



STATUTORY INSTRUMENTS.

S.I. No. 273 of 2007



EUROPEAN COMMUNITIES (PROTECTION OF PLANT VARIETY
RIGHTS) REGULATIONS 2007

(Prn. A7/1103)

EUROPEAN COMMUNITIES (PROTECTION OF PLANT VARIETY RIGHTS) REGULATIONS 2007

I, MARY COUGHLAN, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purposes of giving full effect to Council Regulation (EC) No 2100/94 of 27 July 1994¹ and Commission Regulation (EC) No. 1768/95 of 24 July 1995² hereby make the following regulations:

Citation and Commencement

1. These Regulations may be cited as the European Communities (Protection of Plant Variety Rights) Regulations 2007.

Interpretation

2. (1) In these Regulations—

“Commission Regulation” means Commission Regulation (EC) No. 1768/95 of 24 July 1995;

“Council Regulation” means Council Regulation (EC) No. 2100/94 of 27 July 1994;

“Minister” means the Minister for Agriculture and Food;

“plant variety official” means a person appointed under Regulation 6;

“PVDO” means the Plant Variety Development Office Ltd. a company registered in the Companies Acts.

(2) A word or an expression that is used in these Regulations and is also used in the Commission Regulation or the Council Regulation has the same meaning in these Regulations that it has in the Commission Regulation or Council Regulation.

Processor's obligations

3. (1) On request from the PVDO, a processor shall supply by the 31 January and 30 June of each year the information required under Article 9 and Article 15 of the Commission Regulation in respect of every relevant processing service he or she has supplied in the previous 6 month period.

(2) A processor shall retain a minimum of 100 grams from each 500kg batch processed for a period of at least six months and if requested by the PVDO forward it to that office.

¹OJ No. L227, 01.09.1994,p1.

²OJ No. L173, 25.7.1995, p. 14.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 15th June, 2007.

(3) Processors are obliged to keep records relating to the processing of the varieties referred to at paragraph (1) for a minimum of four years.

(4) Processors are obliged to register with the PVDO in a manner to be set out by the PVDO.

Farmer's obligations

4. (1) On request from the PVDO, a farmer shall supply by the 31 January and 30 June of each year the information required under Article 8 and Article 14 of the Commission Regulation in respect of the relevant varieties planted by him or her in the previous 6 months.

(2) A farmer shall keep records relating to the processing of the varieties referred to in paragraph (1) for a minimum of four years.

Prohibition of forgery and giving false information

5. (1) A person shall not forge a record or document, alter with intent to defraud or deceive or have, without lawful authority, in his or her possession a forged record or altered record

(2) A person, in purported compliance with these Regulations, shall not give information that he or she knows to be false or misleading.

Plant Variety Officers

6. (1) PVDO may appoint such and so many of its employees to be plant variety officers for the purposes of some or all of these Regulations.

(2) A warrant of appointment as a plant variety officer shall be issued to a person appointed by PVDO under this Regulation and when exercising any function conferred on the person as a plant variety officer he or she shall, if requested by a person affected, produce the warrant to that person.

Functions of Plant Variety Officer

7. (1) If PVDO has reasonable cause to suspect that the information supplied in response to requests made by them under Regulation 3 or Regulation 4 is incomplete, inaccurate, false or where no information is supplied in relation to the request made, it may authorise a plant variety officer, to enter the land of the farmer or the premises of the processor to whom the request has been made and—

- (i) search the premises or land;
- (ii) take, without payment, samples, of seed or grain either being cultivated, transported or processed as he or she may reasonably require and carry out or cause to be carried out on the samples such tests, analyses, examinations, or inspections as he or she considers necessary under the Commission Regulation;
- (iii) require the production of a relevant document or record relating to the growing and/or processing of seed for propagation purposes; and

(iv) retain any such document or thing (for so long as is necessary).

(2) A plant variety officer when exercising any powers under this Regulation may be accompanied by other persons and may take with him or her, or those other persons may take with them, any equipment or materials to assist the officer in the exercise of those powers.

Recovery of monies

8. If as a result of an inspection under Regulation 7 or otherwise, PVDO becomes aware that any monies are due to it either directly or acting as agent for its members or subscribers, it may recover the monies as a simple contract debt in a Court of competent jurisdiction.

Offences

9. (1) A person who

(a) contravenes Regulations 3, 4, or 5,

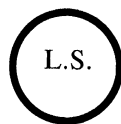
(b) obstructs or impedes a plant variety officer, or

(c) contravenes the Commission Regulation or the Council Regulation,

commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

(2) Where an offence is committed under these Regulations by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to have been attributed to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and is liable to be proceeded against and punished as if he or she was guilty of the first-mentioned offence.

(3) An offence under these Regulations may be prosecuted by the PVDO.



GIVEN under my Official Seal,
31 May 2007

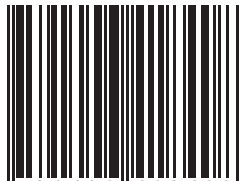
MARY COUGHLAN
Minister for Agriculture and Food.

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