

# THE CROATIAN PARLIAMENT

1784

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby issue the

## DECISION

### PROMULGATING THE ACT ON FOREST REPRODUCTIVE MATERIAL

I hereby promulgate the Act on Forest Reproductive Material, passed by the Croatian Parliament at its session on 19 June 2009.

Class: 011-01/09-01/96

Reg. No.: 71-05-03/1-09-2

Zagreb, 23 June 2009

The President of the Republic of  
Croatia  
**Stjepan Mesić, m.p.**

## ACT

### ON FOREST REPRODUCTIVE MATERIAL

#### I BASIC PROVISIONS

##### *Scope of the Act*

##### Article 1

(1) This Act regulates production, marketing and import of forest reproductive material; production and import of Christmas trees; conditions to be satisfied by suppliers of forest reproductive material and Christmas trees in the process of their registration in the relevant registers; procedure for registration of forest basic material in the Register of Forest Basic Material; establishment and use of seed material reserves; gene and seed banks of forest tree species; establishment of the Commission for Forest Reproductive Material; collection, use and exchange of data and information; costs related to implementation of the measures laid down in this Act; bodies competent for the implementation of this Act, and the supervision of its implementation.

(2) This Act transposes Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material into the legal system of the Republic of Croatia.

##### *The aim of the Act*

## Article 2

The aim of this Act is to ensure the production, marketing and import of quality forest reproductive material that is suited to the particular site and that allows sustainable and optimal management of forest ecosystems and their regeneration in accordance with the principles of protection of forest genetic resources.

### *Definition of forest reproductive material*

## Article 3

(1) Within the meaning of this Act, “forest reproductive material” shall include seed material, parts of plants and planting stock of forest tree species and artificial hybrids for use in forestry and scientific research in forestry:

(2) Forestry use shall refer to:

- biological forest regeneration in accordance with forest regulations;
- establishment and maintenance of protective and erosion-prevention strips of forest trees;
- establishment and maintenance of forest tree cultures and plantations.

(3) The list of species and artificial hybrids governed by the provisions of this Act shall be determined by the minister responsible for forestry (hereinafter: Minister).

### *Definitions*

## Article 4

For the purposes of this Act the following definitions apply:

1. *Forest basic material* means the basic material (seed source, seed stand, seed orchard, parents of family, clone, clonal mixture) wherefrom forest reproductive material is obtained;
2. *Seed source* means the forest stand, tree or group of trees from which seed material, natural progeny and/or parts of plants are collected;
3. *Seed stand* means a stand possessing an above average phenotypic quality, territorially delimited, and managed in such a way as to satisfy the criteria for the production of good quality seeds;
4. *Seed orchard* means a plantation of superior quality items, established of selected clones (clone seed plantation) or from quality progeny (generative seed plantation), isolated or managed so as to avoid or reduce pollination from outside sources, and managed to produce frequent, abundant and genetically improved crops of seed;

5. *Parents of family* are trees used to obtain progeny by controlled or open pollination of one identified parent used as a female (maternal tree), with the pollen of one identified parent (full-sibling) or a number of identified or unidentified parents (half sibling);

6. *Clone* means a group of individuals (ramets) deriving originally from a single individual (ortet) by vegetative propagation;

7. *Clonal mixture* means a mixture of identified clones in defined proportions;

8. *Seed material* means seeds, cones, fruits and infructescences intended for sowing and planting or production of planting stock and scientific research in forestry;

9. *Parts of plants* means different types of cuttings, plant cell cultures and tissues intended for micropropagation, buds, layers, roots, scions, sets and any other parts of a plant intended for the production of planting stock or scientific research in forestry;

10. *Planting stock* means generatively or vegetatively propagated plants, or plants from natural regeneration;

11. *Forest reproductive material supplier* means any natural or legal person engaged in any of the following activities: production, marketing or import of forest reproductive material;

12. *Collection of forest reproductive material in the forest basic material* means the collection of seed material, parts of plants and/or plants from natural regeneration;

13. *Production of forest reproductive material* includes all stages in the collection of forest reproductive material in the forest basic material, rework of forest reproductive material and cultivation of planting stock from seeds, parts of plants and plants from natural regeneration collected in the forest basic material, as well as its keeping and storage;

14. *Rework of forest reproductive material* means any of the following activities: trimming, lopping, drying, purification. Calibration, quality assessment, treatment with protective agents, packaging, sealing and declaration of thus obtained forest reproductive material shall be also considered as its rework;

15. *Marketing of forest reproductive material* means display with a view to sale, offering for sale, sale or delivery to another person including delivery under a service contract;

16. *Import of forest reproductive material* means the introduction of forest reproductive material into the customs territory of the Republic of Croatia in accordance with this Act and the customs regulations, with the exception of import for transit purposes;

17. *Christmas tree* means a conifer tree, with or without a root, which is not intended for forestry use and which is placed on the market in the period from 1 November until 7 January. The planting stock of forest tree species and artificial hybrids complying with the provisions of this Act may be also placed on the market as Christmas trees;

18. *Christmas trees supplier* means any legal or natural person engaged in at least one of the following activities: production, marketing or import of Christmas trees;

19. *Production of Christmas trees* means the production of trees placed on the market in the period from 1 November to 7 January;

20. *Marketing of Christmas trees* means display with a view to sale, offering for sale, sale or delivery to another person including delivery under a service contract;

21. *Provenance* is the area or group of areas with very similar ecological conditions where stands or seed sources showing similar phenotypic or genetic characters are found, taking into account altitudinal boundaries where appropriate;

22. *Seed region* means a limited area of forest vegetation related to a single ecogeographic race;

23. *Seed zone* means an area of forest vegetation which may include several ecogeographic races, its boundaries being determined by the environmental conditions which do not allow the exchange of the genetic material;

24. *Seed area* means a forest vegetation area of a specific vertical vegetation belt and a specific horizontal vegetation zone;

25. *Species* means a group of plants (of vegetative or generative origin) with markedly prevailing characteristics of a specific genotype or combination of genotypes, distinguished from any other species by one or several qualities, which, as a whole, remains unchanged even after frequent propagation;

26. *Artificial hybrid* means a unit generated by cross-breeding of individuals with genetically different basis;

27. *Lot of forest reproductive material* means a quantity of forest reproductive material of specific species or artificial hybrids, originating from the same approved forest basic material, collected during the same season, and reworked and stored;

28. *Seed generating trees* means trees from which forest reproductive material is obtained within a single seed stand;

29. *Seed saving bank* means the stored seed material intended for cultivation of the planting stock, which is necessary for sustainable forest management and conservation of forest genetic resources;

30. *Gene bank of forest tree species* means a bank of tissues, live archives, forest basic material and supervised or cultivated populations, established for conservation of genetic diversity of forest tree species and their genetic resources;

31. *Seed bank of forest tree species* means a collection of seed samples kept over a long period of time;

32. *Autochthonous stand or seed source* is one which normally has been continuously regenerated. The stand or seed source may be regenerated artificially from reproductive material collected in the same stand or seed source or autochthonous stands or seed sources within the close proximity;

33. *Origin*, for an autochthonous stand or seed source, is the place in which the trees are growing. For a non-autochthonous stand or seed source, the origin is the place from which the seed or plants were originally introduced. The origin of a stand or seed source may be unknown.

### *Exemptions from this Act*

#### Article 5

The provisions of this Act shall not apply to:

- planting stock or parts of plants of species and artificial hybrids not intended for purposes referred to in Article 3, paragraph 1 of this Act. If this material is produced, marketed or imported for decorative purposes, it shall be governed by the provisions of a special regulation. Such reproductive material shall be accompanied by a marking or label or by the supplier's statement: "Not for forestry purposes";
- forest reproductive material intended for export or re-export, with the exception of that intended for export or re-export to the Member States of the European Union.

## II CONDITIONS FOR PRODUCTION AND MARKETING OF FOREST REPRODUCTIVE MATERIAL

### *Categories of forest reproductive material*

#### Article 6

(1) Forest reproductive material shall be categorised as follows: "source-identified", "selected", "qualified" and "tested":

- forest reproductive material categorised as "source-identified" shall be seed material, parts of plants and planting stock deriving from a seed source within a specific region of provenance;
- forest reproductive material categorised as "selected" shall be seed material, parts of plants, and planting stock of forest trees deriving from seed stands located within a specific region of provenance that possess different phenotypic characteristics than the population deriving from another region of provenance;
- forest reproductive material categorised as "qualified" shall be seed material, parts of plants, and planting stock derived from seed orchards, parents of families, clones or clonal mixtures, the components of which have been phenotypically selected at the individual level;
- forest reproductive material categorised as "tested" shall be seed material, parts of plants, and planting stock derived from seed stands, seed orchards, parents of families, clones or clonal mixtures. The superiority of the reproductive material must have been demonstrated by comparative testing or an estimate of the superiority of the reproductive material calculated from the genetic evaluation of the parents of family within the framework of progeny testing.

(2) The requirements to be satisfied by forest reproductive material for classification into categories referred to in paragraph 1 of this Article shall be stipulated by the Minister.

### *General production requirements*

#### Article 7

(1) Only those forest basic material complying with the provisions of this Act shall be used for the collection of forest reproductive material, which shall be used for the production of the planting stock.

(2) If Management Programmes for Forest Basic Material referred to in Article 32 of this Act do not include the nature protection requirements in the territories proclaimed as protected in line with special regulations, the authorisations for collection of forest reproductive material shall be procured from the central state administration body competent for environmental protection, or from the relevant county administration body competent for environmental protection.

### *General marketing requirements*

#### Article 8

(1) To be placed on the market, forest reproductive material shall comply with the requirements laid down in this Act and plant health regulations.

(2) Forest reproductive material may be placed on the market if it:

- conforms to categories referred to in Article 6 of this Act;
- possesses the master certificate in accordance with Article 13 of this Act;
- conforms to specific quality standards;
- is accompanied by a document issued by the forest reproductive material supplier (hereinafter: supplier), in accordance with Articles 15 and 16 and Article 39, paragraph 3 of this Act;
- is labelled and packaged in a manner that allows the verification of the identity of forest reproductive material.

(3) Quality criteria and labelling and packaging methods for forest reproductive material referred to in paragraph 2 of this Article shall be stipulated by the Minister.

### *Special marketing requirements*

#### Article 9

(1) Forest reproductive material of species may be placed on the market if it corresponds to the following categories: “source-identified”, “selected”, “qualified” and “tested”.

(2) Forest reproductive material of artificial hybrids may be placed on the market if it corresponds to the following categories: “selected”, “qualified” and “tested”.

(3) Forest reproductive material of species and artificial hybrids which are vegetatively reproduced may not be marketed unless it is of the “selected”, “qualified” or “tested” categories. In the case of forest reproductive material of the “selected” category, it may only be marketed if it has been mass propagated from seeds.

(4) Forest reproductive material of species and artificial hybrids, which consists of genetically modified organisms, shall not be marketed unless it is of the “tested” category and meets the requirements of regulations on genetically modified organisms.

(5) The categories under which forest reproductive material from the different types of forest basic material may be marketed shall be stipulated by the Minister.

#### *Marketing exemptions*

##### Article 10

(1) Scientific and scientific teaching institutions shall be allowed to import the restricted quantities of seed material, parts of plants or planting stock of species and artificial hybrids, which do not comply with all requirements from Article 8, paragraph 2 and which are intended for testing, scientific research, selection, or for improvement or conservation of forest genetic resources.

(2) On the basis of the opinion of the Commission for Forest Reproductive Material (hereinafter: Commission), the Minister shall issue a decision approving the import of the material from paragraph 1 of this Article.

(3) In the case of forest reproductive material derived from the forest basic material which does not comply with all requirements for classification into categories from Article 6 of this Act and which cannot meet these requirements within the acceptable deadline due to a long life cycle of species, the exemptions from the restricted deadline may be allowed under special conditions in order to prevent the shortage of the registered forest basic material intended for the production of forest reproductive material of these species.

(4) The Minister shall stipulate the shelf life for each category of species from paragraph 3 of this Article and special exemption conditions for determination of categories and placing of such forest reproductive material on the market.

#### *Handling of forest reproductive material*

##### Article 11

(1) During all stages of production, forest reproductive material shall be separated into lots with respect to:

- species or artificial hybrids;
- category of forest reproductive material;



- master certificate code and number referred to in Article 13 of this Act;
- forest basic material from which forest reproductive material is derived;
- region of provenance;
- purpose;
- in the case of seed units, the year of ripening of seed of species and artificial hybrids (hereinafter: seed);
- age and type of planting stock of seedlings or cuttings, in the case of planting stock;
- information whether it is genetically modified;
- origin of the material: autochthonous, non-autochthonous, or unknown.

(2) If a lot of the forest reproductive material categorised as “selected“, “qualified“ or “tested“ is intended for subsequent vegetative propagation, thus obtained forest reproductive material shall be kept separate and identified as such.

### *Mixing of forest reproductive material*

#### Article 12

(1) As an exception to the provision of Article 11, paragraph 1 of this Act, mixing shall be allowed for forest reproductive material:

- derived from a single region of provenance, i.e. from two or more forest basic material within the “source-identified“ category or within the “selected“ category;
- derived from a single forest basic material from different years of ripening;
- derived from a seed source and seed stand within a single region of provenance, and the new combined lot shall be certified as the forest reproductive material derived from a seed source of the “source-identified” category;
- derived from nonautochthonous forest reproductive material with that of unknown origin, and the new combined lot shall be certified as being “of unknown origin”.

(2) In mixing of the forest reproductive material referred to in subparagraphs 1, 3 and 4, paragraph 1 of this Article, the identification code of the provenance, if unknown, may be replaced with the register number of the forest basic material from the Register of Forest Basic Material (hereinafter: Register).

(3) In mixing of the forest reproductive material in line with subparagraph 2, paragraph 1 of this Article, the actual year of ripening and the seed ratio vs. the year of ripening shall be recorded.

### *Master certificate*



### Article 13

(1) The supplier shall be issued a master certificate of the identity of forest reproductive material (hereinafter: master certificate) for all forest reproductive material from the same forest basic material.

(2) The issued master certificate shall be also valid for all forest reproductive material cultivated from lots of forest reproductive material referred to in paragraph 1 of this Article.

(3) The master certificate shall be issued by the Official Body.

(4) The master certificate shall contain:

- code and number;
- date of issuance;
- botanical name of species or artificial hybrids;
- name and address of supplier;
- form of forest reproductive material;
- quantity of forest reproductive material;
- category of forest reproductive material;
- purpose of forest reproductive material;
- type of forest basic material;
- register number of forest basic material;
- location or source of forest basic material;
- region of provenance;
- altitude or altitudinal range of forest basic material;
- year in which seeds ripened;
- time of cultivation of planting stock;
- origin of mixture.

(5) The master certificate shall be issued within maximum two days following the collection of forest reproductive material in the forest basic material.

(6) The master certificate for the imported forest reproductive material shall be issued prior to approval of the import of forest reproductive material.

(7) If a lot is obtained by mixing referred to in Article 12 of this Act, it shall be issued a new master certificate.

(8) If a lot from the “selected”, “qualified” or “tested” category is vegetatively propagated, a new master certificate shall be issued for thus obtained forest reproductive material.

(9) The contents and the format of the master certificate and the costs of its issuance shall be stipulated by the Minister.

### *Issuance of master certificates*

#### Article 14

(1) The supplier shall report the time and the venue of any collection of forest reproductive material in the forest basic material to the Forest Research Institute Jastrebarsko (hereinafter: Official Body) at least ten days in advance.

(2) The Official Body shall supervise the collection of forest reproductive material in the forest basic material and write the corresponding minutes.

(3) On the basis of the minutes from paragraph 2 of this Article, the Official Body shall issue a master certificate to the supplier.

(4) The Official Body shall issue a master certificate for the import of forest reproductive material on the supplier's request and on the basis of the documentation submitted by the supplier from the exporting country.

### *Supplier's declaration*

#### Article 15

(1) The supplier shall issue a declaration for forest reproductive material which is placed on the market only if it conforms to the provisions of Article 13 of this Act. This Declaration shall specify:

- number of declaration;
- master certificate code and number;
- name and address of supplier;
- name and address of recipient;
- date of placing on the market;
- quantity of forest reproductive material;
- botanical name of species or artificial hybrid;
- category of forest reproductive material;

- type of forest basic material;
- purpose;
- register number of forest basic material from the Register or the identification code of provenance;
- year of ripening, purity, germination percentage of the pure seed, weight of 1,000 pure seeds, and the number of germinable or viable seeds per kilogram of product marketed as seed;
- age and type of planting stock of seedlings or cuttings, in the case of planting stock or parts of plants;
- country and region of provenance for forest reproductive material classified as “source identified” and “selected”, or for other categories of forest reproductive material if available;
- quality class, if prescribed;
- origin: autochthonous, non-autochthonous, unknown;
- origin of non-autochthonous forest basic material.

(2) If forest reproductive material of the “tested” category is placed on the market, the declaration from paragraph 1 of this Article shall state whether this material is genetically modified and whether it is derived from a temporarily approved forest basic material referred to in Article 31 of this Act.

(3) If the vegetatively propagated forest reproductive material is placed on the market, this shall be specified in the declaration.

(4) If forest reproductive material derived from the forest basic material which consists of genetically modified organisms is placed on the market, the declaration and any other document for any lot of such forest reproductive material shall indicate that fact.

(5) The supplier shall issue a declaration of the following colour for individual categories of forest reproductive material:

- yellow, in the case of “source identified” forest reproductive material;
- green, in the case of “selected” forest reproductive material;
- pink, in the case of “qualified” forest reproductive material;
- blue, in the case of “tested” forest reproductive material.

(6) The format of the declaration and the method for categorisation of forest reproductive material shall be stipulated by the Minister.

#### *Seed supplier's declaration*

## Article 16

(1) If seed is placed on the market, the declaration shall contain, in addition to the data from Article 15 of this Act, the following information:

- purity, the percentage by weight of pure seed;
- the germination percentage of the pure seed;
- the weight of 1,000 pure seeds,
- the number of germinable or viable seeds per kilogram. In the case of viability determination, the method of determination shall be also indicated.

(2) The Official Body shall establish the information from paragraph 1 of this Article by using internationally recognised methods. The costs of seed analysis shall be borne by the applicant.

(3) In order to make seed of the current seasons crop rapidly available, notwithstanding the fact that the examination in respect of germination as laid down in paragraph 1, subparagraphs 2 and 4 of this Article has not been concluded, marketing as far as to the first buyer shall be authorised. The respect of the conditions as laid down in paragraph 1, subparagraphs 2 and 4, shall be stated by the supplier as soon as possible and within maximum 30 days of delivery.

(4) Species purity level of marketed seed lots must reach at least 99%. In case of closely related species, save for the artificial hybrids, the species purity level of the seed lot may be lower than 99%. In that case, the species purity level shall be stated separately in the declaration.

(5) Seed units shall be marketed only in sealed or lead-sealed packages. The sealing device shall be such as will become unserviceable when the package is opened.

(6) The methods and the conditions for establishment and validity of the established information from paragraph 1 of this Article and the method of sealing or lead-sealing shall be stipulated by the Minister.

### *Records of forest reproductive material and Christmas trees*

## Article 17

(1) The Ministry competent for forestry (hereinafter: Ministry) shall keep the records of the production and import of forest reproductive material and Christmas trees.

(2) The records of the production and import of forest reproductive material shall contain the information, by calendar year, of suppliers, quantities, and forms of forest reproductive material, species, or artificial hybrids, categories, and regions of provenance, for all forest reproductive material produced or imported into the territory of the Republic of Croatia.

(3) The records of the production and import of Christmas trees shall contain the information, by calendar year, about the supplier, personal identification number, register number and legal form of the supplier, state administration office within the respective county/supplier's

branch-office, cadastral municipality, cadastral plot number and area (in ha) where Christmas trees are produced, and production description (species of the Christmas tree, age, origin of planting stock and the total quantity of Christmas trees produced).

(4) The suppliers from Article 21 of this Act shall submit the information about production and import from paragraph 1 of this Article to the Ministry not later than by 1 March of the current year for the previous year.

### III USE OF FOREST REPRODUCTIVE MATERIAL

#### *General conditions for use*

##### Article 18

(1) Forest reproductive material shall be used in conformity with the regulations governing forests and regions of provenance.

(2) If the forest reproductive material of economically important or rare species of the “source identified” and “selected” categories is imported, it may be used in forestry, provided that the uniform ecological conditions, on account of the altitude and phenotypic and genetic characteristics of its provenance of origin, correspond to the uniform ecological conditions, on account of the altitude and phenotypic and genetic characteristics, of the intended provenance of use.

(3) The compliance with requirements from paragraph 2 of this Article shall be established by the Official Body on the supplier’s request.

(4) The Minister shall issue a decision approving the provenance of use of the forest reproductive material of economically important or rare species of the “source identified” and “selected” categories, which is to be imported into the Republic of Croatia and which satisfies the requirements from paragraph 2 of this Article.

(5) The Official Body shall follow up the imports of forest reproductive material from paragraph 4 of this Article, keep the corresponding records, and notify the Ministry accordingly.

#### *Regions of provenance*

##### Article 19

(1) The region of provenance shall be the area subject to uniform ecological conditions in which stands or seed sources showing similar phenotypic or genetic characters are found, taking into account altitudinal boundaries where appropriate.

(2) In the case of forest basic material used for the collection of forest reproductive material in “source-identified” and “selected” categories, the Minister shall stipulate the region of provenance for each individual economically important or rare species.

(3) A map showing the demarcations of the regions of provenance shall be an integral part of the regulation from paragraph 2 of this Article.

(4) The Ministry shall submit the maps with demarcations of the regions of provenance to the European Commission and the Member States of the European Union.

### *Prohibition to place on the market*

#### Article 20

(1) If it is established that some forest reproductive material could adversely affect phenotypic or genetic properties of forest stands, forest basic material, the environment, genetic sources, biodiversity or human health, its placing on the market shall be prohibited.

(2) The Minister shall stipulate the procedure prohibiting the placing on the market of a particular forest reproductive material.

(3) The forest reproductive material from paragraph 1 of this Article shall be disposed off in an environmentally friendly way.

## IV SUPPLIERS OF FOREST REPRODUCTIVE MATERIAL AND CHRISTMAS TREES

### *Suppliers*

#### Article 21

(1) Pursuant to this Act, legal or natural persons included in the Register of Forest Reproductive Material Suppliers may engage in the production, marketing and import of forest reproductive material in line with their registered scope of activities.

(2) Legal or natural persons registered in the Register of Christmas Trees Suppliers may engage in the production, marketing and import of Christmas trees.

### *Register of Forest Reproductive Material Suppliers*

#### Article 22

(1) The Register of Forest Reproductive Material Suppliers shall be kept by the Ministry.

(2) The application for registration in the Register referred to in paragraph 1 of this Article shall be submitted to the Ministry using a prescribed form.

(3) The Ministry shall issue a decision on the registration of the supplier in the Register from paragraph 1 of this Article.

(4) The conditions to be satisfied by legal and natural persons for registration in the Register referred to in paragraph 1 of this Article, and the contents, the format and the manner of keeping of the Register, as well as the format of the application and the documents which must accompany the application, shall be stipulated by the Minister.

## *Removal from the Register of Forest Reproductive Material Suppliers*

### Article 23

(1) The Ministry shall remove a forest reproductive material supplier from the Register referred to in Article 22, paragraph 1 of this Act:

– on the supplier's request;

– at the proposal of the forest inspector, if it is established that the supplier does not meet the requirements set out in this Act, or if it has ceased to perform the activity referred to in Article 21, paragraph 1 of this Act.

(2) The decision on the removal of a supplier from the Register from Article 22, paragraph 1 of this Act shall be issued by the Ministry.

## *Publication of registration in the Register of Forest Reproductive Material Suppliers and of removal therefrom*

### Article 24

Pursuant to final decisions referred to in Article 22, paragraph 3 and Article 23, paragraph 2 of this Act, the information on registration and removal of suppliers shall be published in the Official Gazette.

## *Register of Christmas Trees Suppliers*

### Article 25

(1) The Register of Christmas Trees Suppliers shall be established and maintained by county state administrative offices, or by the administrative body of the City of Zagreb competent for forestry-related matters (hereinafter: competent authority).

(2) The application for registration in the Register referred to in paragraph 1 of this Article shall be submitted to the competent authority using a prescribed form.

(3) The competent authority shall issue a decision on registration of the Christmas trees supplier in the Register from paragraph 1 of this Article.

(4) The conditions to be satisfied by legal and natural persons in order to be registered in the Register referred to in paragraph 1 of this Article, and the contents, the format and the manner of keeping of the Register, as well as the format of the application and the documents which must accompany the application, shall be stipulated by the Minister.

## *Removal from the Register of Christmas Trees Suppliers*

### Article 26

(1) The competent authority shall remove a Christmas trees supplier from the Register referred to in Article 25, paragraph 1 of this Act:



– on the supplier's request;

– at the proposal of the forest inspector, if it is established that the supplier does not satisfy the requirements set out in this Act or, if the supplier has ceased to perform the activity referred to in Article 21, paragraph 2 of this Act.

(2) The competent authority shall issue a decision on the removal of a supplier from the Register referred to in Article 25, paragraph 1 of this Act.

### *Rights and obligations of forest reproductive material suppliers*

#### Article 27

(1) Suppliers registered in the Register referred to in Article 22, paragraph 1 of this Act:

1. may cultivate planting stock raised only from seed units, parts of plants, or plants from natural regeneration collected in the registered forest basic material;

2. may place on the market and import forest reproductive material derived from registered forest basic material;

3. shall keep the Records of Forest Reproductive Material Production;

4. shall implement the Management Programme for Forest Basic Material (hereinafter: Management Programme);

5. shall notify the Official Body within five days of placing the forest reproductive material originating from the Republic of Croatia on the market of Member States of the European Union or member countries of the Organisation for Economic Development and Cooperation (OECD);

6. shall ensure the professional supervision in the production of forest reproductive material.

(2) On the request of the Official Body, suppliers shall provide records, which shall contain details of all detained and marketed consignments.

(3) The contents of the Records of Forest Reproductive Material Production and the method for their keeping shall be stipulated by the Minister.

## V FOREST BASIC MATERIAL

### *Register of Forest Basic Material*

#### Article 28

(1) For collection of forest reproductive material, the forest basic material shall be registered in the Register, which shall be established and kept by the Ministry.

(2) The information from the Register shall be public.

(3) The format and the content of the Register, and the manner of its keeping shall be stipulated by the Minister.

### *Inclusion in the Register of Forest Basic Material*

#### Article 29

(1) The application for inclusion in the Register shall be submitted to the Ministry using a prescribed form.

(2) The application referred to in paragraph 1 of this Article may be submitted by the owner or the holder of the forest or the forest land where a tree, a group of trees or a stand for which the application is being submitted is located.

(3) The applicant shall attach the expert opinion of the Official Body to the application for inclusion in the Register.

(4) A tree, a group of trees or a forest stand, which is to be registered as the forest basic material and which is located within the forest for which the forestry management plan has not been made, shall not be included in the Register.

(5) On the basis of the expert opinion referred to in paragraph 3 of this Article and other documentation, the Ministry shall issue a decision on inclusion of the forest basic material in the Register.

(6) The conditions to be satisfied by forest basic material for inclusion in the Register, the application form, and the procedure for filing the application and the documentation required for inclusion in the Register shall be stipulated by the Minister.

### *Removal from the Register of Forest Basic Material*

#### Article 30

(1) Basic material included in the Register shall be removed therefrom:

– *ex officio*, if it is established during the examination referred to in Article 33 of this Act, that the forest basic material no longer satisfies the requirements for registration in accordance with this Act;

– on the request of the owner or the holder of the forest basic material.

(2) The Ministry shall issue a decision on removal of the forest basic material from the Register.

(3) The decision from paragraph 2 of this Article shall entail the revocation of the approval referred in Article 31 of this Act.

### *Temporary approval of forest basic material*

#### Article 31

The forest basic material in the “tested” category may be temporarily approved for a maximum period of 10 years and entered in the Register if, based on the previous test results of the progeny, the Official Body issues the expert opinion confirming that the forest basic material will meet the requirements necessary to be classified into that category after the completion of the tests.

### *Management Programmes for Forest Basic Material*

#### Article 32

- (1) Management Programmes shall be drawn up for forest basic material in the categories “selected”, “qualified” and “tested”.
- (2) Management Programmes, and their amendments, for forest basic material in the “selected” category shall be drafted in accordance with forest regulations and they shall be integral parts of forestry management plans.
- (3) Management Programmes, and their amendments, for forest basic material in the “qualified” and “tested” categories may be drafted only by legal persons empowered to this effect by the Minister.
- (4) The manner of drafting of the Management Programmes and the contents thereof, and the requirements to be satisfied by legal persons referred to in paragraph 3 of this Article shall be stipulated by the Minister.
- (5) Management Programmes shall be approved by the Ministry.

### *Inspection of forest basic material*

#### Article 33

- (1) Forest basic material, registered in accordance with Article 29 of this Act, shall be inspected *ex officio* or on the request of the applicant for registration of the forest basic material or the request of his legal successor.
- (2) The inspection of forest basic material shall be conducted to establish whether:
  - the forest basic material continue to fulfil the registration requirements;
  - they are managed in accordance with Management Programmes.
- (3) In accordance with the provisions of this Act, forest basic material included in the Register shall be inspected by the Official Body, which shall report its findings to the Ministry in writing.

### *National List of Forest Basic Material*

#### Article 34

(1) On the basis of the data included in the Register, and of the inspection referred to in Article 33 of this Act, the Official Body shall draft the National List of Forest Basic Material (hereinafter: National List) once per year. The List shall contain the following information:

1. country;
2. botanical name of species or artificial hybrid;
3. category;
4. provenance code and/or register number of forest basic material from the Register;
5. location of forest basic material:
  - location or approved name,
  - latitude,
  - longitude,
  - altitude;
6. type of forest basic material;
7. area;
8. origin;
9. origin of non-autochthonous forest basic material;
10. purpose;
11. note.

(2) The format and the procedure for drafting of the National List, and the procedure for exchange of data therefrom, shall be stipulated by the Minister.

## VI OFFICIAL BODY

### *Designation of the Official Body*

#### Article 35

Under this Act, the Forest Research Institute Jastrebarsko is designated as the Official Body that is, under the supervision of the Ministry, involved in and responsible for activities concerning the control of production, marketing and quality of forest reproductive material.

### *Responsibilities of the Official Body*

#### Article 36

(1) The Official Body shall carry out specific tasks related to the control of production, marketing and quality of forest reproductive material, provided that neither the Official Body nor its employees have any personal interest in the outcome of the measures taken under this Act.

(2) Subject to approval by the Ministry, the Official Body may delegate some tasks provided for in this Act, via a written agreement, to another legal person, which is authorised by a special regulation to carry out specific tasks related to the control of production, marketing and quality of forest reproductive material, provided that neither this legal person nor its employees have any personal interest in the outcome of the measures taken under this Act.

(3) For the performance of tasks referred to in paragraph 1 of this Article, the Official Body shall meet the requisite professional, spatial and technical requirements, as established and supervised by the Ministry.

(4) Neither the Official Body nor the legal person performing some tasks on its behalf pursuant to paragraph 2 of this Article shall register a forest basic material or engage in the production, marketing or import of forest reproductive material, other than the import of forest reproductive material intended for scientific research in forestry.

(5) The Ministry shall notify the European Commission of its Official Body in the Republic of Croatia. The European Commission shall forward that information to the all Member States of the European Union.

## VII IMPORT OF FOREST REPRODUCTIVE MATERIAL

### *General conditions for import*

#### Article 37

(1) Forest reproductive material of species and artificial hybrids may only be imported by the supplier which is registered in the Register of Forest Reproductive Material Suppliers for import of forest reproductive material.

(2) Forest reproductive material may be imported if:

1. it is equivalent to forest reproductive material produced on the territory of the Republic of Croatia;
2. an approval for its import has been issued.

(3) By way of derogation from the provision of paragraph 2, subparagraph 1 of this Article, scientific and scientific teaching institutions shall be allowed to import the restricted quantities of forest reproductive material of species and artificial hybrids for testing, scientific research, selection, or improvement or conservation of forest genetic resources, on the basis of the relevant approval.

(4) The approval for the import of forest reproductive material referred to in paragraphs 2 and 3 of this Article shall be given by the Minister, subject to the prior opinion of the Commission. As appropriate, the Commission may request the additional documentation for forest

reproductive material that is the subject of the application and/or conduct a field inspection before delivering the aforementioned opinion.

### *Recognition of the equivalence of forest reproductive material*

#### Article 38

(1) Forest reproductive material that has not been produced on the territory of the Republic of Croatia shall be deemed equivalent to that produced on the territory of the Republic of Croatia if the production and marketing requirements for that material, and the procedures for approval of forest basic material and the supervision of suppliers laid down by the exporting country, are equivalent to the requirements and procedures laid down in this Act.

(2) When imported, forest reproductive material referred to in paragraph 1 of this Article shall be accompanied by the document issued by the competent official body of the exporting country, guaranteeing that forest reproductive material is equivalent to that produced on the territory of the Republic of Croatia and that it complies with the requirements provided for forest reproductive material in the exporting country, and by the document of the supplier from the exporting country.

(3) The Ministry may verify, *ex officio* or at the supplier's proposal, whether the requirements for the recognition of equivalence of forest reproductive material are satisfied.

(4) The countries wherefrom the equivalent forest reproductive material may be imported and the conditions for the recognition of equivalence shall be stipulated by the Minister.

### *Special conditions for import of forest reproductive material*

#### Article 39

(1) When the shortage of forest reproductive material on the territory of the Republic of Croatia threatens to jeopardise the supply of forest reproductive material to end users, forest reproductive material that does not comply with all marketing conditions under this Act may be also imported.

(2) At the supplier's proposal and based on the opinion of the Commission, the Minister shall issue a decision approving the import of forest reproductive material referred to in paragraph 1 of this Article, specifying the name of species or artificial hybrid, category, purpose, quantity and origin of forest reproductive material, and the time limit within which that reproductive material may be placed on the market of the territory of the Republic of Croatia.

(3) In marketing of the forest reproductive material imported in line with paragraph 1 of this Article, the declaration shall state: «It does not comply with all prescribed requirements» and, the data contained in the declaration shall clearly indicate which requirements are not satisfied.

### *Managing imports of forest reproductive material*

#### Article 40

- (1) The consignments of forest reproductive material may be imported into the Republic of Croatia only via border crossings (points of entry) established by the regulation defining the points of entry for the consignments of plants, plant products and other regulated objects subject to plant health inspection, which is issued by the minister in charge of agriculture.
- (2) From the moment of entry in the customs area of the Republic of Croatia, the imported forest reproductive material shall be under customs supervision and subject to obligatory inspection (hereinafter: inspection of forest reproductive material) to be carried out by the plant health inspection at the border crossing.
- (3) The suppliers shall file an application for inspection of forest reproductive material with the plant health inspector at the border crossing within a stipulated deadline and, when prescribed, announce the arrival of the consignment of the imported forest reproductive material.
- (4) The customs procedure shall not be initiated before the plant health inspection carries out the inspection of forest reproductive material, except in the case of customs warehousing.
- (5) The imported forest reproductive material shall remain under customs supervision until the plant health inspector confirms, as prescribed, that forest reproductive material has been inspected and that its import is allowed.
- (6) If the plant health inspector suspects that the contents of the consignment of forest reproductive material do not correspond to the data provided in the supplier's document, and if he cannot confirm this at the border crossing, he may take the samples of forest reproductive material and send them for analysis to the Official Body, as well as issue a decision to keep the consignment under customs supervision until the results of the analysis are known and the inspection of forest reproductive material is completed.
- (7) If during the inspection of forest reproductive material the plant health inspector establishes that the stipulated requirements for its import have been met, he shall confirm, as prescribed, that forest reproductive material has been inspected and that its import is allowed.
- (8) If during the inspection of forest reproductive material the plant health inspector establishes that the requirements for its import have not been met, he shall issue a decision prohibiting its import and order its return to the consigner.
- (9) The decision of the plant health inspection from paragraph 8 of this Article may be appealed with the Ministry within eight days of the date of its service.
- (10) The Commission shall settle the appeals against the decisions of plant health inspectors.
- (11) The appeal against the decision of the plant health inspection from paragraph 8 of this Article shall not postpone its execution.
- (12) The contents and the method of inspection of forest reproductive material, the method and the deadline for filing an application for inspection of forest reproductive material, the cases where the arrival of the consignment of forest reproductive material must be announced, and the method and deadline for notifying its arrival and the method of confirmation from paragraph 7 of this Article shall be stipulated by the Minister.



## VIII SEED SAVING BANK, GENE AND SEED BANKS OF FOREST TREE SPECIES

### *Seed saving bank*

#### Article 41

- (1) In order to prevent the shortages of forest reproductive material intended for cultivation of the planting stock necessary for sustainable forest management and conservation of forest genetic resources, the Official Body shall establish a seed saving bank in its.
- (2) The Official Body shall be in charge of creating and maintaining the seed material reserves in the seed saving bank.
- (3) The Official Body shall perform professional functions related to the quality and the identity of the seed material in the seed saving bank.

### *Use of seed material from the seed saving bank*

#### Article 42

- (1) Seed material reserves from the seed saving bank shall be used for the production of the planting stock intended for biological forest regeneration in accordance with forest regulations.
- (2) Seed material reserves are the property of the Republic of Croatia, and the procedure for creation of seed material reserves with respect to species, regions of provenance, categories and quantities shall be stipulated by the Minister.
- (3) Once a year, the Official Body shall notify the Ministry about the list of species, provenances, categories and quantities of the seed material in the seed saving bank.

### *The gene bank and seed bank of forest tree species*

#### Article 43

- (1) In order to conserve genetic diversity of forest tree species and of their genetic resources, the Official Body shall establish the gene bank of forest tree species, which shall consist of the collection of tissues, live archives, forest basic material, and supervised or cultivated populations.
- (2) Seed material used for research or scientific purposes in forestry shall be deposited by the Official Body, subject to approval by the Ministry, in the seed bank of forest tree species it has established.
- (3) Once a year, the Official Body shall communicate to the Ministry the list of species and the number of in the gene bank and the seed bank of forest trees species.

## IX COMMISSION FOR FOREST REPRODUCTIVE MATERIAL

## *Commission for Forest Reproductive Material*

### Article 44

- (1) The Commission is the expert body of the Ministry in the field of production, import and use of forest reproductive material.
- (2) The members of the Commission shall be appointed by the Minister from among scientists and experts in the area of forest seed growing and transplanting, and civil servants.
- (3) The Commission members shall be compensated for their work with the amount to be determined by the Minister.
- (4) Rules of procedures and tasks of the Commission shall be stipulated by the Minister.

## X COLLECTION, USE AND EXCHANGE OF DATA AND INFORMATION

### *Collection of data and information*

### Article 45

(1) For the purpose of performance of the functions and duties falling within its scope of competence, and for the purpose of keeping and maintaining its own databases, the Ministry may, in accordance with this Act, collect and use data and information collected and kept, within their respective prescribed databases, by other ministries, state administration bodies, bodies of local and regional self-government, and other legal persons with public authority, and particularly the data and the information contained in:

- the Register of Family Farms;
- the register of spatial units;
- the register of tax payers;
- records of permanent and temporary residence, changes of address;
- cadastre;
- land registers;
- register of business entities;
- databases of agriculture- and forestry-related statistical data;
- customs records of imports, exports and transit of forest reproductive material.

(2) The Ministry may also use topographic cadastre plans, the basic state map, and the laid out and digital orthographic maps and plans.

(3) The heads of such databases, and those that dispose of the plans and maps referred to in paragraphs 1 and 2 of this Article, shall enable the Ministry to use, without any charges, the data and the information which they manage or dispose of, if such data and information are needed for the performance of the functions and duties within its scope of responsibility.

(4) Within its scope of responsibility, the Ministry shall connect its own databases with those of other state administration bodies.

### *Use of data and information*

#### Article 46

(1) The Ministry shall provide the data and the information from the Registers and records to other state bodies when these data and information are necessary for the performance of statutory functions and duties falling under their competence, to legal persons when they are necessary for the performance of their functions and duties pursuant to this Act, and to other persons expressing legal interest in the matter.

(2) The data and the information made available by the Ministry to other users may only be used for the purpose they were provided for, and they shall not be further disseminated without the prior approval of the Ministry.

### *Information system*

#### Article 47

(1) The Ministry and the Official Body shall keep and regularly update the required Registers and records, which shall be connected into a unique information system.

(2) The Ministry shall establish the information system referred to in paragraph 1 of this Article and connect it with other information systems of the Ministry, and with international information systems related to the field of forest reproductive material.

(3) The manner in which the information system referred to in paragraph 1 of this Article is to be connected with other information systems shall be stipulated by the Minister.

### *International data and information exchange*

#### Article 48

(1) At the international level, the Ministry shall exchange data and information on:

- the Official Body;
- suppliers registered in registers;
- forest basic material registered in the Register;
- regions of provenance;

- production of forest reproductive material in the Republic of Croatia;
- import of forest reproductive material;
- prohibition to use forest reproductive material.

(2) At the international level, the Official Body shall exchange the data and the information on:

- issued master certificates;
- export of forest reproductive material (information document).

(3) The format, the contents and the method for use of the information document shall be stipulated by the Minister.

## XI COSTS

### *Costs*

#### Article 49

- (1) The costs of drafting of the expert opinion from Article 29, paragraph 3 of this Act incurred in the process of inclusion in the Register shall be paid by the applicant.
- (2) The cost of drafting of Management Programmes and of the performance of comparative and genetic testing shall be paid by the applicant for registration of the forest basic material or by his legal successor.
- (3) If the results are unfavourable for the supplier, the costs of examinations of forest reproductive material performed on the request of the competent inspector in order to determine the origin, quality and identity of forest reproductive material, shall be paid by the supplier or by the end user of forest reproductive material where the inspection had been conducted.
- (4) The costs of the measures ordered in the course of the inspection of forest reproductive material, conducted at the supplier's or user's premises, shall be paid by the supplier or by the user.
- (5) The costs incurred as a result of the implementation of Articles 41, 42 and 43 of this Act shall be paid by the Republic of Croatia.

## XII COMPETENCIES

### *Competencies of the Ministry and the Official Body*

#### Article 50

- (1) The Ministry shall:

1. keep the Register of Forest Reproductive Material Suppliers and the Register and Records of the production and import of forest reproductive material;
2. keep the records of production and import of Christmas trees;
3. issue approvals for the import of forest reproductive material;
4. prepare reports, analyses, information and other materials for institutions and international organisations to which the Republic of Croatia reports pursuant to special regulations from the field of forest reproductive material;
5. participate in drafting of international agreements, which the Government of the Republic of Croatia concludes in the field of forest reproductive material, and ensure the implementation thereof;
6. establish and run the information system in the area of production and import of forest reproductive material.

(2) The Official Body shall:

1. issue master certificates;
2. provide expert opinion from Article 29, paragraph 3;
3. perform seed analysis;
4. determine the uniformity of ecological conditions of different regions of provenance;
5. follow up the use of the imported forest reproductive material of economically important and rare species of the “source identified” and “selected” categories in forests;
6. keep records of the use of the imported forest reproductive material with respect to the location of use, species, quantity, category, origin, region of provenance, year of sowing and planting, and age of forest reproductive material;
7. issue the information document;
8. establish the seed saving bank, and the gen bank and seed bank of forest tree species.

### *Professional supervision*

#### Article 51

(1) In order to ensure the identity of forest reproductive material in all production stages, professional supervision of the entire process shall be established, from the collection of the forest reproductive material in the forest basic material, to its delivery to the end user. Professional supervision shall be carried out by the Official Body.

(2) Professional supervision of the implementation of measures laid down by the Management Programme shall be carried out by the Official Body.

(3) The method for the assessment of potential forest basic material and the assessment form with the expert opinion, as well as the method for the performance of professional supervision and the minutes form with the corresponding opinion, shall be stipulated by the Minister.

(4) The European Commission may carry out, in co-operation with the Official Body, the checks in order to ensure the complete application of the provisions hereof. During these checks, special attention shall be paid to checking the compliance of forest reproductive material with the requirements laid down in this Act and the ensuing regulations.

### *Laboratory analyses and tests*

#### Article 52

Laboratory diagnostic tests and other tests of forest reproductive material for the purpose of the inspection shall be conducted by the Official Body.

## XIII CONTROL

### *Administrative control*

#### Article 53

Administrative control of the implementation of this Act and the ensuing regulations shall be carried out by the Ministry.

### *Settlement of appeals*

#### Article 54

(1) No first instance appeals shall be allowed against the Ministry's decisions issued pursuant to this Act, but an administrative proceeding may be instituted.

(2) First instance appeals against the decisions of competent authorities issued pursuant to this Act, save for the decisions issued in the course of the inspection, may be lodged with the Ministry.

### *Inspection*

#### Article 55

(1) Inspection of the implementation of this Act and the ensuing regulations shall be conducted by the forest inspection of the Ministry (hereinafter: forest inspection).

(2) Inspection of the implementation of this Act and the ensuing regulations in the field of marketing of forest reproductive material and Christmas trees shall be conducted by the State Inspectorate in conformity with this Act and other specific acts.

(3) The inspection of the import of forest reproductive material shall be conducted by the plant health inspection.

(4) Inspection in the first instance shall be conducted by the forest inspectors in the regional units of the Ministry (hereinafter: forest inspectors), and in the second instance, by the Ministry state forest inspectors (hereinafter: state forest inspectors).

### *Authorities of forest inspectors*

#### Article 56

In the course of the inspection, the forest inspector shall be authorised to:

1. inspect forest basic material, production areas for forest reproductive material and Christmas trees, equipment, rework facilities, warehouses, means of transport, and the required documentation;
2. supervise the implementation of Management Programmes;
3. supervise the production and use of forest reproductive material;
4. supervise the procedure for issuing master certificates;
5. take samples of forest reproductive material for analysis;
6. prohibit marketing and use of forest reproductive material if he establishes that it does not comply with the requirements laid down in this Act and the ensuing regulations;
7. order the removal of production and quality related deficiencies of forest reproductive material if it does not comply with the provisions of this Act and the ensuing regulations;
8. temporarily, until the completion of the procedure, prohibit the production and use of forest reproductive material;
9. order the destruction of forest reproductive material, whose production and use are prohibited or which does not comply with quality and other requirements laid down in this Act and the ensuing regulations;
10. maintain the official county databases and records of the measures taken, and of the violations of this Act and the ensuing regulations;
11. report the identified irregularities to the competent state administration bodies, and request certain procedures to be conducted, if he is personally not authorised to act.

### *Authorities of state forest inspectors*

#### Article 57

In the performance of the inspection, the state forest inspector shall be authorised to:

1. supervise the compliance of legal and natural persons registered in the Register of Forest Reproductive Material Suppliers and the Register of Christmas Trees Suppliers with the relevant requirements;



2. supervise the use of imported forest reproductive material;
3. supervise the seed material stored in the seed saving banks;
4. supervise gene and seed banks of forest tree species;
5. where necessary, perform *ex officio* inspection in the first instance, with the powers of a forest inspector referred to in Article 56 of this Act, and perform the instructive inspection;
6. supervise other activities laid down in this Act.

### *Authorisations of plant health inspectors*

#### Article 58

In inspection, a plant health inspector shall be authorised to:

1. supervise the import of consignments of forest reproductive material;
2. take samples of the imported forest reproductive material for laboratory analysis.

### *Obligations of legal and natural persons during inspection*

#### Article 59

- (1) Legal and natural persons subject to inspection shall allow the inspectors to conduct inspection, provide the necessary data and information, and ensure the conditions for their undisturbed work.
- (2) On the request of inspectors and within the specific timeframe, legal and natural persons referred to in paragraph 1 of this Article shall supply or prepare the data and the materials necessary for the performance of the inspection.

### *Performance of inspection*

#### Article 60

- (1) The inspector shall draft the minutes of the performed inspection.
- (2) If, during the inspection, the inspector establishes that this Act or the ensuing regulations have been violated, he shall issue a decision ordering the rectification of established irregularities and setting the deadline for their rectification.
- (3) The provisions of the General Administrative Procedure Act shall apply to the actions of the inspector, unless otherwise provided by this Act.
- (4) If the inspector establishes that the violation of this Act and the ensuing regulations resulted in an offence, the Ministry shall forthwith file an indictment for instituting the misdemeanour procedure. If the violation has been established by the plant health inspector,

the ministry competent for agriculture shall forthwith file an indictment for instituting the misdemeanour procedure.

### *Appeal*

#### Article 61

- (1) An appeal against the decision of the forest inspector may be lodged with the Ministry within 15 days of service of the decision.
- (2) Appeals against the decisions of the forest inspector shall be settled by a special commission appointed by the Minister.
- (3) The appeal against the decision from paragraph 2 of this Article shall not postpone its execution.
- (4) No appeals shall be lodged against the decisions of the forest inspector, but administrative proceedings may be instituted.

### *Sampling during inspection*

#### Article 62

- (1) If the inspector finds the compliance of the forest reproductive material with this Act and the ensuing regulations suspicious, he shall take a certain number of samples and submit them to the Official Body for analysis.
- (2) The sampling method and the number and quantity of samples shall be stipulated by the Minister.

### *Costs of sample analysis*

#### Article 63

- (1) The owner of the sample shall bear the costs of sample analysis if the sampled forest reproductive material is found incompliant with the conditions laid down in this Act and the ensuing regulations.
- (2) If the analysis establishes that the samples comply with the provisions of this Act and the ensuing regulations, the costs of sample analysis shall be settled by the state administration body in charge of the forest inspector who submitted the samples for analysis.
- (3) The owner whose sample was taken shall not be entitled to any value compensation.

## XIV PENAL PROVISIONS

### *Penal provisions*

#### Article 64

(1) Legal and natural persons shall be fined with HRK 35,000.00 to HRK 100,000.00 for

1. using in forestry seed material, parts of plants or planting stock of species and artificial hybrids, which do not comply with prescribed categories (Article 8, paragraph 1 and Article 18 paragraph 1);

2. placing on the market forest reproductive material, which does not comply with general and special marketing requirements (Article 8, paragraphs 2 and 3, and Article 9);

3. placing on the market forest reproductive material, which does not comply with the relevant marketing categories (Article 9);

4. placing on the market forest reproductive material, which does not comply with the information given in the declaration (Articles 15 and 16);

5. failing to issue a declaration for forest reproductive material placed on the market or failing to issue a declaration in a prescribed manner (Articles 5, 15 and 16);

6. providing in the declaration the data about the seed, which have not been established by the prescribed method,(Article 16);

7. failing to provide the data about the percentage of germination of pure seed and the number of germinable or viable seeds per kilogram to the first buyer within 30 days of the date of delivery (Article 16, paragraph 3);

8. placing seed material on the market in packages that are not sealed or lead-sealed (Article 16, paragraph 5);

9. failing to submit the data about the production and import of forest reproductive material and Christmas trees by 1 March of the current year for the previous year (Article 17, paragraph 4);

10. using forest reproductive material whose placing on the market is prohibited (Article 20);

11. engaging in production, marketing or import of forest reproductive material or Christmas trees, while not being registered in the relevant Registers (Article 21);

12. cultivating the planting stock from seed, parts of plants or plants from natural regeneration which is not collected in the registered forest basic material (Article 27, paragraph 1, item 1);

13. marketing or importing seed material, parts of plants or planting stock of species and artificial hybrids not derived from registered forest basic material (Article 27, paragraph 1, item 2);

14. failing to keep the Production Records (Article 27, paragraph 1, item 3);

15. failing to implement the Management Programmes (Article 27, paragraph 1, item 4);

16. failing to enable the inspection of forest basic material (Article 33);

17. failing to ensure the professional supervision of forest reproductive material production (Article 27, paragraph 1, item 6);

18. failing to allow the performance of the inspection to the inspector, and failing to provide or prepare the information necessary for carrying out of the inspection (Article 59);

19. importing the consignment of forest reproductive material via the border crossing not intended for this purpose (Article 40, paragraph 1);

20. failing to file an application for inspection of the imported forest reproductive material with the plant health inspector within the prescribed deadline (Article 40, paragraph 3);

21. placing the forest reproductive material from the Republic of Croatia on the market of the Member States of the European Union (EU) or member countries of the Organization for Economic Cooperation and Development (OECD), without notifying the Official Body within five days of such placing on the market (Article 27, paragraph 1, item 5).

(2) The responsible person of a legal person shall also be fined with HRK 3,500.00 to HRK 15,000.00, for infringements referred to in paragraph 1 of this Article.

## XV TRANSITIONAL AND FINAL PROVISIONS

### *Harmonisation of the operations of legal and natural persons with this Act*

#### Article 65

(1) Legal and the natural persons registered in the Registers referred to in Article 5 of the Act on Forest Seeds and Seedlings (Official Gazette 68/98 and 33/05), and Christmas trees suppliers registered in the Register of Christmas Trees Suppliers pursuant to Article 25 of the Act on Forest Reproductive Material (Official Gazette 140/05) and the Ordinance on conditions and methods for registration in the Register of Christmas Trees Suppliers (Official Gazette 116/08), shall have to harmonise their operations with the provisions of this Act within a year of the date of its entry into force.

(2) The Ministry, or the competent authority, shall issue a decision removing legal and natural persons acting contrary to the provisions of paragraph 1 of this Article from the registers.

### *Adoption of implementing regulations*

#### Article 66

(1) In line with his authorisations under this Act, the Minister shall issue the relevant regulations within a year of the day of its entry into force.

(2) Until the regulations referred to in paragraph 1 of this Article are issued, the regulations adopted pursuant to the Act on Forest Seeds and Seedlings (Official Gazette 68/98 and 33/05) and the Act on Forest Reproductive Material (Official Gazette 140/05) shall remain in force, provided that they are not contrary to the provisions of this Act, and more specifically:

- Ordinance on the method and the procedure for registration in the registers in the area of forest seed growing and transplanting (Official Gazette 82/99);
- Ordinance on conditions and methods for registration in the Register of Christmas Trees Suppliers (Official Gazette 116/08);
- Ordinance on rules of procedure and tasks of the Commission for Forest Reproductive Material (Official Gazette 111/08);
- Ordinance on the regions of provenance of economically important forest tree species (Official Gazette 107/08);
- Ordinance on the methods for drafting of Management Programmes for Forest Basic Material in the “qualified” and “tested” categories and the contents thereof (Official Gazette 83/08);
- Ordinance on the conditions and criteria for classification of forest reproduction material into categories and quality classes, and the manner of its declaration, labelling and packaging (Official Gazette 61/08);
- Ordinance on the content, form and expenses of issuing of master certificate (Official Gazette 129/06);
- List of forest species and artificial hybrids (Official Gazette 129/06).

(3) For the purpose of alignment with the regulations of the European Union, the Minister may, in addition to the regulations provided by specific Articles of this Act, also pass other regulations necessary for the implementation of this Act.

#### *Expiry*

#### Article 67

On the date of the entry into force of this Act, the Act on Forest Reproductive Material (Official Gazette 140/05) shall cease to have effect.

#### *Entry into force*

#### Article 68

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette, except for the provisions of Article 19, paragraph 4, Article 36, paragraph 5 and Article 51, paragraph 4 which shall enter into force upon the accession of the Republic of Croatia to the European Union.

Class: 321-07/09-01/01  
Zagreb, 19 June 2009

THE CROATIAN PARLIAMENT

The President of  
the Croatian Parliament  
**Luka Bebić**, m.p.

PROVISIONAL TRANSLATION