonian and, if necessary, in another official language of the European Union. The following information 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) manufacturer's identification number (in the case of the Estonian supplier, the registration number in the plant health register);

5) name of the supplier;

6) lot number or other identifier identifying the lot, in the case of planting material, also the number of the seed lot from which the planting material was produced;

7) date of issuance of the supplier's document;

8) the name of the plant species of the propagating and planting material and, in the case of the species provided with a plant passport, the botanical name of the plant species in Latin;

9) in the case of using the cultivar name and rootstock, the rootstock variety name, labeling or the name of the plant species of the rootstock, if the rootstock is from another plant species;

10) the number of plants forming the batch;

11) in the case of propagating and planting material delivered to Estonia from a non-Community country, the name of the producing country.

(7) The supplier supplies the end user with a product description of the batch or individual plant of the propagating and planting material marketed as retail, on which the name of the plant species of the propagating and planting 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]

(8) In the case of micropropagated propagating and planting material, the word "Micropropagated" shall be indicated on the supplier's document or product description.

(9) 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.

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

(11) The supplier is responsible for the species and variety purity and species and variety purity of the propagating and planting material being marketed.

1 § 6 . 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 - changed section number 6.1 to number 6.2]

2 § 6 . Implementation of the regulation

[RT I, 28.02.2014, 4 - entered into force. 31.03.2014 - changed section number 6.1 to number 6.2]

*Common tomato propagating and planting material, the Latin plant species name *Lycopersicon esculentum* Mill is indicated on the supplier's document or product description . or *Lycopersicon esculentum* (Mill.) Karsten ex Farw., may be marketed until the supplier's documents or product descriptions are exhausted.*

[RT I, 28.02.2014, 4 - enters into force. 31.03.2014]

§ 7. Revocation of the regulation

[Omitted from this text.]

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Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, excluding seed (OJ L 205, 01.08.2008, pp. 28–39), amended by Directives 2013/45/EU (OJ L 213, 08.08.2013, pp. 20–21), 2019/990/EU (OJ L 160, 18.06.2019, pp. 14–22);
Commission Directive 93/61/EEC establishing a list of conditions to be met by vegetable propagating and planting material, other than

seeds, pursuant to Council Directive 92/33/EEC (OJ L 250, 07.10.1993, pp. 101–110), amended by the Directive 2020/177/EU (OJ L 41, 13.02.2020, p. 1–77).

[RT I, 05.06.2020, 1 - enters into force. 01.07.2020]

Appendix The list of plant pests that reduce the quality of propagating material of vegetable crops and the permissible limit of their presence

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