

Republic of Latvia

Cabinet

Regulation No. 78

Adopted 10 February 2015

Regulations Regarding Co-existence of Genetically Modified Crops

*Issued pursuant to
Section 5, Paragraph one, Clause 4 of
the Law On Circulation of Genetically Modified Organisms*

I. General Provisions

1. This Regulation prescribes:

- 1.1. the requirements for co-existence of genetically modified crops;
- 1.2. the procedures for registering growers of genetically modified crops, deleting thereof from the Crop Monitoring State Information System Register of Growers of Genetically Modified Crops (hereinafter – the Register of Growers) and for exchanging the information included in the Register of Growers;
- 1.3. the procedures for supervising and controlling the growers of genetically modified organisms.

2. It is permitted to cultivate genetically modified crop varieties that are included in the Latvian Catalogue of Plant Varieties, the Common Catalogue of Varieties of Agricultural Plant Species of the European Union or the Common Catalogue of Varieties of Vegetable Species of the European Union.

3. The minimum isolation distance from the edge of a field of genetically modified crops to the edge of a field of organic or conventional farming of the same crop, to the protected territories of European significance (in *Natura 2000* sites), to the especially protected nature territories, for example, nature reserves “Bulļezers” and “Ģipka”, Garākalns and Puze sand toad deposits, Milzūkalns nature park, protected dendrological planting – the National Botanic Garden of Latvia, as well as to local government territories that have determined restrictions for cultivating genetically modified crops, and to the State border, shall be 14,000 metres.

4. After cultivation of genetically modified crops cultivation of conventional crops of the same species in the same field is allowed after a certain period of time, determining that the minimum time period for cruciferous crops shall be 10 years, for other crops – five years.

5. If a holding is cultivating a genetically modified crop species, then in this holding it is prohibited to cultivate the same crop species by using conventional or organic farming method.

II. Requirements for Co-existence of Genetically Modified Crops

6. A person may cultivate genetically modified crops, if:
- 6.1. it has acquired higher or vocational secondary education in agriculture in conformity with the professional qualification referred to in Annex 1 to this Regulation, or he or she has an agreement with the person responsible for the cultivation of the genetically modified crop, who has acquired higher or vocational secondary agricultural education in conformity with the professional qualification referred to in Annex 1 to this Regulation;
 - 6.2. he or she is registered in the Register of Growers;
 - 6.3. during the previous two years before he or she launched cultivation of genetically modified crops, he or she has not violated the requirements for circulation of genetically modified organisms laid down in the laws and regulations.
7. A person who wishes to cultivate genetically modified crops shall:
- 7.1. annually receive a written consent of those legal possessors of bee colonies, the bee apiaries (beehives) of which are registered in accordance with the laws and regulations regarding registration of animals, herds and housings and identification of animals, and are located in the distance of isolation referred to in Paragraph 3 of this Regulation;
 - 7.2. annually receive the following from those land owners or legal possessors whose land (specifying the cadastre number of the unit of land) is located in the distance of isolation referred to in Paragraph 3 of this Regulation:
 - 7.2.1. a written consent for the cultivation of genetically modified crops (specifying the species) in the specific property;
 - 7.2.2. a written confirmation that in the particular year they undertake not to cultivate crops of the species in the distance of isolation which the respective person will cultivate;
 - 7.3. receive technical regulations or an opinion in accordance with the laws and regulations regarding environmental impact assessment.
8. A person registered in the Register of Growers (hereinafter – grower) shall:
- 8.1. upon harvesting, storage and transportation of genetically modified crop seeds and yield (hereinafter – the product), ensure that the product does not mix with products of organic and conventional agriculture, as well as comply with the following requirements:
 - 8.1.1. the product is transported in a closed vehicle, so that it does not scatter or otherwise enter the environment, also during its loading and unloading;
 - 8.1.2. provide product storage in a closed room separately from products of organic and conventional agriculture. The room shall be located outside the territories where there is a risk of flooding, and it is protected from rodents;
 - 8.2. ensure free access to an inspector of the State Plant Protection Service (hereinafter – the Service), the Food and Veterinary Service, and the State Environmental Service to industrial premises, warehouses, land area, vehicles used for transportation of products, and accounting documents, the original copies of the documents referred to in Sub-paragraph 6.1 and Paragraph 7 of this Regulation, as well as provide all the necessary information regarding cultivation of genetically modified crops and circulation of the product acquired;
 - 8.3. destroy self-sowing or wintered genetically modified crops in the field in which genetically modified crops were cultivated, if in the respective field the genetically modified crop species is changed or the genetically modified crop is ceased to be cultivated, or if the grower is deleted from the Register of Growers;
 - 8.4. manage a record of field history regarding the fields (including leased) that can be used for the cultivation of genetically modified crops, specifying at least a field location scheme and change of crops over the years;

8.5. manage documentation regarding the origin, variety, category, quality and quantity of the seed and planting material used;

8.6. for 10 years store the documents related to the acquisition of planting or seed material.

9. If a grower wishes to cultivate genetically modified crops on land owned by another person, he or she shall specify in the land lease agreement that genetically modified crops will be cultivated on the leased land. After the end of the land lease agreement the land owner shall ensure fulfilment of the requirements referred to in Paragraph 4 and Sub-paragraph 8.3 of this Regulation.

III. Registration in the Register of Growers

10. A person who wishes to cultivate genetically modified crops, shall every year register in the Register of Growers of the Service.

11. To register in the Register of Growers, a person shall submit a submission to the Service for inclusion in the Register of Growers in accordance with Annex 2 to this Regulation and shall attach:

11.1. a copy of the document referred to in Sub-paragraph 6.1 of this Regulation, retaining the original copy of the document;

11.2. copies of the documents referred to in Paragraph 7 of this Regulation, retaining the original copies of the documents;

11.3. a summary (indicating the cadastre numbers) with the information referred to in Sub-paragraphs 7.1 and 7.2.1 of this Regulation summarised in an electronic data carrier;

11.4. the registration number in the State Land Service of the document certifying land ownership or a copy of the land lease agreement concluded with the land owner, presenting the original copy thereof;

11.5. a copy of the land boundary plan (with the cadastre number of the unit of land and the field block number) indicating the boundaries and area of the field used for the cultivation of the genetically modified crop;

11.6. information regarding the management of the record of field history.

12. When submitting a submission in the form of an electronic document, the original copy of the document referred to in Sub-paragraph 6.1 and Paragraph 7 of this Regulation shall be scanned and attached thereto in the form of an annex. The submission shall be drawn up in accordance with the laws and regulations regarding drafting of electronic documents.

13. If a person fails to submit all the documents referred to in Paragraph 11 of this Regulation or the information submitted is incomplete, the Service shall, within three working days from the verification of conformity of the information indicated in the submission, inform in writing the submitter regarding the missing information and documents, and request them to be submitted within 20 working days after receipt of the request.

14. If a person by the end of the term referred to in Paragraph 13 of this Regulation has not eliminated the deficiencies specified by the Service, the Service shall, within five working days from expiry of the respective term, take a decision to refuse to include the person in the Register of Growers and inform him or her in writing, stating the reasons for refusal.

15. The Service shall:

15.1. within one month after receipt of the documents referred to in Paragraph 11 of this Regulation verify the conformity of the information indicated in the submission referred

to in Paragraph 11 of this Regulation with the requirements referred to in this Regulation, and take a decision to include the person in the Register of Growers or to refuse to include the person in the Register of Growers;

15.2. within three working days after taking of the decision send the information regarding the decision taken to the person.

16. If a decision has been made to include a person in the Register of Growers, the Service shall place the information referred to in Paragraphs 2 and 3 of Annex 2 to this Regulation in the Register of Growers, as well as specify the number and date of the decision.

17. The Service shall post information regarding the persons included in the Register of Growers on its website, specifying their given name and surname (for natural persons) or name (for legal persons), the number and date of the decision, species and variety of the genetically modified crop, as well as the field in which it is planned to cultivate the genetically modified crop (address of the place of location and the cadastre number of the unit of land).

18. Expenses related to the grower registration, according to the official price list of the paid services provided by the Service shall be borne by the person concerned, according to the invoice issued by the Service by transferring the money to the specified account.

19. The Service shall, within two weeks, take a decision to delete a grower from the Register of Growers, if:

19.1. the grower has submitted a written submission regarding its deletion from the Register of Growers;

19.2. it is found that the requirements for ensuring co-existence of genetically modified crops referred to in this Regulation have not been complied with, and a decision thereon has been taken in an administrative violation case.

20. The Service shall, within five working days after taking the decision referred to in Paragraph 19 of this Regulation to delete the grower from the Register of Growers, make the respective changes in the Register of Growers and inform in writing the person who has been deleted from the Register of Growers thereof.

21. After deletion of a grower from the Register of Growers, the Service shall store the information referred to in Paragraphs 16 and 19 of this Regulation for 10 years in the archives of the Register of Growers, and the field co-ordinates – in the Geographical Information System of the Service.

IV. Supervision and Control

22. State supervision and control of the compliance with this Regulation in conformity with their competence shall be ensured by:

22.1. the Service by carrying out the following activities:

22.1.1. supervise and control the circulation of seeds for genetically modified crop varieties;

22.1.2. carry out surveying of fields of genetically modified crops in nature and store the field coordinates in the Geographical Information System of the Service;

22.1.3. control compliance with the distance of isolation from the edge of a field of genetically modified crops to the edge of field of organic or conventional farming of the same crop, to local government territories that have determined restrictions for growing genetically modified crops, and to the State border, by

carrying out an inspection at the grower during the crop vegetation period, but not later than by the flowering stage. The inspection at a beet grower shall be carried out not later than by the time when beet leaf sockets are formed, when the plants in adjacent rows are not in contact yet. The inspection at a beet seed grower shall be carried out not later than by the socket stage in the second year;

22.1.4. control the fulfilment of the requirement referred to in Sub-paragraph 8.3 of this Regulation after deletion of the grower from the Register of Growers;

22.2. the Food and Veterinary Service by controlling storage, preparation, packaging, and transportation of genetically modified products (excluding seeds);

22.3. the State Environmental Service by controlling the distance of isolation from the place of cultivation of genetically modified crops to the protected territories of European significance (in *Natura 2000* sites), to the especially protected nature territories, for example, nature reserves “Buļļezers” and “Ģipka”, Garākalns and Puze sand toad deposits, Milzkalns nature park, protected dendrological planting – the National Botanic Garden of Latvia.

23. Inspectors of the Service, the Food and Veterinary Service, and the State Environmental Service by carrying out control at a grower, shall draw up inspection acts. If an inspector finds non-compliance with the requirements of this Regulation, he or she shall specify in the act the violation, its legal justification, actions for elimination of the violation and execution term thereof. The Food and Veterinary Service or the State Environmental Service shall inform the Service regarding the detected violation.

24. If the requirements referred to in Paragraphs 3, 4, and 5 of this Regulation are not complied with or the grower has failed to eliminate the violation referred to in Paragraph 23 of this Regulation within the term specified by the control institution, the Service shall request that the sown genetically modified crops are completely destroyed, using mechanical or chemical methods. In the area where potatoes are destroyed, the grower shall maintain black fallow land. The Service shall, within five working days after destruction of these crops, inform the Rural Support Service thereof in writing.

25. If the grower has failed to take the measures for elimination of the violation specified by the control institution indicated in the inspection act referred to in Paragraph 23 of this Regulation and the requirement of the Service referred to in Paragraph 24 of this Regulation regarding destruction of genetically modified crops, the Service is entitled to destroy the sown or planted genetically modified crops by force, using mechanical or chemical methods. The expenses related to the destruction of the sown genetically modified crops shall be borne by the grower.

26. If the land owner or legal possessor whose land is located in the isolation area of a genetically modified crop, in accordance with Sub-paragraph 7.2 of this Regulation has certified that he or she will not cultivate the crops of those species in the specific year which will be cultivated by the grower, but has failed to comply with this certification, the Service shall draw up an inspection act and require the land owner or legal possessor to destroy the sown crops of the same species that are cultivated organically or conventionally, using mechanical or chemical methods. The Service shall, within five working days after destruction of these crops, inform the Rural Support Service thereof in writing.

27. If the land owner or legal possessor referred to in Sub-paragraph 7.2 of this Regulation has failed to take the measures for elimination of the violation referred to in Paragraph 26 of this Regulation, the Service after a repeat inspection in the holding is entitled to destroy the sown or planted organic or conventional crops of the same species by force, using mechanical

or chemical methods. The expenses related to the destruction of sown crops shall be borne by the land owner or legal possessor referred to in Sub-paragraph 7.2 of this Regulation.

28. If the Service upon carrying out control and monitoring measures, finds that genetically modified crops are grown by a person who is not included in the Register of Growers (hereinafter – unregistered grower), the Service shall request that the sown or planted genetically modified crops are destroyed, using mechanical or chemical methods. If the unregistered grower within 10 days from the Service inspection has failed to destroy the genetically modified crops, the Service is entitled to destroy the sown or planted genetically modified crops by force, using mechanical or chemical methods. The expenses related to the destruction of the sown genetically modified crops shall be borne by the unregistered grower. The Service shall, within five working days after destruction of these crops, inform the Rural Support Service thereof in writing.

29. The decision of the inspector of the Service may be contested and appealed in accordance with the procedures laid down in the By-law of the Service and the Administrative Procedure Law. Contesting and appeal of a decision shall not suspend its operation.

Informative Reference to European Union Directives

1. Legal norms are harmonised with the European Commission and the Member States of the European Union in conformity with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, and Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations.

2. This Regulation includes legal norms arising from Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.

Prime Minister

Laimdota Straujuma

Acting for the Minister for Agriculture – Minister for Welfare

Uldis Augulis

Documents of Higher and Secondary Vocational Agricultural Education and Professional Qualification

1. Higher education diploma, if the following qualification has been obtained: agronomist specialising in crop cultivation, horticulture or zootechnics (animal husbandry), entrepreneurship in agriculture, bachelor in agricultural sciences, engineer with specialisation in agricultural mechanisation.
2. Secondary vocational (secondary special) education diploma, if the following qualification has been obtained: agronomist, agronomist gardener, horticulturist, gardener, rural entrepreneur, entrepreneur in horticulture, farmer, farmer with specialisation in agronomy or horticulture.
3. Higher or secondary (secondary special) education diploma in the following specialities: agronomy, zootechnics, animal husbandry, horticulture, agricultural mechanisation.

Acting for the Minister for Agriculture – Minister for Welfare

Uldis Augulis

Information to be Specified in the Submission for Inclusion in the Crop Monitoring State Information System Register of Growers of Genetically Modified Crops

1. Date of submitting the submission.
2. Information regarding the person:
 - 2.1. for a legal person:
 - 2.1.1. the name;
 - 2.1.2. the legal address;
 - 2.1.3. the registration number in the Enterprise Register or Commercial Register;
 - 2.1.4. the contact details (for example, phone number, e-mail address);
 - 2.1.5. the given name, surname of the representative;
 - 2.2. for a natural person:
 - 2.2.1. the given name, surname;
 - 2.2.2. the personal identity number;
 - 2.2.3. the address of the place of residence;
 - 2.2.4. the contact details (for example, phone number, e-mail address).
3. Species, variety and location of the field (address, cadastre number of the unit of land, field block number) of the genetically modified crop to be cultivated.
4. List of appended documents.
5. Date of submitting, given name, surname and signature of the submitter*.

Note. *The detail “signature” of the document shall not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents.

Acting for the Minister for Agriculture – Minister for Welfare

Uldis Augulis