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The procedure for taking the variety sheet of the variety and the list of plant species to be taken on the variety sheet, the characteristics to be covered as a minimum when checking the type of field and vegetable crops, and the requirements for checking the preservation of the variety during supervision¹
[RTL 2009, 92, 1335 - entered into force. 01.01.2010]

Adopted on 24.03.2006 No. 38
RTL 2006, 30, 529
entry into force 10.04.2006

Amended by the following acts

Reception	Disclosure	Enforcement
20.06.2007	RTL 2007, 52, 951	01.07.2007
01.11.2007	RTL 2007, 85, 1431	17.11.2007
07.10.2008	RTL 2008, 84, 1167	19.10.2008
07.12.2009	RTL 2009, 92, 1335	01.01.2010
06.05.2010	RTL 2010, 25, 439	22.05.2010
28.12.2010	RT I, 05.01.2011, 2	08.01.2011
19.12.2011	RT I, 27.12.2011, 1	01.01.2012
21.09.2012	RT I, 26.09.2012, 2	30.09.2012
13.08.2013	RT I, 16.08.2013, 3	01.01.2014
21.02.2014	RT I, 28.02.2014, 4	31.03.2014
29.06.2015	RT I, 03.07.2015, 20	01.01.2016
12.04.2016	RT I, 15.04.2016, 2	01.07.2016
15.03.2017	RT I, 21.03.2017, 4	01.07.2017
29.06.2017	RT I, 11.07.2017, 1	01.01.2018
25.01.2018	RT I, 27.01.2018, 1	01.02.2018
18.05.2018	RT I, 23.05.2018, 1	01.09.2018
20.03.2019	RT I, 26.03.2019, 1	01.04.2019
07/05/2019	RT I, 09.07.2019, 8	01.09.2019
10.02.2020	RT I, 13.02.2020, 7	01.06.2020
03.06.2020	RT I, 05.06.2020, 1	01.07.2020
25.10.2021	RT I, 29.10.2021, 1	01.02.2022
06.12.2021	RT I, 16.12.2021, 1	01.01.2022
17.12.2021	RT I, 23.12.2021, 12	01.01.2022
23.11.2022	RT I, 29.11.2022, 3	31.12.2022
18.05.2023	RT I, 24.05.2023, 1	01.07.2023, partially 30.06.2023
27.11.2023	RT I, 29.11.2023, 4	31.12.2023

The Regulation is established on the basis of § 17 subsection 9, § 27 subsection 7, § 28 subsections 6 and 7 and § 29 subsection 4 of the Plant Propagation and Variety Protection Act .
[RTL 2009, 92, 1335 - entry into force. 01.01.2010]

§ 1. Scope of regulation

The regulation establishes the procedure for obtaining a variety list, registration tests and national economic tests (hereinafter referred to as *economic tests*), a list of plant species included in the variety list, the characteristics to be minimally covered when checking the type of crop and vegetable crop, and the requirements for checking the preservation of the variety during supervision.
[RTL 2009, 92, 1335 - entry into force. 01.01.2010]

§ 2. List of plant species to be taken in the variety sheet

(1) The variety sheet shall be taken of the grain, fodder, oil, fiber, vegetable, fruit and berry crop, as well as beetroot and potato variety belonging to the plant species mentioned in the appendix, which according to § 26 of the "Plant Propagation and Variety Protection Act" meets the requirements of distinctiveness, uniformity and to the requirements of stability, which has a proper variety name, sufficient economic cultivation value and which is safe for human, animal and plant health and the surrounding environment.
[RT I, 26.03.2019, 1 - enters into force. 01.04.2019]

(2) The variety prescribed for the conservation of the genetic resources of the plant species specified in Appendix 1 is taken from the variety sheet.

[RTL 2009, 92, 1335 - entry into force. 01.01.2010]

(3) The variety sheet is entered in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council, which deals with organic production and labeling of organic agricultural products and which repeals Council Regulation (EC) No. 834/2007 (OJ L 150, 14.06.2018, p. 1- 92), a plant species regulated in the legislation of the European Union specified in paragraph 1 of Article 13 organic heterogeneous propagating material and seed.

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

§ 3. The procedure for taking the variety sheet of the variety

(1) The variety is taken from the variety sheet based on the request of the owner of the variety or the keeper of the variety.

(2) Compliance of the variety with the requirements set forth in subsection 1 of § 2 is determined when taking the variety sheet of the variety in accordance with the procedure provided for in the "Plant Propagation and Variety Protection Act" by means of registration tests and economic tests and by checking the correctness of the variety name.

(3) Compliance of the variety with the requirements of distinctiveness, uniformity and stability is determined through registration tests. A description of the variety is drawn up for the variety that, based on the results of the registration tests, meets the requirements of distinctiveness, uniformity and stability.

(4) The economic cultivation value of the variety is determined by means of economic experiments during at least two experimental years. In economic tests, the variety is determined:

- 1) yield;
- 2) winter resistance in the case of winter crops;
- 3) resistance to plant pests;
- 4) reaction to the growing environment, including the length of the growing season and resistance to subsidence;
- 5) characteristics of the crop.

(5) A variety has sufficient economic value for cultivation, if the cultivation characteristics of the variety or the utilization characteristics of the obtained crop are better compared to the varieties of the same plant species previously included in the variety list, or if the variety has some particularly valuable characteristic. If the variety has a particularly valuable feature, this feature is considered sufficient for the variety to be included in the variety list, if the remaining indicators characterizing the variety are not significantly worse compared to the varieties of the same plant species previously included in the variety list.

1

(5) A variety intended for the conservation of genetic resources is uniform if uniformity is assessed on the basis of non-varietal plants, applying a population standard of 10% at a 90% confidence level.

[RTL 2009, 92, 1335 - entry into force. 01.01.2010]

1

§ 3 . The procedure for applying organic heterogeneous propagating material and seed to the variety sheet

In order to include organic agricultural heterogeneous propagating material and seed in the variety sheet, a person submits a file in accordance with Article 13(2) of Regulation (EU) 2018/848 of the European Parliament and of the Council.

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

2

§ 3 . Notification of applications for registration of organic agricultural varieties

The Agriculture and Food Board submits the following report to the European Commission and the member states by December 31 of each year:

1) Commission Directive 2003/90/EC, which establishes implementing measures for the application of Article 7 of Council Directive 2002/53/EC in the inspection of certain agricultural plant varieties with regard to the characteristics to be covered as a minimum and the minimum inspection conditions (OJ L 245, 8.10.2003, pp. 7–10), Annex IV on the number of applications for organic agricultural variety registration of the mentioned plant species and the results of the assessment of the adequacy of distinctiveness, uniformity and persistence;

2) on the number of applications for organic agricultural variety registration of the plant species specified in Annex V of Commission Directive 2003/90/EC and the test results of the economic cultivation value;

3) Commission Directive 2003/91/EC establishing implementing measures for the application of Article 7 of Directive 2002/55/EC of the Council of the European Community in terms of the characteristics to be covered as a minimum in the control of certain vegetable varieties and the minimum conditions for control (OJ L 254, 8.10.2003, pp. 11–13), III the number of applications for the registration of the organic agricultural variety of the plant species mentioned in the appendix and the distinctiveness, uniformity and on the results of the stability adequacy assessment.

[RT I, 24.05.2023, 1 - enters into force. 01.07.2023; § 3² applies from 01.07.2023 to 31.12.2030]

§ 4. Information entered in the variety sheet

(1) If the variety complies with the requirements set forth in § 2 subsection 1, a decision is made on the basis of § 28 subsection 2 of the "Plant Propagation and Variety Protection Act" and by the same deadline, a decision is made to take the variety into the variety sheet, and the variety is taken into the variety sheet.

(2) The following information about the variety is entered in the variety sheet:

- 1) the name of the plant species in Latin and Estonian;
- 2) variety name;
- 3) time of taking the variety sheet;
- 4) time of exclusion from the variety list;

5) name and contact details of the applicant, representative and custodian if necessary;
6) data on whether the variety is an organic variety suitable for organic production as defined in point 19 of Article 3 of Regulation (EU) 2018/848 of the European Parliament and of the Council.
[RT I, 23.12.2021, 12 - enters into force. 01.01.2022]

(3) The information specified in Article 13, paragraph 2 of Regulation (EU) 2018/848 of the European Parliament and of the Council of the European Parliament and of the Council of 2018/848 shall be entered in the variety sheet for organic heterogeneous propagating material and seed that have been recognized as appropriate, and in the case of heterogeneous propagating material, the name and contact details of the keeper of the standard sample.
[RT I, 23.12.2021, 12 - enters into force. 01.01.2022]

5

(1) According to § 29 (1) of the "Plant Propagation and Variety Protection Act", the variety included in the variety list must meet the requirements of distinctiveness, uniformity and stability during the time it is kept in the variety list.

(2) The features to be minimally included in the inspection of the type of agricultural and vegetable crops and the requirements for checking the preservation of the variety during supervision are set out in Commission Directive 2003/90/EC, which establishes implementing measures for the application of Article 7 of the Council Directive 2002/53/EC of the features to be minimally included in the inspection of certain agricultural plant varieties and the inspection regarding the minimum conditions (OJ L 245, 8.10.2003, pp. 7–10), in Appendices 1, 2 and 3 and Commission Directive 2003/91/EC establishing implementing measures for the application of Article 7 of Directive 2002/55/EC of the Council of the European Community regarding the characteristics to be covered as a minimum and the minimum conditions for inspection in the inspection of certain vegetable varieties (OJ L 254, 8.10.2003, p. 11–13), adding 1 and 2.
[RTL 2009, 92, 1335 - in force. 01.01.2010]

§ 6. Revocation of the regulation

[Omitted from this text.]

§ 7. Implementation of the regulation

(1) Point 157 of the Annex to the Regulation shall apply in the period from February 1, 2018 to December 31, 2018, if the provisions of § 25 subsection 3 of Regulation No. 55 of the Minister of Agriculture of April 24, 2006 "Cereal seed categories and requirements for the production and marketing of cereal seed" are not applied.
[RT I, 27.01.2018, 1 - enters into force. 01.02.2018]

2

(2) Section 3 applies from 1 July 2023 to 31 December 2030.
[RT I, 24.05.2023, 1 - enters into force. 01.07.2023]

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Council Directive 66/401/EEC on the marketing of fodder seeds (OJ L 125, 11.07.1966, pp. 2298–2308), amended by Directives 69/63/EEC (OJ L 48, 26.02.1969, pp. 8–12), 71/162/EEC (OJ L 87, 17.04.1971, pp. 24–28), 72/274/EEC (OJ L 171, 29.07.1972, pp. 37–38), 72/418/EEC (OJ L 287, 26.12.1972, pp. 22–30), 73/438/EEC (OJ L 356, 27.12.1973, pp. 79–82), 75/444/EEC (OJ L 196, 26.07.1975, pp. 6–13), 78/55/EEC (OJ L 16, 20.01.1978, pp. 23–29), 78/386/EEC (OJ L 113, 25.04.1978, pp. 1–12), 78/692/EEC (OJ L 236, 26.08.1978, pp. 13–18), 78/1020/EEC (OJ L 350, 14.12.1978, p. 27), 79/641/EEC (OJ L 183, 19.07.1979, pp. 13–16), 79/692/EEC (OJ L 205, 13.08.1979, pp. 1–4), 80/754/EEC (OJ L 207, 09.08.1980, p. 36), 81/126/EEC (OJ L 67, 12.03.1981, pp. 36–37), 82/287/EEC (OJ L 131, 13.05.1982, pp. 24–26), 85/38/EEC (OJ L 16, 19.01.1985, pp. 41–42), 86/155/EEC (OJ L 118, 7.05.1986, pp. 23–27), 87/120/EEC (OJ L 49, 18.02.1987, pp. 39–43), 87/480/EEC (OJ L 273, 26.09.1987, pp. 43–44), 88/332/EEC (OJ L 151, 17.06.1988, pp. 82–83), 88/380/EEC (OJ L 187, 16.07.1988, pp. 31–48), 89/100/EEC (OJ L 38, 10.02.1989, p. 36), 92/19/EEC (OJ L 104, 22.04.1992, pp. 61–62), 96/18/EC (OJ L 76, 26.03.1996, pp. 21–22), 96/72/EC (OJ L 304, 27.11.1996, pp. 10–11), 98/95/EC (OJ L 25, 01.02.1999, pp. 1–26), 98/96/EC (OJ L 25, 01.02.1999, pp. 27–33), 2001/64/EC (OJ L 234, 01.09.2001, pp. 60–61), 2003/61/EC (OJ L 165, 03.07.2003, p. 23–28), 2004/55/EC (OJ L 114, 21.04.2004, p. 18), 2004/117/EC (OJ L 14, 18.01.2005, p. 18–33), 2007/72/EC (OJ L 329, 14.12.2007, pp. 37–39), 2009/74/EC (OJ L 166, 27.06.2009, pp. 40–70), 2012/37/EU (OJ L 325, 23.11.2012, pp. 13–14), 2016/317/EU (OJ L 60, 05.03.2016, pp. 72–75), 2016/2109/EU (OJ L 327, 02.12.2016, pp. 59–75), (EU) 2018/1028 (OJ L 184, 20.07.2018, p. 7) and (EU) 2021/415 (OJ L 81, 09.03.2021, pp. 65–69);
Council Directive 66/402/EEC on the marketing of cereal seed (OJ L 125, 11.07.1966, pp. 2309–2319), amended by Directives 69/60/EEC (OJ L 48, 26.02.1969, pp. 1–3), 71/162/EEC (OJ L 87, 17.04.1971, pp. 24–28), 72/274/EEC (OJ L 171, 29.07.1972, pp. 37–38), 72/418/EEC (OJ L 287, 26.12.1972, pp. 22–30), 73/438/EEC (OJ L 356, 27.12.1973, pp. 79–82), 73/438/EEC (OJ L 356, 27.12.1973, pp. 79–82), 75/444/EEC (OJ L 196, 26.07.1975, pp. 6–13), 78/55/EEC (OJ L 16, 20.01.1978, pp. 23–29), 78/387/EEC (OJ L 113, 25.04.1978, pp. 13–19), 78/692/EEC (OJ L 236, 26.08.1978, pp. 13–18), 78/1020/EEC (OJ L 350, 14.12.1978, p. 27), 79/641/EEC (OJ L 183, 19.07.1979, pp. 13–16), 79/692/EEC (OJ L 205, 13.08.1979, pp. 1–4), 81/126/EEC (OJ L 67, 12.03.1981, pp. 36–37), 86/155/EEC (OJ L 118, 7.05.1986, pp. 23–27), 86/320/EEC (OJ L 200, 23.07.1986, p. 38), 87/120/EEC (OJ L 49, 18.02.1987, pp. 39–43), 88/332/EEC (OJ L 151, 17.06.1988, pp. 82–83), 88/380/EEC (OJ L 187, 16.07.1988, pp. 31–48), 88/506/EEC (OJ L 274, 06.10.1988, pp. 44–44), 89/2/EEC (OJ L 5, 07.01.1989, p. 31), 90/623/EEC (OJ L 333, 30.11.1990, pp. 65–65), 93/2/EEC (OJ L 54, 05.03.1993, p. 20), 95/6/EC (OJ L 67, 25.03.1995, p. 30–32), 96/72/EC (OJ L 304, 27.11.1996, p. 10–11), 98/95/EC (OJ L 25, 01.02.1999, p. 1–26), 98/96/EC (OJ L 25, 01.02.1999, p. 27–33), 99/08/EC (OJ L 50, 26.02.1999, p. 26), 1999/54/EC (OJ L 142, 05.06.1999, pp. 30–31), 2001/64/EC (OJ L 234, 01.09.2001, pp. 60–61), 2003/61/EC (OJ L 165, 03.07.2003, pp. 23–28) and 2004/117/EC (OJ L 14, 18.01.2005, pp. 18–33) and Commission Directives 2006/47/EC (OJ L 136, 24.05.2006, pp. 18–20), 2006/55/EC (OJ L 159, 13.06.2006, p. 13), 2009/74/EC (OJ L 166, 27.06.2009, pp. 40–70);
2012/1/EU (OJ L 4, 07.01.2012, pp. 8–9); 2012/37/EU (OJ L 325, 23.11.2012, p. 13–14), (EU) 2015/1955 (OJ L 284, 30.10.2015, p. 142), (EU) 2016/317 (OJ L 60, 05.03.2016, page 72), (EU) 2018/1027 (OJ L 184, 20.07.2018, p. 4) and (EU) 2021/415 (OJ L 81, 09.03.2021, pp. 65–69);
Council Directive 2002/53/EC on the European Union Common Catalog of Crops (OJ L 193, 20.07.2002, pp. 1–11), amended by Regulation (EC) No. 1829/2003/EC (OJ L 268, 18.10.2003, p. 1–23);

Council Directive 2002/54/EC on the marketing of beet seed (OJ L 193, 20.07.2002, pp. 12–32), amended by Directives 2003/61/EC (OJ L 165, 03.07.2003, pp. 23–28) and 2004/117 /EC (OJ L 14, 18.01.2005, pages 18–33), (EU) 2016/317 (OJ L 60, 05.03.2016, page 72);

Council Directive 2002/55/EC on the marketing of vegetable seed (OJ L 193, 20.07.2002, pp. 33–59), amended by Directives 2003/61/EC (OJ L 165, 03.07.2003, pp. 23–28), 2004/117 /EC (OJ L 14, 18.01.2005, pp. 18–33), 2006/124/EC (OJ L 339, 06.12.2006, pp. 12–15), 2009/74/EC (OJ L 166, 27.06.2009, pp. 40–70), 2013/45/EU (OJ L 213, 08.08.2013, pp. 20–21), (EU) 2016/317 (OJ L 60, 05.03.2016, p. 72), 2019/990/EU (OJ L 160, 18.06.2019, pp. 14–22);

Council Directive 2002/56/EC on the marketing of seed potatoes (OJ L 193, 20.07.2002, pp. 60–73), amended by Directive 2003/61/EC (OJ L 165, 03.07.2003, pp. 23–28), by Commission Implementing Directive 2013 /63/EU amending the Council Directive 2002/56 Annexes I and II regarding the minimum requirements for seed potatoes and seed potato lots (OJ L 341, 18.12.2013, pp. 52–55), Implementing Directive 2014/20/EU defining the classes of Union elite seed potatoes and certified seed potatoes and the conditions applicable to such classes and names (OJ L 38, 07.02.2014, pp. 32–38), and with the implementing directive 2014/21/EU determining the minimum conditions and Union classes applicable to super elite seed potatoes (OJ L 38, 07.02.2014, pp. 39–41);

Council Directive 2002/57/EC on the marketing of oil and fiber crops seed (OJ L 193, 20.07.2002, pp. 74–97), amended by Directives 2002/68/EC (OJ L 195, 24.07.2002, pp. 32–33) , 2003/45/EC (OJ L 138, 05.06.2003, pp. 40–44), 2003/61/EC (OJ L 165, 03.07.2003, pp. 23–28) and 2004/117/EC (OJ L 14, 18.01.2005, pp. 18–33) and Commission Directive 2009/74/EC (OJ L 166, 27.06.2009, pp. 40–70), (EL) 2016/11 (OJ L 3, 06.01.2016, p. 46), (EL) 2016/317 (OJ L 60, 05.03.2016, p. 72);

Commission Directive 2003/90/EC, establishing implementing measures for the application of Article 7 of Council Directive 2002/53/EC in the control of certain agricultural plant varieties with regard to the characteristics to be covered as a minimum and the minimum conditions for control (OJ L 254, 08.10.2003, pp. 7–10), amended by Directives 2005/ 91/EC (OJ L 331, 17.12.2005, pp. 24–27), 2007/48/EC (OJ L 195, 27.07.2007, pp. 29–32), 2009/97/EC (OJ L 202, 04.08.2009, pp. 29–34), 2010/46/EU (OJ L 169, 03.07.2010, pages 7–12);

2011/68/EU (OJ L 175, 02.07.2011, pp. 17–23), 2012/8/EU (OJ L 64, 03.03.2012, pp. 9–12), 2012/44/EU (OJ L 327, 27.11.2012, pages 37–43), 2013/57/EU (OJ L 312, 21.11.2013, pp. 38–45), 2014/105/EU (OJ L 349, 05.12.2014, pp. 44–49), 2015/1168/EU (OJ L 188, 16.07.2015, p 39–44), 2016/1914/EU (OJ L 296, 01.11.2016, pp. 7–12), 2018/100/EU (OJ L 17, 23.01.2018, pp. 34–39), 2019/114/EU (OJ L 23, 25.01.2019, p 35–40), 2019/1985/EU (OJ L 308, 29.11.2019, pp. 86–92), 2021/746/EU (OJ L 160, 07.05.2021, pp. 94–103), (EU) 2022/ 905 (OJ L 157, 10.06.2022, pp. 1–8), (EL) 2022/1647 (OJ L 248, 26.09.2022, pp. 46–51), (EL) 2022/1648 (OJ L 248, 26.09.2022, pp. 52–56), (EU) 2022/2438 (ELT L 319, 13.12.2022, pp. 54–65), (EU) 2023/1438 (OJ L 176, 11.07.2023, pp. 17–25);

Commission Directive 2003/91/EC establishing implementing measures for the application of Article 7 of Council Directive 2002/55/EC in the inspection of certain vegetable varieties with regard to the characteristics to be covered as a minimum and the minimum inspection conditions (OJ L 254, 08.10.2003, pp. 11–13), amended by Directives 2006/ 127/EC (OJ L 343, 8.12.2006, pp. 82–84), 2007/49/EC (OJ L 195, 27.07.2007, pp. 33–35), 2008/83/EC (OJ L 219, 14.08.2008, pp. 55–57), 2009/97/EC (OJ L 202, 04.08.2009, pp. 29–34), 2010/46/EU (OJ L 169, 03.07.2010, pp. 7–12), 2011/68/EU (OJ L 175, 02.07.2011, pp. 17–23), 2012/44/EU (OJ L 327, 27.11.2012, pp. 37–43), 2013/57/EU (OJ L 312, 21.11.2013, pp. 38–45), 2014/105/EU (OJ L 349, 05.12.2014, pp. 44–49), 2015/1168/EU (OJ L 188, 16.07.2015, pp. 39–44), 2016/1914/EU (OJ L 296, 01.11.2016, pp. 7–12), 2018/100/EU (OJ L 17, 23.01.2018, pp. 34–39), 2019/114/EU (OJ L 23, 25.01.2019, pp. 35–40), 2019/1985/EU (OJ L 308, 29.11.2019, pp. 86–92), 2021/746/EU (OJ L 160, 07.05.2021, pp. 94– 103), (EU) 2022/905 (OJ L 157, 10.06.2022, pp. 1–8), (EL) 2022/1647 (OJ L 248, 26.09.2022, pp. 46–51), (EL) 2022/1648 (OJ L 248, 26.09.2022, p 52–56), (EU) 2022/2438 (OJ L 319, 13.12.2022, pp. 54–65), (EU) 2023/1438 (OJ L 176, 11.07.2023, pp. 17–25);

Commission Directive 2008/62/EC, which provides for certain exceptions for the approval of public selection varieties and varieties of agricultural crops adapted to local and regional conditions and threatened by genetic erosion, and for the marketing of seeds and seed potatoes of these public selection varieties and varieties (OJ L 162, 21.06.2008, pp. 13–19);

Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, except for seed (OJ L 205, 01.08.2008, pp. 28–39), amended by Directives 2013/45/EU (OJ L 213, 08.08.2013, p. 20–21), 2019/990/EU (OJ L 160, 18.06.2019, pp. 14–22);

Commission Directive 2013/45/EU (OJ L 213, 08.08.2013, pp. 20–21);

Commission Directive 2009/145/EC providing for certain exemptions for the approval of public selection varieties and varieties of vegetables traditionally grown in certain localities and regions and at risk of genetic erosion, and of vegetable varieties which have no real value in the industrial production of crops but which have been bred to grow under special conditions, and for marketing the seeds of the national selection varieties and varieties in question (OJ L 312, 27.11.2009, pp. 44–54), 2013/45/EU (OJ L 213, 08.08.2013, pp. 20–21).

[RT I, 29.11.2023, 4 - enters into force. 31.12.2023]

Appendix List of plant species to be included in the Variety List

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