

LAW No 1564/1985

ORGANISATION OF THE PRODUCTION OF
AND TRADE IN PLANT PROPAGATING
MATERIAL

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CHAPTER A

GENERAL PROVISIONS

Article 1

Scope

The provisions of this law shall apply to propagating material of all agricultural plant species apart from forestry plant species.

Article 2

Definitions

For the purpose of this law:

- (a) "plant propagating material" or "propagating material" shall mean seeds, tubers, bulbs, rhizomes, seed beds, root-stocks and grafts and any part of a plant intended for reproductive use;
- (b) "plant variety" shall mean any clone, biotype, hybrid, synthetic variety, pure line, local variety, or ecotype and any mixture of sorts of that variety;
- (c) "mixture of plant propagating material" or "mixture" shall mean the propagating material made up by a mixture of seeds, tubers, bulbs or rhizomes from two or more species or varieties, provided that the total weight of varieties other than that occurring in the preatest proportion is more than 7% of the total weight.

The abovementioned percentage may be varied by decision of the minister of Agriculture after consultation of the Committee referred to in Article 20.

Article 3

Classification of propagating material

1. The following classification shall apply to propagating material:
 - (a) seeds of field crop and grassland plants.
 - (b) seeds of horticultural and ornamental plants and of flowers, shrubs and trees,
 - (c) tubers, bulbs and rhizomes,
 - (d) seed grown plants, vegetatively propagated plantlets, grafted seedlings and cuttings whether or not grafted,
 - (e) mixtures.
2. Propagating material of each of the above types (a) to (d) shall be further classified as one of the following:
 - (a) breeder's
 - (b) pre-basic
 - (c) basic
 - (d) certified
 - (e) commercial
3. The allocation of plant species between groups (a), (b), (c) and (d) specified in paragraph 1 for propagating material purposes and the mixture and control requirements for products of group (e) shall be determined by decisions of the Minister of Agriculture to be published in the Government Gazette, as shall the classification, for each plant species, into the categories listed in paragraph 2 and any sub-categories into which they may be divided by other such decisions; such decisions shall also regulate such matters as the implementation of this Article requires.

CHAPTER B

Production of propagating material

Article 4

Conditions applying to the production of propagating material

Any natural or legal person may produce and market propagating material provided that:

- (a) he has a permit to operate a seed production or nursery concern,
- (b) he has registered the variety to be reproduced in the national catalogue of varieties of cultivated plant species,
- (c) he has submitted an application for control and certification of the propagating material.

Article 5

Permit for the operation of a seed production or nursery concern

1. Permit for the operation of a seed production concern shall be granted by the Minister of Agriculture and for a nursery by the prefect in the area where the concern is located.

A permit shall not be required for Ministry of Agriculture research establishments or for research establishments operating under the supervision or control of the State.

2. An operating permit shall be withdrawn if:

- (a) an application to that effect is submitted by the holder,
- (b) the seed production or nursery activities of the undertaking have ceased for a period of three consecutive years,
- (c) any of the requirements for granting the permit is no longer met.

3. An appeal against withdrawal of the permit to operate under (b) or (c) of the preceding paragraph may be made by the holder of the permit to the Minister of Agriculture, who shall take a decision after re-examination of the case and consultation of the Committee provided for in Article 20. The appeal shall be made within 30 days of notification of the decision to withdraw the permit.
4. Decisions to grant and withdraw permits shall be notified to the appropriate headquarters department of the Ministry of Agriculture which shall record them in a special register.
5. The establishments referred to in paragraph 1 shall be required to notify to the relevant headquarters department of the Ministry of Agriculture all information on the progress and development of their seed production and nursery activities and on the quantities that they produce, in accordance with the requirements set out in the decisions referred to in paragraph 6.
6. Decisions of the Minister of Agriculture, to be published in the Government Gazette, shall set out the requirements in each case for the granting of operating permits, the obligations of holders, the form of the special register to be kept under paragraph 4, the particulars to be recorded in it and any other detailed provision required for implementation of this Article.

Article 6

National catalogue of varieties of cultivated plant species

1. The relevant headquarters department of the Ministry of Agriculture shall maintain a special catalogue entitled "National Catalogue of Varieties of Cultivated Plant Species", in which shall be recorded the names of the varieties of each plant species that are admissible for certification and marketing, the year of their insertion in the catalogue and the names of their breeder and of their maintainer.
2. Insertion of a variety shall be by decision of the Minister of Agriculture following consultation of the committee provided for in Article 20 and shall be valid for ten years. Application for insertion shall be made to the Ministry of Agriculture established

competent for the testing of a variety. That establishment shall keep a register of the varieties and a full record of the particular of each variety tested.

Appeals to the Minister of Agriculture against decisions rejecting applications shall be made within 30 days of notification of the decision in question.

3. Technical rules laying down the conditions and procedures for registration of varieties of plant species in the national catalogue and their deletion therefrom, on trials and tests for these varieties on evaluation and classification methods, on repeat testing requirements, and on any other matter that requires regulation for the implementation of this Article shall be issued by means of decisions of the Minister of Agriculture, published in the Government Gazette following consultation of the committee mentioned in Article 20 and as appropriate of other relevant organizations, and agencies mentioned in Article 7 (1).
4. Third parties having a legitimate interest may on application be informed by the relevant departments of the Ministry of Agriculture of the content of the files which they keep on varieties of plant species, with the exception of information on the description of the parent plants of varieties that result from cross-breeding and on combinations of hybrids, which shall be kept secret at the request of the breeder.

Article 7

Testing and certification of propagating material

1. The testing and certification of propagating material shall be carried out by the relevant regional departments of the Ministry of Agriculture or, in individual cases in accordance with the provisions in force, by legal persons governed by public law responsible to the Ministry. It may also be other agricultural organizations and agencies under the supervision of the government to which a decision of the Minister of Agriculture

and of any jointly competent Minister entrusts the work of testing and certifying propagating material for certain species under the supervision, control and responsibility of the relevant departments of his ministry.

2. Submission by interested parties of the application mentioned at (c) of Article 4 to the relevant body as mentioned in the preceding paragraph shall be required for the testing and certification of the propagating material to be carried out.
3. Technical rules on the following matters shall be adopted in the form of decisions issued by the Minister of Agriculture after consultation of the committee provided for in Article 20 and published in the Government Gazette:
 - (a) procedures for testing and certifying the various species
 - (b) procedures for post control and administrative resolution of disputes
 - (c) quality specifications of the different categories and species
 - (d) the form and the procedure for issue of the certificate
 - (e) the authorized presentation for each species
 - (f) the sealing devices to be applied to the packaging
 - (g) the official labels and the producer's own labels
 - (h) official sampling
 - (i) the procedures to be used for the mixing of lots of seed
 - (j) the records to be kept by seed production and nursery concerns of their production of lots of propagating material
 - (k) the numbers of seed lots and the numbers of lots propagating material
 - (l) the minimum size of independent or adjoining field plots to be used for the production of propagating material
 - (m) the degree of isolation of crops of propagating material, on the basis of the species and categories involved
 - (n) any other matters

4. The relevant bodies shall carry out the work of testing and certifying the propagating material at, in particular:
 - (a) the field plots and nurseries,
 - (b) grading and packaging installations,
 - (c) storage and conservation installations, .
 - (d) trial plots for the further testing of samples,
 - (e) laboratories for the testing of seeds and other propagating material.

Article 8

Breeders and protection of their rights

1. The breeder of a plant variety shall be any natural or legal person who discovers or breeds a plant variety, of whatever natural or technical origin, that is new, original, homogeneous and constant.
2. The breeder of a plant species variety shall have the exclusive right to:
 - (a) produce the propagating material for his variety and dispose of it,
 - (b) exploit or assign his production and marketing rights.
3. The rights mentioned in the previous paragraph shall be recognized and protected, provided that the breeder or his successor holds a plant variety certificate. Such a certificate shall be issued by the Minister of Agriculture for every new plant variety, after the committee provided for in Article 20 has given a favourable opinion.
4. Persons wishing to obtain a plant variety certificate shall submit an application to the Ministry of Agriculture which shall apply the provisions of Article 6 (2), (3) and (4) in granting the certificate.

5. A plant variety certificate shall be granted provided that:
- (a) the variety is new within the meaning of paragraph 1 and meets the other requirements of that paragraph, as verified by testing carried out by the Ministry of Agriculture or by tests carried out by another Greek or foreign authority provided that the validity of the test results is recognized.
 - (b) it is declared that it will be maintained within Greece by a maintainer who satisfies the requirements of Article 10.
 - (c) it is included in the special table of genera and species mentioned in paragraph 6.
6. The competent department of the Ministry of Agriculture shall keep:
- (a) a special table of genera and species in which, by decision of the Minister of Agriculture after consultation of the committee provided for Article 20, shall be entered all plant genera and species for the varieties of which protection of breeders' rights is possible.
- The special table may be amended by the above procedure once per year or at any time for the purpose of excluding from it certain groups of varieties irrespective of whether or not they belong to the plant genera or species included in it.
- In cases where a genus or species is deleted from the special table, the rights of those who before the date of deletion submitted an application for the granting of a plant variety certificate for varieties of the genus or species deleted shall not be affected.
- (b) a register of the rights of breeders of plant varieties in which shall be entered the varieties for which a plant variety certificate has been granted and their names, details of the legal status of the breeder's rights and in particular of protection of the right, the date when protection of the right begins and ends, any change in the right, if the person of the holder or in the name of the variety, the terms of assignment and in general any related particular as determined by a decision as provided for in paragraph 11.

The register of breeders' rights shall be the means of informing all third parties, who shall be assumed to be aware of all the particulars contained therein.

7. Breeders' rights shall be protected for a total period up to 18 years in the case of vines and fruit and ornamental up to 15 years in the case of all other genera and species. The period shall run from the date on which the plant variety certificate is granted.
8. Permission to exploit the right of the breeder may be granted to the agency provided for in Article 21 by decision of the Minister of Agriculture, issued after consultation of the committee provided for in Article 20, provided that all of the following conditions are met:
 - (a) the assignment is necessary in the public interest;
 - (b) the rightful holder of the plant variety certificate refuses to authorize production or marketing of the propagating material for his variety and exploitation of the variety as necessary in each case;
 - (c) a period of three years has elapsed since the date on which the plant variety certificate was granted.

The same decision shall set the duration of the compulsory transfer, which shall be from two to four years and may be extended provided that there is no change in the prerequisites for the initial assignment, the scope of the rights of the agency and the financial compensation that it must pay to the holder of the certificate, the quantity of propagating material that the holder must provide the agency with and the value of that material.

9. Interested parties may appeal to the competent courts, in accordance with the laws in force, against decisions published in the register of the rights of breeders of plant varieties that relate to the granting, refusal or withdrawal for any reason of a plant variety certificate, to the transfer in any way of the right of authorization of exploitation of the breeder's rights and against any decision issued in accordance with this Article and in application of a decree as provided for in paragraph 10.

10. The following matters shall be regulated by presidential decree issued on a proposal from the Minister of Agriculture after consultation of the committee provided for in Article 20;
 - (a) the meaning of the characteristics of a plant variety referred to in paragraph 1, the criteria to be observed in the selection of names and the requirements for the granting or withdrawal of a name;
 - (b) any extension or restriction of the rights of the breeder referred to in paragraph 2 in respect of certain varieties of plant species or parts of plants, in accordance with restrictions on their use, and subjects relating to the transfer of the rights of the breeder and of any co-holder of those rights, the rights of those to whom they have been transferred in any way whatsoever, and related obligations of the breeder;
 - (c) what foreign natural and legal persons are entitled to seek a plant variety certificate, the terms and conditions for the granting of this certificate to foreign natural and legal persons on the basis of international agreements, and their representation in Greece;
 - (d) the reasons for which protection of the breeder may be withdrawn before the end of the period specified in paragraph 7, the reasons and the procedure for forfeiture by the breeder of his rights and the arrangements to be adopted for business dealings between such breeders and third parties.
11. Decisions of the Minister of Agriculture, issued after consultation of the committee provided for in Article 20 and published in the Government Gazette, shall regulate matters of procedure and details pertaining to the reception and treatment of applications, their form and the documents and particulars that shall accompany them, the testing of varieties and their naming, the issuing of the plant variety certificate, the conservation and preservation of samples, cooperation with foreign organizations and establishments

for the conservation of genetic material, the form, maintenance and utilization of the special table of species and genera and of the register of the rights of breeders of plant varieties, those varieties of plant species for which breeders' rights may be extended or restricted in accordance with the provisions of the decrees dealing with the matters specified at (b) of paragraph 10, and any other procedure or detailed provision required for the application of this Article.

Article 9

Measures for the breeding of new varieties

1. By a decision of the Minister of Agriculture, issued after consultation of the committee provided for in Article 20, there shall be adopted a special agricultural research for the breeding of new varieties of plant species, to be organized by the competent departments of the Ministry of Agriculture, based on the agricultural production plan and the situation prevailing as regards production and marketing of propagating material both in Greece and abroad.

The programme shall comprise:

- (a) a listing and ranking of the plant species that are to be the subject of agricultural research for the breeding of new varieties;
- (b) proposals for
 - (aa) organization and implementation by the competent departments, organizations and establishments that fall under the jurisdiction of the Ministry of Agriculture of research programmes by plant species for the breeding of new varieties;
 - (bb) invitations to university-level educational establishments, to other public and private research agencies and to individual research workers and to agricultural cooperative organizations to tender for the organization and implementation of these programmes;

- (c) a proposal for the subsidizing of research programmes and work for the breeding of varieties of any plant species, irrespective of the agency that carries it out.
2. All persons who breed new varieties under the programme referred to in the previous paragraph shall be recognized as breeders and enjoy the rights specified in the decisions provided for in paragraph 3.
 3. Decisions of the Minister of Agriculture, issued after consultation of the abovementioned committee and published in the Government Gazette, shall regulate matters pertaining to the tendering for and the planning and implementation of the research programmes for the breeding of varieties of plant species, the terms and conditions for selection of tenders, the financing of the programmes, the terms and conditions for subsidizing of research programmes and research work, the rights and obligations of contractors-breeders and any other matter or detail for which provision must be made for application of this Article.
 4. Research programmes tendered for shall be awarded under contracts in accordance with the decisions provided for in paragraph 3 and their cost shall be charged as set out in Article 24. Programmes and their subsidizing may be terminated by decision of the Minister of Agriculture after consultation of the committee provided for in Article 20.

Article 10

Maintainers and their obligations

1. The maintainer of a variety shall be such public department or natural or legal person as, under the surveillance of the Ministry of Agriculture, maintains the variety with which it was entered in the national catalogue referred to in Article 6 and multiplies the breeder's material.
2. The maintainer of a variety may be its breeder or his representative provided that he meets the requirements laid down in the decisions provided for in paragraph 3.

3. Decisions of the Minister of Agriculture, to be published in the Government Gazette, shall fix the requirements that must be met. by maintainers and the obligations to which they shall be subject. These decisions shall also set the minimum quantities of breeder's material, depending on the species involved, that maintainers must maintain as a guarantee stock.
4. Decisions of the Minister of Agriculture, issued after consultation of the committee provided for in Article 20, may entrust maintenance of a variety of a plant species to a State establishment or organization or to a cooperative or private undertaking that meets the requirements laid down in paragraph 3, provided that
 - (a) the breeder of the variety is unknown or the variety is free;
 - (b) the maintainer has ceased to meet one or more of the requirements of paragraph 3 or to discharge his obligations. In that event the breeder's rights shall not be affected, and the decision shall assess the breeder's claims and how these are to be settled.Legal action against such decisions shall be no bar to their execution.

Article 11

Growers of propagating material

1. Growers of propagating material shall be public departments or natural or legal persons who produce propagating material on behalf of seed production and nursery concerns.
2. Contracts between seed producers or nursery concerns and growers for the production of propagating material shall contain all terms and requirements necessary to guarantee the purity of the variety and the health of the producer's crops.
3. Decisions of the Minister of Agriculture, to be published in the Government Gazette, shall lay down the terms and requirements referred to in paragraph 2 that are to be compulsorily included in the contract. They shall be checked and approved, before

signature of the contract, by the competent regional authorities of the Ministry of Agriculture and if appropriate by other competent organizations and agencies referred to in Article 7 (1), which shall check on its implementation.

The same decisions shall lay down procedures and detailed provisions for implementing this Article.

Article 12

Protection zones

1. Decisions of the competent prefects, issued on application by interested seed production and nursery concerns, and after consultation of the agencies competent in each case for testing and certification as provided for in Article 7 (1), shall fix for reasons of public utility protection zones around the areas devoted to production of propagating material. The same decisions shall lay down prohibitions and restrictions on the cultivation of plant species and varieties the presence of which within the protection zone is detrimental to the purity of the variety and type and to the state of health of the propagating material owing to the risk of cross-fertilization or the spread of infectious diseases.
2. Decisions of the Minister of Agriculture, to be issued after consultation of the committee provided for in Article 20 and published in the Government Gazette, shall lay down basic principles, depending on the species of propagating material and local and social conditions, that must govern the delimitation of protection zones.
3. The decisions mentioned in paragraph 1:
 - (a) shall be notified to the departments of the Ministry of Agriculture to the competent agencies mentioned in paragraph 1, to the municipalities and communes, to the agricultural cooperative and trade union organizations and to the rural police in the district in which the areas of propagating material are located,
 - (b) shall be posted on the buildings of the aforementioned agencies,

(c) shall be monitored as to compliance by the local departments of the Ministry of Agriculture and the competent agencies referred to in paragraph 1, to whom the organs and staff of the agencies mentioned at (a) shall be obliged to notify forthwith any instance of noncompliance with those decisions.

4. By decision of the appropriate prefect, to be issued on a proposal from the competent agencies referred to in paragraph 1, persons who infringe the decisions provided for in paragraph 1 shall be ordered to destroy their illegal crops by their own efforts, at their own expense and within a stated time.

Those who fail to comply with such a decision shall be penalized in accordance with Article 25 and their crops shall be destroyed at their own expense under the responsibility of the local department of the Ministry of Agriculture or the competent agencies referred to in paragraph 1, assisted if necessary by the local police authorities.

5. The cost of destroying the illegal crops shall be advanced from the special seed production and nursery account of the Central Fund for Crop and Livestock Farming and Forestry, as referred to in Article 24, and shall by decision of the competent prefect be charged to the infringer and recovered on behalf of the Fund in accordance with the provisions in force on the collection of public revenue.

Article 13

Production of foreign concerns propagating material

1. Propagating material of plant varieties that belong to foreign breeders or seed production and nursery undertakings may be marketed by corresponding Greek undertakings on the terms and conditions laid down by this Law for propagating material belonging to Greek breeders or undertakings.

2. The provisions of Article 23 (4) of Law 1262/82 (Government Gazette, No. 70), as amended by Article 22 (4) of Law 1360/83 (Government Gazette, No. 65) shall apply to payments made abroad for rights to the production and marketing of propagating material as referred to in the previous paragraph.

Article 14

Conservation and protection of genetical resources

1. Domestic non-improved cultivated plant and animal species, races, varieties and types thereof, which have been created and stabilized in time and place without the influence of the genetic sciences the respective wild types of these species and their reproduction biotypes constitute precious elements of the environment protected by the state under the surveillance of the competent authorities of the Ministry of Agriculture.
2. Presidential decrees issued on the proposal of the Minister of Agriculture, shall specify plant and animal species needed to be preserved and protected, as provided for in the previous paragraph, the appropriate measures to be taken for preserving and protecting these species, the biotopes where they are reproduced by the traditional way of cultivation and breeding and their wild types produced by means of natural reproduction. By the same presidential decrees, the necessary detailed provisions and procedures for the implementation of this article are also regulated.
In the event the above mentioned presidential decrees refer to the protection of biotopes of the respective wild types, they must be co-signed by the Ministers of Environment, Physical Planning and Public Works.
3. Decisions of the Minister of Agriculture, published in the Government Gazette, regulate issues of biogenetic evaluation and financial exploitation of the species mentioned in paragraph 1, specify the authorities responsible for the evaluation and financial exploitation, the management of their biotopes, the areas, the seasons, the transportation and their marketing and

any detailed provision and procedure required for the implementation of this paragraph.

4. The expenditure necessary for the implementation of this article shall be charged to the appropriations of the Central Fund for Crop and Livestock Farming and Forestry, subsidized to this end annually by the ordinary and public investment budgets.

CHAPTER C

Marketing of propagating material

Article 15

Licence to market

1. Propagating material of Greek or foreign origin may be marketed by any natural or legal person holding a licence to market such material. Licences to market propagating material shall be granted by the Minister of Agriculture or by the prefect duly authorized to this end, for the area in which the undertaking in question is established.
2. The requirements for the granting of licences to market propagating material, the obligations incumbent on their holders, the format at the special register and the particulars to be entered in it, and any other detailed provision required for the implementation of this Article, shall be set by decision of the Minister of Agriculture, to be published in the Government Gazette.
3. In order for a licence to be granted application must be made by the interested party to the relevant regional departments of the Ministry of Agriculture or if appropriate to the competent organization or agency as provided for in Article 7 (1), which shall check that the requirements laid down for this purpose in the decision provided for in paragraph 2 are met and shall notify the results of its inquiries to the appropriate prefect.

4. Applicants for a permit to operate a seed production or nursery undertaking shall at the same time be granted by the Minister of Agriculture or by the prefect duly authorized to this end a licence to market propagating material of their own production alone. Should they wish to market propagating material from other seed producers or nurseries in Greece or abroad the provisions of this Article shall be applied.
5. The marketing licence shall be withdrawn if
 - (a) an application to that effect is submitted by the holder,
 - (b) the marketing activities of the undertaking have ceased for a period of three consecutive years,
 - (c) any of the requirements for granting the licence is no longer met.
6. The holder of a licence for marketing propagating material that is withdrawn on the grounds specified at (b) and (c) in the previous paragraph may appeal against withdrawal to the Minister of Agriculture, who shall issue his decision after re-examining the case and consulting the committee provided for in Article 20. Any appeal shall be lodged within thirty days of notification of the decision.
7. Decisions granting and withdrawing licences shall be notified to the competent headquarters service of the Ministry of Agriculture, by which they shall be recorded in a special register that it shall keep.

Article 16

Marketing - Surveillance

1. Propagating material shall qualify for marketing within Greece if
 - (a) it belongs either to a variety of a plant species that is listed in a group of the national catalogue provided for in Article 6 that permits marketing within Greece or is included in the special catalogues that are published by decision of the Minister of Agriculture in the Government Gazette and

include varieties from those listed in the European Community Catalogue of varieties or in the corresponding catalogues of third countries provided that the equivalence of the relevant tests has been legally recognized;

- (b) it is accompanied by the test and certification document mentioned at (d) of Article 7 (3);
- (c) if it is imported material, it is accompanied by the test certificate mentioned at (d) of paragraph 6;
- (d) it meets all the requirements of the rules provided for in paragraph 6.

Marketing undertakings that import propagating material must market and distribute it in the packaging and bearing the labels of the producing concern abroad and must affix to that packaging the labels required under the rules provided for in paragraph 6.

The use of other or smaller packs for marketing such propagating material shall be permitted after the packs have been checked and stamped in accordance with the rules provided for in paragraph 6 by the agencies referred to in Article 7 (1), to whom an application to this effect must be made by the party concerned.

Propagating material that is distributed for marketing or moved for any reason shall be subject to checks on compliance with the rules provided for in Article 7 and in paragraph 6, in accordance with the procedures laid down in those rules.

Such checks shall be carried out by the agencies referred to in Article 7 (1), either on their own initiative or at the request of anyone who has a legitimate interest, at the following places and in particular;

- (a) storehouses and wholesale and retail trading premises;
- (b) market preparation and packaging installations;
- (c) railway and other stations, ports and airports and customs houses (at the clearance stage).

5. Seed producing and nursery undertakings and those marketing propagating material shall be obliged to provide every facility to the competent officials carrying out the checks provided for in paragraph 4.
6. Technical rules for the marketing of propagating materials shall be laid down by decisions of the Minister of Agriculture, to be issued after consultation of the committee provided for in Article 20 and published in the Government Gazette. They shall stipulate:
 - (a) the type of labels to be used by undertakings marketing propagating material;
 - (b) import and export procedures and procedures for the surveillance of the marketing, movement, import, export and transit of propagating material;
 - (c) procedures for surveillance of the splitting of packages of propagating material into smaller units and for the repacking of propagating material, and the stamps and labels to be used on smaller packs and new packs;
 - (d) plant health and other checks on imported propagating material and the form of and requirements and procedures for the issuing of documents certifying that this material has been checked;
 - (e) the import and export records for lots of propagating material that undertakings marketing propagating material are required to keep;
 - (f) any other procedure or detailed provision required for application of this Article.
7. A joint decision of the Ministers of Finance and Agriculture shall specify which customs posts in Greece may be used for the import and export of propagating material.

8. In exceptional circumstances, and in particular in the event of adverse weather, it shall be possible, under decisions of the Minister of Agriculture published in the Government Gazette, for propagating material to be distributed and marketed, by derogation from the technical rules referred to in Article 7, under less rigorous stipulations. These decisions shall determine the species, varieties, categories, quality specifications and quantities of propagating material covered by the less rigorous stipulations and also the periods for which the decisions shall be valid.
9. By way of derogation from the technical rules and the procedures laid down in this Law, import shall be permitted of propagating material for inward processing in accordance with the provisions of Law 1402/1983 (Government Gazette, No. 167).

Joint decisions of the Ministers of Finance and of Agriculture, to be published in the Government Gazette, shall regulate matters of collaboration and mutual assistance between the relevant departments of the Ministries of Finance and Agriculture, and any other detailed matters that it is necessary to settle in order to implement the above provisions in the case of propagating material.

CHAPTER D

Measures for the protection of agricultural production

Article 17

State reserve stocks

1. A decision of the Minister of Agriculture, to be issued every year on the basis of production and marketing figures for propagating material, shall determine:
 - (a) the varieties of plant species and the categories and quantities of propagating material that are to be maintained as state reserve stocks in order to guarantee unimpeded implementation of the country's agricultural planning programme,

- (b) the method of securing these stocks by purchase either from the organization provided for in Article 21, or from seed production undertakings in Greece or abroad, or by direct production by the Ministry of Agriculture and by its subordinate organizations and establishment,
 - (c) the resources and the appropriations required for purchase or production of the stocks,
 - (d) the means to be adopted for and requirements applying to distribution and renewal of these stocks,
 - (e) any other procedure or detailed provision required for implementation of this Article.
2. The process of sales from the reserve stocks of propagating material shall be determined by decisions of the Minister of Agriculture.

Article 18

Emergency measures

1. If it is necessary to cope with serious and dangerous disturbances on the market in propagating material that have arisen in exceptional circumstances and cannot be dealt with by means of the stocks provided for in Article 17, the Minister of Agriculture may, after consulting the committee provided for in Article 20, issue decisions, to be published in the Government Gazette, obliging or forbidding producing or marketing undertakings to market part or all of the stock of propagating material of one or more species which they hold.
2. These decisions shall state the grounds on which they are based, the duration of their period of validity and the price set for the material to which they apply. They shall also determine the amount of the compensation, commensurate with the circumstances of each case, for deprivation of use or exploitation of the propagating material; this amount shall be debited to the account referred to in Article 23 (1).

Article 19

Measures for protection of the production

1. In cases where it is found on subsequent verification by the agencies referred to in Article 7 (1) that propagating material from a particular batch does not meet the quality stipulations of the rules referred to in Article 7, the Minister of Agriculture shall issue by a decision declassifying it and prohibiting marketing of the remainder of the lot from which it came and, in the case of material produced abroad, importation of any further quantities from the lot.
2. In cases where the checks mentioned in paragraph 1 repeatedly indicate that propagating material of different lots of the same variety does not comply with the technical rules of this Law, the Minister of Agriculture shall issue a decision discontinuing approval and marketing of all lots of propagating material of that variety and prohibiting its importation. By the same decision there shall be set up a three-member committee of inquiry to check the findings and determine the cause of the unfitness of the propagating material.
3. A decision of the Minister of Agriculture, based on the conclusion of the committee provided for in paragraph 2 and subject to the opinion of the committee provided for in Article 20, shall order:
 - (a) withdrawal of the operating permit of the seed producing or nursery undertaking, if it is found to have been responsible for the unfitness of the propagating material,
 - (b) a change of maintainer of the variety should it be found that the unfitness was due to the breeder's material,
 - (c) deletion of the variety from the national catalogue provided for in Article 6 or prohibition of importation of propagating material in the variety is a foreign one, should it be found that the unfitness of the propagation material was due to the variety.

4. The decisions mentioned at paragraphs 1, 2 and 3 shall also specify the operations, precedures and additional measures for their effective implementation.
5. Legal action against such decisions shall be no bar to their execution.
6. Re-entry in the national catalogue of a variety deleted by a decision under paragraph 3 shall be permitted as laid down in Article 6, provided that the relevant tests have shown that the reasons for its deletion have ceased to exist.

Submission of an application for re-entry of a variety shall be no bar to execution of the decision to delete it.

CHAPTER E

Organizational provisions

Article 20

Technical Committee for Propagating Material

1. There shall be established in the Ministry of Agriculture a Technical Committee for Propagating Material (TCPM), which shall express its opinion on matters governed by this Law and on any other matter relevant to propagating material that the Minister of Agriculture refers to it.
2. The committee shall be set up by decision of the Minister of Agriculture.
It shall consist of:
 - (a) the head of the Ministry of Agriculture's headquarters department responsible for propagating material, as chairman,
 - (b) an official from each of the directorates of the Ministry of Agriculture responsible for policy and research for the species concerned,

- (c) a representative from each Ministry of Agriculture establishment responsible for research into the species concerned and from each Ministry of Agriculture establishment responsible for variety testing of the species concerned,
- (d) a representative from the Union of Seed Production Cooperatives (Central Branch).
- (e) a representative from the organization provided for in Article 21,
- (f) a representative of the teaching staff of a university-level education establishment for agricultural sciences,
- (g) a representative of the Pan-Hellenic Confederation of Unions of Agricultural Cooperatives,
- (h) a representative of the Greek Geotechnical Chamber,
- (i) a representative of the Greek Association of Genetic Improvers (Breeders),
- (j) a representative of the trade union organizations covering the production and marketing of propagating material

Should the organizations mentioned at (e) to (j) not appoint a representative within 20 days of the Minister of Agriculture's written request, the committee shall be convened without representatives from them.

3. The secretary of the committee shall be an official of the Ministry of Agriculture.
4. The secretary and other members of the committee who are public officials shall be appointed, with their alternate members, by the Minister of Agriculture; the remaining members shall be nominated, with their deputies, by the administrations of the agencies from which they come.

The duration of the term of service of the members and of the secretary of the committee shall be set in the decision provided for in paragraph 2.

Members may continue to form part of the committee if during the duration of their term of service they are transferred from the department that they represented.

Replacement of members of the Committee during their term of service shall be permitted, if there is reason for this, by decision of the Minister of Agriculture.

5. The number of members of the committee who participate in the taking of decisions may not, including the chairman, exceed 11. The members of the committee who participate on a permanent basis in the taking of decisions shall be determined by decision of the Minister of Agriculture according to the plant species or group of species under consideration. The same decision shall determine the organization and working procedures of the committee, the registers and records to be kept by it and any other detailed provision required for its smooth operation.
6. The chairman, the secretary and the members of the committee shall not be remunerated for their attendance at meetings of the committee.

Members of the committee who are not public officials or officials of State sector legal bodies shall be paid travelling expenses and a daily allowance when they are away from headquarters, the level of which shall be fixed by joint decision of the Minister of Finance and Agriculture.

Article 21

Establishment of a national propagating material agency

1. A legal person governed by private law shall be established under the name of the National Propagating Material Agency (NPMA) with its headquarters in Athens.
2. The NPMA shall be a limited company under State control exercised by the Minister of Agriculture and shall be governed by the provisions of Codified Law 2190/1920, except as otherwise

provided for in this Law. A joint decision of the Ministers of the National Economy, of Finance and Agriculture shall fix the level of the share capital and the way in which it is to be covered, its division into shares and their nominal value, and the agencies that may become shareholders.

3. The functions of the NPMA shall be

- (a) research and in particular the financing of research centres for the breeding of new varieties,
- (b) the maintenance of varieties in accordance with the terms and requirements of this Law and the production and marketing of propagating material of categories (a), (b) and (c) mentioned in Article 3 (2),
- (c) assistance to agricultural cooperative organizations that deal with propagating material,
- (d) establishment of and participation in undertakings producing, processing and marketing propagating material.

4. The functions of the NPMA shall be effected on land, in installations and with equipment and other resources that it purchases or rents with its own funds or that are used for State production of propagating material, concession of the use of which to the NPMA shall be possible by decision of the Minister of Agriculture.

5. The resources of the NPMA shall be

- (a) income arising from its activities;
- (b) loans that it contracts with credit institutions of any type; security for these may be provided by the State;
- (c) any grants from natural or legal persons, gifts and bequests,
- (d) any other resource determined by decision of the Minister of Agriculture.

6. The NPMA shall be governed by a board of administration, which shall consist of seven members and shall be convened by decision of the Minister of Agriculture, to be published in the Government Gazette. It shall be made up of
 - (a) four members, including the chairman and vice-chairman, who shall be appointed with their deputies by the Minister of Agriculture,
 - (b) two members from the national-level cooperative organization for propagating material, who shall be appointed with their deputies by the board of administration of that organization,
 - (c) one member from the General Confederation of Agricultural Trade Unions, appointed with his deputy by its board of administration.
7. The term of office of members of the board of administration shall be four years and shall be renewable. The State-selected members of the board of administration may by decision of the Minister of Agriculture be replaced during their term of service. The other members shall be replaceable in accordance with the statutes of the agency that nominated them.
8. The articles of association of the company shall be set out in a decision of the Minister of Agriculture, to be published in the Government Gazette.
9. Decisions of the board of administration, to be approved by the Minister of Agriculture and published in the Government Gazette, shall set out
 - (a) organizational and operational arrangements,
 - (b) rules on the status of staff and their remuneration,
 - (c) rules of financial management.

10. For the period of his service the chairman shall be insured with the same principal and supplementary insurance organizations as the staff of the NPMA provided that during that time he is not covered for the corresponding risks by another principal or additional insurance.
11. During the first five-year period of the establishment of the NPMA and on the basis of a request to the Minister of Agriculture, officials of the Ministry of Agriculture; legal persons under its jurisdiction and of the public sector in general can be transferred to this agency as it is stipulated in the provisions of article 1 (c) of the Law 1256/1982, in accordance with the provisions of article 27 of the law 1474/1984 (Government Gazette No 128 A).

Article 22

Structure - renaming of departments - staff

1. By Presidential Decrees, issued on the proposal of the Minister to the Prime Minister, and the Ministers of Finance and Agriculture, the following units shall be set up
 - (a) a Potato Institute, which shall have as its field of competence the breeding of Greek and the evaluation of foreign potato varieties, investigation of improved methods of potato growing, including pre-sprouting of seed potatoes, all matters of potato disease and physiology, and research into marketing, distribution and processing and seed potato production.
 - (b) a Potato Virology Laboratory/the function of which shall be study of and research into virological potato diseases, observation of the health situation of seed potato cultivation, issuing of guidelines for dealing with such potatoes, and laboratory examinations of leaves and tubers from plants grown for seed or otherwise that are suspected of being diseased.

2. The above-mentioned decrees shall also determine the headquarters and organizational classification of the units established, their particular areas of competence, their organization, mode of operation and staffing and shall lay down any other measure or detailed provision required for their smooth running.
3. The cost of construction of any facilities and the procurement of the necessary laboratory apparatus and other equipment shall be charged to the appropriations of the State Budget in the case of the Potato Institute and to account referred to in Article 24 in the case of the Potato Virology Laboratory.
4. The seed production centres provided for at (b) of Article 90(3) of Presidential Decree 433/77 (Government Gazette, No. 133) shall be renamed "centres for the testing and certification of propagating material".

The function of these centres shall be to test and certify such material and they shall, as regards their organizational classification and staffing, be governed by the relevant provisions applying to seed production centres; those provisions shall not be affected by this Law.

5. The cultivated Plant Variety Testing Institute, provided for in paragraph A1 - 3aa (8) of Presidential Decree 915/1981 (Government Gazette, Nos. 232 and 257) shall be renamed the Plant Variety Testing and Propagating Material Institute for field crops, competent for the testing of varieties of all cultivated plants, the coordination, testing, certification and control of the trade of propagating material of field crops.
Presidential decrees, issued on a proposal of the Minister of Agriculture, lay down provisions regulating the organization, the mode of operation and the particular areas of competence, staffing and any necessary measure or detailed provision and procedure required for the smooth running of this Institute.
6. The staff employed by the Central Board for the Management of Domestic Products (KYDEP), for the operation of state seed production, under employment contract of ind finite time governed

by private law, remunerated by appropriations of the special account for the management of seeds, cotton seed and seedpotatoes, deriving from the state seed production, can be appointed to organizational permanent posts of the Ministry of Agriculture and legal persons governed by public law under its jurisdiction.

7. Staffing takes place in accordance with the provisions of the law 1476/1984 (Government Gazette No 136 A) unless otherwise stipulated by the provisions of this article.
8. Those who wish to be employed must be appointed up to December 31, 1984. As time of service for those appointed is meant the time they have worked full or part-time under private or public law in state seed production. This time will be considered in any case as a public service.
9. The staff mentioned in paragraph 6, meeting the requirements of paragraph 8, that is not appointed to permanent posts for any reason whatsoever, is transferred ipso jure, to the agencies, where they were allocated upon the issue of this law, in provisional posts under contracts of indefinite time governed by private law in accordance with the provisions of article 5 of the law 1476/1984.
10. The provisions stipulated in paragraphs 6 to 9 included, of this article, are also implemented for the appointment of those occupied with seed analysis, employed upon the issue of this law at the seed testing station as wagers for five consecutive years and their payment was in charge of the account for seed management.

Article 23

Propagation material technology centres

1. By joint decisions of the Minister for National Education and Religious Affairs and the Minister of Agriculture, to be issued after the agreement has been obtained of the administrations of university-level educational establishments and published in the

Government Gazette, special units may be set up in these establishments, named "Propagation material technology centres", which as part of the activities of these establishments shall on behalf of the Ministry of Agriculture carry out the following work:

- (a) organization of teaching courses for the staff of public departments, cooperative organization and marketing of propagating material.
 - (b) organization of national and international seminars, conferences, symposia, lectures etc. on propagating material.
 - (c) any work and any research or technical studies assigned in a contract as provided for in paragraph 2.
2. The work referred to in paragraph 1 shall be assigned to the above centres by contract concluded between the Minister of Agriculture and the appropriate university level educational establishment after consultation of the committee provided for in Article 20. The contract shall set out the terms of the commission, the particular obligations incumbent on the centres, any measures or details required for accomplishment of the work and the level of the financing of the centres to be met from the appropriations of the seed production and nurseries account referred to in Article 24.

Article 24

Financing

1. Expenditure necessary for the implementation of this Law, apart from the remuneration of permanent officials, shall be met from the appropriation of the special/^{account}entitled "Seed Production Funds" in the budget of the Central Fund for Crop and Livestock/^{Farming}and Forestry. The special account shall be renamed "Special Account for Seed Production and Nurseries".

2. The income of the Central Fund for Crop and Livestock Farming and Forestry that is to be collected and entered in the Special Account for Seed Production and Nurseries and used exclusively to defray the expenditure mentioned in paragraph 1, shall be the following:
- (a) net remainder of the seed production account administered by the Central Board for the Management of Domestic Production (KYDEP), which after clearance in accordance with provisions set by decision of the Minister of Agriculture shall be transferred to the special account at the Bank of Greece entitled "Central Fund for Crop and Livestock Farming and Forestry - transfer of seed production appropriations", which is hereby renamed "Central Fund for Crop and Livestock Farming and Forestry - seed production and nurseries account";
 - (b) the securities provided for in Article 27;
 - (c) the proceeds seized and the fines levied under Article 25(2) and (3);
 - (d) the amounts arising from the sale, letting and transfer of the fields, building sites, habitations and other fixed installations and of the equipment and laboratory apparatus, instruments and other assets belonging to the State used by the seed production centres that have undergone a change of name;
 - (e) the amounts arising from exploitation of varieties bred in accordance with the provisions of Article 9;
 - (f) the annual amount granted for propagating material from the ordinary and public investment budgets that is assigned to the Central Fund for Crop and Livestock Farming and Forestry and credited to the Special Account for Seed Production and Nurseries;
 - (g) the interest on capital deposited with credit institutions and on any debts the payment of which is late;

- (h) any grants by natural or legal persons, gifts and bequests;
 - (i) the product of loans that are concluded for propagating material by the Central Fund for Crop and Livestock Farming and Forestry, secured by the above assets or a State guarantee;
 - (J) any other resource not specifically named that is stipulated by decision of the Minister of Agriculture in the form of a charge to compensate for work on implementing this Law;
 - (k) the charge for the testing of imported propagating material and on propagating material produced and certified within Greece, which may by decision of the Minister of Agriculture be imposed on the weight of seeds and seedlings or on their value.
3. The revenue mentioned in the preceding paragraph that is received in accordance with the provisions in force for the Central Fund for Crop and Livestock Farming and Forestry and expenditure on the implementation of this Law shall be presented in a single annex to the budget of the Central Fund for Crop and Livestock Farming and Forestry under the heading "Special Budget for Seed Production and Nurseries"
4. As regards the operation and administration of the annexed budget referred to in the previous paragraph, the effecting and the justification of expenditure, the accomplishment of operations, leasings and rentings and in general the execution of expenditure from the appropriations of this budget, the corresponding regulations of the Central Fund for Crop and Livestock Farming and Forestry, as they are applicable in each case, shall continue to be applied.

CHAPTER F

Penal and final provisions

Article 25

Sanctions

1. Persons who infringe Articles 4, 8, 12, 14, 15, 16, 17, 18 and 19 of this Law shall be liable to the penalties for in Article 458 of the Penal Code.
2. The court, in its judgement condemning those persons who have intentionally exercised the rights of a breeder of a plant variety without previously obtaining permission from the holder of these rights, may in addition to the abovementioned penalties, order seizure of the proceeds of this illegal activity wherever they are found.

Such proceeds shall constitute income for the purposes of the account referred to in Article 24 and by decision of the Minister of Agriculture it shall be made available to the organization provided for in Article 21 at a price set by the decision or its sale by auction through the Central Fund for Crop and Livestock Farming and Forestry shall be ordered.

3. In addition to the penalties provided for in paragraph 1 there may by decision of the Minister of Agriculture be imposed, on persons found definitively guilty:
 - (a) of, in contravention of this law, the production, sale or movement of propagating material and of infringement of its provisions on testing and certification, a fine of 30.000 to 300.000 drachmas;
 - (b) of infringements of the decisions provided for in Article 12(1), a fine of 10.000 to 100.000 drachmas.

4. The amounts of the fines specified in the previous paragraph may, by Presidential Decree issued at the proposal of the Minister of Agriculture, be increased to up to four times the initial amounts.

Article 26

Cancellation of debts of seed production contract holders

1. Any debts to the Central Fund for Crop and Livestock Farming and Forestry which arise from the value of seeds that were granted in the seed production years 1945 to 1960 to holders of contracts to produce seed for propagation in accordance with the provisions of Emergency Law No. 825/1937 (Government Gazette, No. 343), as amended by Decree-Law 1348/1942 (Government Gazette No. 129), and which have not been discharged by the date of publication of this Law shall be cancelled.
2. The mode of cancellation and any other detailed rules required shall be fixed by joint decision of the Ministers of Finance and Agriculture.

Article 27

Security

1. Applications under Articles 5(1), 6(2) and (4), 7(2), 8(4), 15(3), 15(4) and 16(3) and objections and appeals under Articles 5(3), 6(2), 15(6) and the applications of seed production and nursery concerns for the analysis and testing of samples of propagating material carried out for their behalf, must be accompanied by proof that the security set under paragraph 3 has been lodged.
2. Applications, objections and appeals shall be rejected as inadmissible if they are not accompanied by proof that the legally correct security has been lodged or if the security is insufficient.

3. The amount of security required in each of the cases referred to in paragraph 1 and 2 shall be set by a decision of the Minister of Agriculture, to be published in the Government Gazette. The amount of the security may be adjusted in the same way.

Article 28

Final authorizing provisions

Decisions of the Minister of Agriculture and of any jointly competent Ministers, to be published in the Government Gazette, shall lay down such procedures or detailed rules as are required for implementation of the provisions of this Law.

Article 29

Provisions repealed

1. By Presidential decrees issued on the proposal of the Minister of Agriculture there shall be repealed in whole or in part the provisions of Emergency Law 825/1937 (Government Gazette, No. 343), Law 855/1946 (Government Gazette, No 18), Articles 4, 5, 7, 8, 9, 10, 11 and 12 of Law 4035/1960 (Government Gazette, No 15), Decree-Law 1348/1942 (Government Gazette, No. 129) and any other provision dealing with the matters regulated by this Law.
2. Cases pending before the administrative authorities shall continue to be governed by the old provisions.

Article 30

Entry into force

With the exception of Articles 1, 2, 3, 5, 6, 11, 14, 15, 17, 18, 20, 21, 22, 23, 24 paragr. 1, 2(b) up to (ia) included 3, 4, 26 and 27, 28 which shall enter into force, in whole or in part, as indicated in the decrees provided for in Article 29.

Athens September 23, 1985

The President of the Hellenic Republic

CHRISTOS ANTONIOU SARTZETAKIS

The Ministers

To the Prime Minister	For National Economy
Ap. Ath. Tsohatzopoulos	Konstantinos Simitis
For Health, Welfare and Social Insurance	For Justice
George Yennimatas	G.A. Mangakis
For National Education and Religious Affairs	For Finance
Apostolos Kaklamanis	Dimitrios Tsovolas
For Agriculture	For Commerce
Ioannis Pottakis	Nicolaos Akritidis

ORGANIZATION OF THE PRODUCTION OF AND
TRADE IN PLANT PROPAGATING MATERIAL

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