

Endorsement of list of plant species subject to Official Variety Listing and certification, and procedure of Official Variety Listing

Regulation of the Minister of Agriculture of 12 March 1999 No 8

On the basis of subsections 6 (9) and 15 (6) of the Seed and Plant Propagating Material Act (RT I 1998, 52/53, 771), and taking into account the provisions of directive of the EU No 70/457/EEC:

1. I endorse the "List of plant species subject to Official Variety Listing and certification, and procedure of Official Variety Listing" (attached).
2. I repeal the Regulation of the Minister of Agriculture from 3 February 1995 No 2 "Procedure of Official Variety Listing of agricultural crops" (RTL 1995, 15, 499).

Minister Andres VARIK

**Secretary General Ilmar
TUPITS**

Endorsed by

the Regulation of the Minister of
Agriculture of 12 March 1999 No
8

List of plant species subject to Official Variety Listing and certification, and procedure of Official Variety Listing

I. GENERAL PROVISIONS

1. This procedure applies on listing of varieties of forage crops, cereals, oil and fibre plants, potato and vegetables in the Official Variety List and administration of the Official Variety List.
2. The list of plant species subject to listing in the Official Variety List, and the seed of which is subject to certification, is provided in Annex 1 to this procedure.
3. The requirements on variety to be listed in the Official Variety List are established by the Seed and Plant Propagating Material Act. The same rules apply on varieties bred in Estonia and abroad.
4. In case of varieties of hay plants not intended for production of feedingstuffs according to the information from the plant breeder only data on resistance to winter and diseases are taken into account upon listing the variety in the Official Variety List.
5. The potato varieties not resistant to potato cyst eelworm (*Globodera rostochiensis* Woll.) and potato wart disease (*Synchytrium endobioticum*) are not listed in the Official Variety List.
6. Varieties the seed of which is produced in Estonia for certification and marketing in a foreign country are marked separately in the Official Variety List.

II. DISTINCTNESS, UNIFORMITY AND STABILITY OF VARIETY

7. A variety shall be regarded as distinct if, regardless if it has been bred or found or detected from the nature, it is clearly distinguishable, in one or more its typical characteristics, from all known varieties of the same species. The typical characteristics must enable exact description of the variety and distinction from other known varieties of the same species.
8. For purposes of this procedure the known varieties shall be all varieties, which, by the time of application for listing in the Official Variety List, are:

- 1) listed in the common catalogue of varieties of the European Union or the catalogue of varieties of the Organisation of Economic Cooperation and Development (OECD); or
 - 2) applied for registration or registered as a variety in Estonia or a foreign country for certification and marketing of seed or plant propagating material.
- 9.** A variety shall be regarded as uniform if, apart from aberrations caused by distinctive features of the reproductive systems of the plants, it has sufficiently uniform characteristics identifiable in the course of testing the distinctness of the variety and describable in the variety description.
- 10.** A variety shall be regarded as stable if, after successive propagation or at the end of each cycle where a particular cycle of propagation has been defined, it remains true to its essential characteristics.

III. CULTIVATION VALUE OF VARIETY

- 11.** The value of a variety for cultivation shall be regarded as satisfactory for listing in the Official Variety List if, compared to other varieties listed previously in the Official Variety List its qualities offer a clear improvement either for cultivation or as regards the uses which can be made of the crops, and the listing of the new variety offers qualitative improvement in selection of varieties of the Official Variety List.
- 12.** If the variety has another superior characteristic it may be regarded sufficient for listing in the Official Variety List, if other characteristics of the variety are not significantly below those of varieties of same species used so far.

IV. APPLICATION FOR LISTING A VARIETY IN THE OFFICIAL VARIETY LIST

- 13.** A variety is listed in the Official Variety List upon lodging a written application in a given format (Annex 2) in the Plant Production Inspectorate.
- 14.** The application must contain the following data:
- 1) name, address, and phone and fax numbers of the applicant, in case of alien the name, address, and phone and fax numbers of his/her representative in Estonia;
 - 2) plant species;
 - 3) name of the variety and breeding number;
 - 4) name, address, and phone and fax numbers of person responsible for maintenance of the variety; and
 - 5) data on lodging of application for acceptance of the variety in the catalogue of varieties of, or for variety protection in, another country, and whether the application has been submitted using the same name of the variety as in Estonia, and whether the application was granted;
 - 6) whether the variety has been genetically modified;
 - 7) information on results of official registration and value testing, including characteristics of use of the variety.

15. The application must be accompanied by short description of the variety containing characteristics typical to the variety and distinguishing the variety from other varieties, or official variety description, copy of the representation contract and plan for maintenance of the variety.

V. PROCESSING OF THE APPLICATION

16. In case of variety bred abroad the Plant Production Inspectorate will identify whether the official registration and value tests have been carried out in respect of the variety in a foreign country, and

whether the variety description and plan for maintenance of the variety specified in clause 15 have been submitted.

17. On the basis of application received from the Plant Production Inspectorate the official registration and value tests will be carried out by the Control Centre of Plant Production. The Director General or the Deputy Director General of the Plant Production Inspectorate may conclude contracts with other legal or natural persons for registration and value testing.

18. The testing methodology and time schedule of official registration and value tests must be coordinated with the Plant Production Inspectorate.

19. In the end of each testing year the results will be submitted to the Plant Production Inspectorate pursuant to the endorsed time schedule.

20. If there is a need to identify or test the parentage or crossing parents of a hybrid or synthetic variety such testing results and descriptions of components will be treated as confidential if requested by the breeder.

VI. CONTROL OF CHARACTERISTICS TYPICAL TO THE VARIETY UPON REGISTRATION TESTING

21. As a result of registration testing the distinctness, uniformity and stability of the variety are identified by comparing a plant of the variety to the variety description submitted. The characteristics are identified on plants cultivated from seed given by the breeder.

22. An adequate number of varieties of same type known in other countries must be included in testing of the variety for comparison purposes.

23. The official variety description developed as a result of registration testing will be endorsed by the Plant Production Inspectorate. The variety description must reflect the characteristics typical to plants of the variety cultivated from marketed seed generations.

VII. CONTROL OF CULTIVATION VALUE OF THE VARIETY UPON VALUE TESTING

24. The amount of characteristics to be identified in the course of value testing may be decreased if similar official tests have been carried out in respect of the variety in Estonia or a foreign country. For the same reason, the testing can be remitted.

25. The following characteristics of the variety shall be identified in the course of value testing:

- 1) yield;
- 2) cultivation type (spring or winter type);
- 3) winter resistance in case of winter type crops;
- 4) resistance to diseases;
- 5) reaction to cultivation environment, including the length of cultivation period and resistance to lodging;
- 6) quality characteristics of harvest;
- 7) cutting characteristics of hay plants.

26. The testing results submitted to the Plant Production Inspectorate must be accompanied by description of methodology used for testing.

- 27.** An adequate number of varieties of same species of similar type previously listed in the Official Variety List and known in other countries must be included in value testing of the variety for comparison purposes.
- 28.** The value testing must last two years, or three years in case of winter crops. The duration of testing may be decreased if testing results from simultaneous testing in another country with similar to Estonia soil and climate conditions are available.
- 29.** In case of multi-annual crops the testing must last until all essential characteristics of the variety (for example, winter resistance) are controlled for at least once.
- 30.** The development of proposal for and decision making upon accepting or rejecting from listing of the variety in the Official Variety List must be based on average testing results.
- 31.** The breeder may prohibit the publication of testing results in case of rejection of the variety from listing in the Official Variety List.

VIII. LISTING OF THE VARIETY IN THE OFFICIAL VARIETY LIST

- 32.** The proposal on accepting or rejecting from listing of the variety in the Official Variety List is submitted to the Minister of Agriculture by the Plant Production Inspectorate on the basis of results of registration and value testing.
- 33.** The applicant of the variety for inclusion in the Official Variety List can complement the variety description submitted by him/her on the basis of the official variety description.
- 34.** The variety can be rejected from listing in the Official Variety List if it is identified that the variety can be harmful to human or animal health or surrounding environment.
- 35.** The Plant Production Inspectorate develops the Official Variety List by inclusion of varieties having been listed in the Official Variety List in the previous year and varieties applied for listing in the Official Variety List as specified in this procedure. The varieties are deleted from the Official Variety List in cases established in clause 49. The Official Variety List will be developed by 31 January of year following the testing year at the latest.
- 36.** The Official Variety List of a specific year is presented to the Minister of Agriculture for endorsement.
- 37.** The applicant can contest the decision of the Minister of Agriculture within one month and submit additional information to the Plant Production Inspectorate to support his/her arguments. The proposal of the Plant Production Inspectorate for amendment the decision will be endorsed by the Minister of Agriculture.

IX. DATA PUBLISHED IN THE OFFICIAL VARIETY LIST

- 38.** If the variety is sold in another country under name different to that registered in the Plant Production Inspectorate both variety names must be published in the Official Variety List.
- 39.** The Official Variety List contains the following data: species and name of the variety, year of listing the variety in the Official Variety List, year of deletion of the variety from the Official Variety List (in case the prolongation of listing of the variety in the Official Variety List has not been applied for by the deadline foreseen), name and contact details of the owner and his/her representative, or maintainer of the variety. If there are more than one persons responsible for maintenance of the variety it is not required to publish the names and contact details of all of them in the Official Variety List. In that case the list of persons responsible for maintenance of the variety must be kept with the Plant Production Inspectorate.

X. PUBLICATION OF DATA

40. The applications lodged, rejected applications, Official Variety List and amendments in the Official Variety List are subject to publication in the Journal of the Plant Production Inspectorate (*Taimetoodangu Inspektsiooni Teataja*).

41. Upon request by an inspecting body of a foreign country a short variety description of each new variety included in the Official Variety List is submitted by the Plant Production Inspectorate, reflecting most essential characteristics and qualities of the variety.

42. The Plant Production Inspectorate may issue information on the use of the variety upon request by the owner of the variety.

XI. VALIDITY OF LISTING IN THE OFFICIAL VARIETY LIST

43. The listing of a variety in the Official Variety List is valid for 10 calendar years following the year of listing.

44. The maintenance of the variety listed in the Official Variety List must be ensured pursuant to subsection 6 (7) of the Seed and Plant Propagating Material Act. Respective maintenance plan must be developed by the applicant of listing of the variety in the Official Variety List to guarantee the maintenance. The plan is subject to coordination with the Plant Production Inspectorate.

45. Person or persons responsible for maintenance of the variety are responsible to make and maintain notes on production of seed and propagating material of generations prior to basic seed, enabling the supervision of process of maintenance of the variety. The supervision is carried out by the Plant Production Inspectorate.

46. The listing of the variety in the Official Variety List may be extended by the same period of time if the variety is cultivated to a significant extent and is still distinct, uniform and stable.

47. For extension of listing of the variety in the Official Variety List a written application must be lodged with the Plant Production Inspectorate by person having applied for listing the variety in the Official Variety List at least two years before the expiration of listing.

48. The application will be treated by the Plant Production Inspectorate. The Inspectorate will make a proposal to the Minister of Agriculture to extend, or refuse from, the listing of the variety in the Official Variety List. Until decision of extension or refusal the variety will be listed in the Official Variety List.

XII. DELETION OF VARIETY FROM THE OFFICIAL VARIETY LIST

49. The Plant Production Inspectorate may propose the deletion of a variety from the Official Variety List if:

- 1) it is proved, on field examination, that the variety is no longer distinct, stable or uniform;
- 2) if the owner or representative so request, regardless of continuing maintenance of the variety;
- 3) the provisions adopted of this procedure are not complied with; or
- 4) at the time of the application for listing or during examination, false or fraudulent particulars were supplied by the applicant concerning the factors on the basis of which the variety was listed in the Official Variety List;
- 5) the variety is deemed to be harmful to human and animal health or surrounding environment;
- 6) the deadline of listing the variety in the Official Variety List has expired.

50. The owner, representative or maintainer of the variety must be informed in written within one month from submission of proposal on reasons for deletion of the variety from the Official Variety

List and results of inspection carried out to check the reasons other than those specified in subclauses 2 and 6 of clause 49 of this procedure.

51. Upon case specified in subclause 6 of clause 49 the seed of the variety can be certified and sold for two years from the deletion of the variety from the Official Variety List.

Annex 1 to the
«List of plant species subject to
Official Variety Listing and
certification, and procedure of
Official Variety Listing»

List of plant species subject to Official Variety Listing and certification

1. Cereals

<i>Avena sativa</i> L.	Oats
<i>Hordeum vulgare</i> L.	Barley
<i>Secale cereale</i> L.	Rye
<i>Triticum aestivum</i> L.	Wheat
<i>x triticosecale</i> Wittm.	Triticale
<i>Zea mays</i> L.(partim)	Corn

2. Legumes

<i>Pisum sativum</i> L.	Field pea
<i>Vicia faba</i> L.	Field bean
<i>Vicia</i> spp.	Vetch

3. Graminae grasses

<i>Agrostis</i> spp.	Bent grass
<i>Alopecurus pratensis</i> L	Meadow foxtail
<i>Arrhenatherum elatius</i> (L.) J. and C. Presl.	Oat grass
<i>Dactylis glomerata</i> L.	Cocksfoot
<i>Festuca arundinacea</i> Scrib.	Tall fescue grass
<i>Festuca ovina</i> L.	Sheep's fescue
<i>Festuca pratensis</i> L.	Common fescue
<i>Festuca rubra</i> L.	Creeping fescue
<i>Lolium</i> spp.	Rye grass

Phleum pratense L. Timothy grass

Poa spp. Meadow grass

4. *Papilionaceae* grasses

Galega orientalis L.

Lotus corniculatus L. Bird's-foot trefoil

Lupinus spp. Lupine

Medicago lupulina L. Black medick

Medicago sativa L. Lucerne

Medicago x varia T. Hybrid lucerne
Martyn

Melilotus alba L. White melilot

Onobrychis viciifolia Scop. Sainfoin

Trifolium hybridum L. Roosa ristik

Trifolium pratense L. Red clover

Trifolium repens L. White clover

5. Oil and fibre plants

Brassica rapa (L.) var. Turnip rape
silvestris (Lam.) Briggs

Brassica juncea L. Indian mustard

Brassica napus L. Rape

Brassica nigra (L.) W. Black mustard
Koch

Cannabis sativa L. Hemp

Carum carvi L. Caraway

Linum usitatissimum L. Fibre and oil flax

Papaver somniferum L. White poppy

Sinapis alba L. White mustard

6. *Solanum tuberosum* L. Potato

7. *Beta vulgaris* L. Fodder beet

Sugar beet

Annex 2 to the
«List of plant species subject to
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APPLICATION

for listing a variety in the Official Variety List

1. Applicant (owner or breeder): name, address, 2. Representative in Estonia:

phone fax name, address, phone, fax

3. Species (subspecies) in Latin and Estonian

4. Breeding number Name of the variety

5. Maintainer(s) of the variety: name(s), address(es), phone(s), fax(es)

6. Is the variety registered in another country? If yes:

Country: Date: Name of the variety:

7. Is the variety protection granted to the variety in another country? If yes:

Country: Date: Name of the variety:

8. The variety is genetically modified organism (derived variety): Yes()

No ()

9. Recommended use of the variety:

10. The following documents are attached:

() 1. Short variety description () 3. Representation contract

() 2. Official variety description () 4. Plan for maintenance of the

variety

11. I apply/we apply for

() registration testing () value testing

of the variety.

In case of legal person a stamp is requested.

Place..... Date.....

Signature(s)