

DISCLAIMER

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Only legislation published in paper editions of the Legal Code (Zbierka zákonov Slovenskej republiky) in the Slovak language is deemed authentic.

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217

**Act
of March 11, 2004**

On Forest Reproductive Material and Change of Some Acts

The National Council of the Slovak Republic approved the following act:

Chapter I

PART ONE

INTRODUCTORY PROVISIONS

**Article 1
Scope of the Act**

- (1) This act shall establish
- a) Requirements on the sources of reproductive material of forest tree species and their protection,
 - b) Rules for collection of reproductive material of forest tree species, its marketing and use in forest regeneration and on parcels to be afforested¹⁾ (hereinafter only the „regeneration of forest stands and afforestation“) on behalf of the sustainable management of forests and conservation of their biological diversity,
 - c) Rights and obligations of natural and legal persons concerning production of reproductive material of forest tree species, its marketing and use for regeneration of forest stands and afforestation.
 - d) Testing of reproductive material of forest tree species,
 - e) Competences of the Specialised State Authority.

(2) This act shall apply to the reproductive material of forest tree species and their hybrids (hereinafter only the „reproductive material “), referred to in Annex 1.

**Article 2
Terms and Definitions**

For the purposes of this act, the following terms shall apply:

- a) Reproductive material:
 - 1. Seed or seed units including seeds, fruits, cones and infructescences,
 - 2. Processed seeds which are seeds for sowing and production of planting stock,
 - 3. Parts of plants, which are axial, leaf and root cuttings, explants and embryos for micro-propagation, buds, scions, layers, roots and sprouts,

¹⁾ Article 2 of the Act 61/1977 of the Legal Code on forests as provided for in later legal regulations.

4. Planting stock, including plants from natural regeneration and transplants raised from seeds, parts of plants or natural regeneration, originating in the basic material,
 5. Seedling, which is a young plant risen from seed, which rooting system was not treated by picking, transplanting, undercutting and transplanting into a container,
 6. Transplant, which is a young plant risen from seed or a part of plant, which rooting system was treated by picking, transplanting, undercutting and transplanting into a container,
 7. Genetic resource, which is whatever material of current or potential value²⁾ containing vital units of genetic information.
- b) Basic material:
1. Seed source, which includes localized trees or stands of trees, from which seed or seed units are collected;
 2. Approved stand, which is a population of trees within a delineated borders of one or more forest compartments³⁾, which is on the basis of its phenotypic quality approved for collection of seeds and seed units, parts of plants or lifting of wildlings;
 3. Seed Orchard, which is special plantation of clones or families, established according to a special design with the aim to achieve more frequent, abundant and easily harvestable crops of seeds; a seed orchard is established and managed in a manner excluding or limiting pollination by foreign pollen;
 4. Parent of Family – Plus Tree, which is a tree selected and used to produce progeny by controlled or free pollination of known seed parent, with the pollen of one or a number of pollen parents;
 5. Clone, which is a genetically identical group of individuals derived from a single individual (ortet), obtained by means of cutting, micro-propagation, grafting, layering or division, where
 - 5.1. The Regionalized Clone or Cultivar is a clone after tests and approval;
 - 5.2. The Recommended Clone is a clone in the stage of testing;
 6. Clonal Mixture, which is a mixture of identified clones of the same species or species hybrids, with defined proportions, created in order to reduce risks associated with the reduction of genetic diversity;
 7. Multiclonal Variety, which is a tested mixture of clones characterized by similar site requirements and growth characteristics;
 8. Gene Reserve, which is a complex of forest compartments at different age classes, protected to conserve the full scope of forest genetic resources *in situ*; Only compartments compliant with the requirements set in Annex 2, part B, may be registered as Approved Stands;
 9. Clonal Archive and Progeny Archive, which are special plantations for conservation and use of genotypes of extraordinary biological and economical value;
 10. Seed Bank of Forest Trees, which is collection of seed lots for long-term storage of representative samples of valuable gene pools endangered *in situ*;
 11. Generative Reproductive Plantation, which is a special plantation established to reproduce gene pools of extraordinary value, which is registered as a Basic Material if it complies with Annex 2;
- c) Register Code of a Basic Material means a set sequence of letters and digits identifying each basic material and lots of reproductive material originating in it. It contains information about a tree species, type of basic material, provenance region, altitudinal zone, administrative district, and registration number of a basic material;

²⁾ Article 2 of the Convention on Biological Diversity, Announcement no. 34/1996 of the Legal Code.

³⁾ Article 2a of the Act No. 100/1977 of the Legal Code on management of forests and state forest authority as promulgated in Act No. 183/1993 of the Legal Code.

- d) Autochthonous and indigenous basic materials mean either of the following
 - 1. Autochthonous stand or seed source, which has been continuously regenerated by natural regeneration, or it was regenerated artificially from generative reproductive material collected in the same stand or seed source or autochthonous stands or seed sources within their close proximity;
 - 2. Indigenous stand or seed source is stand or seed source raised artificially from seed, the origin of which is situated in the same region of provenance.
- e) Origin for an autochthonous stand or seed source means the place in which the trees are growing. For a non-autochthonous stand or seed source, it is the place from which the seed or plants were originally introduced. The origin of a stand or seed source may be unknown.
- f) Provenance means the place, in which any stand of trees is growing. The origin according to letter e) and provenance, are characterized by a local name, geographic coordinates, altitude or other characteristics.
- g) Region of provenance is, for a species, an area with similar ecological conditions, within which the basic materials show similar phenotypic and genetic characteristics, which may be influenced by an altitude.
- h) Phenotypic value is a numeric code depicting the crown quality, stem form and production potential of a stand, obtained by means of a phenotypic assessment.
- i) Tenant of a basic material
 - 1. Owner of a landlot, on which the basic material grows.
 - 2. Natural or legal person, keeping a landlot according to a tenancy contract,
 - 3. Owner of a clone, clonal mixture or multiclonal variety - natural or legal person which is a breeder or creator of a clone, clonal mixture or multiclonal variety, or owns a clone, clonal mixture or multiclonal variety according to a special law⁴⁾.
- j) Production of reproductive material means the collection, processing and treatment of seed units, seeds and parts of plants for vegetative propagation, the collection of wildlings, and the raising of a planting stock;
- k) Lot of reproductive material of identified tree species means a discrete set of reproductive material collected in a known time from a known basic material, which has been collected, processed, stored, treated and/or mixed identically; each lot of a planting stock has the same method and time of cultivation.
- l) Marketing means a commercial storage, offering for sale, sale, import, export or whatever change of a disposal right pertaining to the reproductive material.
- m) Supplier means a natural or legal person engaged in marketing, export⁵⁾ or import⁵⁾ of reproductive material.
- n) Recipient means a natural or legal person, which further cultivates and markets the supplied reproductive material, or acquires it for forest regeneration and afforestation as a forest tenant or contracted service provider.
- o) Tenant of a forestland means a natural or legal person, which manages forestlands or landlots intended for afforestation.

⁴⁾ Act No. 132/1989 Of the Legal Code on the protection of breeder's rights to new varieties of plants and breeds of animals, as provided for in later legal regulations.

⁵⁾ Article 2 letters n) and o) of the Act No. 238/2001 of the Legal Code, the Customs Act, as provided for in later legal regulations.

p) The categories of forest reproductive material:

1. 'Source-identified' derived from a seed source of known provenance, located within a single region of provenance and which meets the requirements set out in Annex II;
2. 'Selected' derived from basic material, which is a stand located within a single region of provenance, which has been phenotypically selected at the population level and which meets the requirements set out in Annex 2;
3. 'Qualified' derived from basic material which are seed orchards, plus trees - parents of families, clones or clonal mixtures, the components of which have been phenotypically selected at the individual level according to the phenotypic characteristics, and which meets the requirements set out in Annex 3. Testing is not a precondition;
4. Tested reproductive material derived from a basic material, which are approved stands, seed orchards, parents of families, clones or clonal mixtures. The quality of the reproductive material must have been demonstrated by a comparative testing or an estimate based on genetic evaluation of the components of respective reproductive material. The material shall meet the requirements set out in Annex 4.

Article 3

Other Uses of Forest Reproductive Material

(1) Collection, raising, marketing and end-use of reproductive material for special purposes, such as testing, research, tree breeding, conservation of biological diversity, establishment of plantations on farmlands producing biomass for energy generation, shall be approved by the Forest Research Institute (hereinafter only the „research institute“).

(2) The reproductive material is collected, raised and marketed for other purposes than regeneration of forest stands and afforestation, including the export and re-export to non-EU states (hereinafter only the „third state“), must meet requirements of Articles 13, and 20 to 23.

PART TWO

SOURCES OF FOREST REPRODUCTIVE MATERIAL AND THEIR PROTECTION

Article 4

Sources of Forest Reproductive Material

(1) The reproductive material shall be derived or risen from a reproductive material originating in approved basic materials (Article 7). The reproductive material may also originate in indigenous seed sources of local origin in cases according to Article 5.

(2) The following basic materials shall be subject to the approval:

- a) for the category “Selected”
 1. Approved stand,
 2. Gene reserve,
 3. Generative Reproductive Plantation.
- b) for the category “Qualified”
 1. Parent of Progeny – Plus Tree,
 2. Seed Orchard,

3. Clone,
 4. Clonal Mixture or Multiclonal Variety.
- c) for the category “Tested”, basic materials according to the letters a) and b) after a test of their genetic characteristics.

(3) Requirements on the basic materials are set out in Annexes 2 to 4.

Article 5

Source Identified Reproductive Material

(1) Collection of seed, seed units and wildlings for the category source-identified shall be allowed pursuant to the permit issued by the research institute, if

- a) Sufficient quantity of selected or qualified category is not available for a given species,
- b) Site-adapted reproductive material is necessary for regeneration of protective and special-purpose forests⁶⁾,
- c) Seed and seed units shall be exported,
- d) Respective basic material was not classified into the phenotypic category D pursuant to Article 6, paragraph 1.

(2) Application for the permit according to paragraph 1 shall be submitted to the research institute.

(3) Application for the permit shall contain

- a) Name, surname, permanent address in a case of a natural person,
- b) Commercial name, address and identification number in a case of a legal person,
- c) Year of collection,
- d) Tree species,
- e) Quantity of a seed, seed units, or wildlings,
- f) Identification of the place of collection.

(4) Research institute shall issue the permit for collection when the requirements set out in paragraph 1 are met, and shall assign a registry code to the concerned basic material. The permit is valid for one year.

Article 6

Phenotypic Classification of Forest Stands

(1) The subject of phenotypic classification is to determine a phenotypic value of concerned tree species, according to which a forest compartment is classified into one of the following categories:

- A - Phenotypically Elite Stand,
- B - Phenotypically Valuable Stand,
- C - Phenotypically Average Stand,
- D - Inappropriate stand by its origin and phenotype.

⁶⁾ Article 6 of the Act No. 100/1977 of the Legal Code as provided for in later legal regulations

(2) Phenotypic classification shall be carried out by a natural or legal person holding the license for forest management planning according to special regulation⁷⁾.

(3) Phenotypic classification shall be carried out during the upgrade of a forest management plan. On request and on expense of a tenant, it can be carried also during the period of validity of a forest management plan.

Article 7

Approval of Basic Material

(1) Tenant of a forestland submits a proposal to approve a basic material to the research institute at the upgrade of a forest management plan.

(2) On a proposal of a tenant of forestland, a basic material can be approved also during the period of validity of a forest management plan.

(3) The basic material proposed for approval must meet requirements set out in Annexes 2 to 4. It shall be inspected by the research institute.

(4) The stands shall be approved for seed collection if their phenotypic category has been A or B, and proportion or a number of biologically ripe individuals of the concerned species at least 10 % and 40, respectively.

(5) If an approved stand is a basic material, it may consist of several neighbouring forest compartments, if they belong the same provenance region, altitudinal zone and phenotypic category of a species concerned.

(6) The research institute shall approve basic materials, elaborate their approval certificates, and assign register codes to them.

(7) The approval or withdrawal of basic material shall be decided by a forest office⁸⁾ in a proposal of the research institute.

(8) Forest office, on a proposal of the research institute, may set forth a protection period in the decision on approval of basic material in its decision, limiting the extent and way of regeneration felling.

(9) The approved basic materials shall be marked by their tenants in the field.

(10) Condition and management of approved basic materials shall be inspected by the bodies of specialised state authority according to Article 29, paragraph 1.

⁷⁾ Article 3 of the Act No. 100/1977 of the Legal Code.

⁸⁾ **Article 25 of th Act No 519/2003** of the Legal Code., amending and complementing Act No. 100/1977 of the Legal Code on forest management and state forest administration, as provided for in later legal regulations, and Act No. 222/1996 of the Legal Code on local authorities, as provided for in later legal regulations.

(11) Approval of a basic material shall be withdrawn, if the basic materials shall not be meeting requirements of paragraphs 3 to 5 (*of this article*), and paragraphs 1, 5 and 6 of Article 8.

Article 8

Testing of Basic Materials

(1) Basic material for the reproductive material of category Tested shall be approved only if it has passed tests. The tenant of basic material shall submit application for testing to the tenant of basic material.

(2) Tests according to Article 1 shall be carried out according to Annex 4 by the research institute or a natural or legal person appointed by the Ministry of Agriculture (hereinafter only the “ministry”).

(3) Results of testing shall be approved by the ministry if:

- a) Results of tests have proved difference, homogeneity, stability, ecological and economic value of a reproductive material derived from the tested basic material,
- b) Requirements of special regulation⁹⁾ have been met, and the assessment of environmental impact⁹⁾ have been implemented in the case of genetically modified organisms,
- c) Name of clone, clonal mixture or multiclonal variety is in the official language¹⁰⁾.

(4) The research institute shall refuse testing according paragraph 1 if, with regard to the biological characteristics and ecological requirements of the basic material, the requirements set forth in paragraph 3, letter a) cannot be met.

(5) The clone, clonal mixture or multiclonal variety shall be approved for the period of 20 years.

(6) During the approval period, the tenant of a basic material for the category Tested is obliged to keep records about the type and quantity of propagated material according to Annex 4, and submit them to the research institute on request.

Article 9

Provenance Regions

(1) Provenance regions are delineated specifically for Norway spruce (*Picea abies* Karst.), silver fir (*Abies alba* Mill.), Scots pine (*Pinus sylvestris* L.), European larch (*Larix decidua* Mill.), common beech (*Fagus sylvatica* L.), sessile oak (*Quercus petraea* Liebl.) and pedunculate oak (*Quercus robur* L.).

(2) For all other woody species listed in Annex 1, the whole territory of the Slovak Republic is a single provenance region covering.

⁹⁾ Article 2 of the Act no. 151/2002 of the Legal Code on the use of genetic technologies and genetically modified organisms.

¹⁰⁾ Act no. 270/1995 of the Legal Code on official language, as provided for in later legal regulations.

(3) The boundaries of provenance regions are identical with the outer boundaries of forest regions included in individual provenance regions¹¹⁾.

(4) The following altitudinal zones are established for the purpose of vertical transfer of forest reproductive material:

- a) up to 200 m a. s. l.,
- b) from 201 to 400 m a. s. l.,
- c) from 401 to 600 m a. s. l.,
- d) from 601 to 800 m a. s. l.,
- e) from 801 to 1 000 m a. s. l.,
- f) from 1001 to 1 200 m a. s. l.,
- g) from 1201 to 1 400 m a. s. l.,
- h) above 1401 m a. s. l.

(5) Reproductive material can be transferred only to the altitudinal zones neighbouring the altitudinal zone where its basic material is situated.

Article 10

Forest Genetic Resources and their Protection

(1) The forest genetic resources are, for the purpose of conservation and sustainable use of biological diversity, protected in the basic materials.

(2) Protection of forest genetic resources according to paragraph 1 is carried out by a tenant of basic material and bodies of specialised state authority (Article 28).

(3) Financial support for protection of forest genetic resources can be provided according to special legal regulation¹²⁾.

Article 11

Register and Records of Basic Material

(1) The research institute maintains the national register of basic materials (hereinafter only the „national register“), which contains detailed survey of geographical, site, genetic and biometrical characteristics, data on site conditions, site, administrative ordinance and on a tenant of a basic material. The research institute shall update the national register and publish the National list of basic materials of the Slovak Republic (hereinafter only the „national list“) in the Slovak and English language once in 5 years.

(2) The national register is a publicly available document and the national list a public document according to special legal regulation¹³⁾.

(3) The following data are provided for each basic material in the national list:

- a) botanical name,

¹¹⁾ Resolution of the Government of the Slovak Republic no.49/1997 of the Legal Code declaring forest regions.

¹²⁾ Article 19, paragraph 6 of the Act 473./2003 of the Legal Code on Agricultural Payment Agency, on support to entrepreneurship in agriculture and on the change and amendment of some legal regulations.

¹³⁾ Act 211/2000 of the Legal Code on free access to information and on the change and amendment of some other regulations (Act on Free Access to Information).

- b) type of a basic material,
- c) purpose of a basic material,
- d) type of a reproductive material to be produced,
- e) registration code of a basic material,
- f) location
 - 1. provenance region,
 - 2. altitude,
 - 3. latitude and longitude,
 - 4. exact delineation of a locality,
- g) area of a basic material or specification of its size by means of the number of clones, progenies or represented parent of families – plus trees,
- h) specification of the autochthonous or non-autochthonous known or unknown origin,
- i) information on possible genetic modification of reproductive material in the category “tested”.

(4) Tenant of a basic material shall be obliged to keep records of their basic materials.

(5) Regional state forest authority shall keep records of basic materials in their region of ordinance.

PART THREE

COLLECTION, RAISING, REGISTRATION AND RECORDS OF REPRODUCTIVE MATERIAL

Article 12

Procurement of Forest Reproductive Material

(1) Natural or legal person collecting the seed, seed units, wildlings or part of plants for vegetative propagation, which holds the certificate according to Article 25, shall announce in written the expected time and place of collection 15 days in advance of the collection.

(2) Seed or seed units of a species shall be collected in a single harvest from:

- a) at least 10 parents of families – plus trees within the same provenance region and altitudinal zone,
- b) at least 20 trees of species according to Article 9, paragraph 1, and at least 10 parent trees of species according to Article 9, paragraph 2 in approved stands and seed sources,
- c) if at least one half of its ramets is bearing seeds in a seed orchard.

(3) The tenant of concerned basic material shall issue the Letter of Origin of Reproductive Material (hereinafter only the „letter of origin“) in three copies immediately after the harvest of seeds, seed units, wildlings and parts of plants for vegetative propagation. The administrator shall keep its firsts copy. The second copy shall be sent to the research institute and the third copy to the owner or processor of the concerned reproductive material.

(4) Seeds, seed units, wildlings and parts of plants for vegetative propagation shall be, immediately after their harvest, packed, transported, processed and stored separately according to the basic materials. For transportation and storing, the packages shall be packed according to Article 19 paragraph 2 and labelled with the following information:

- a) Species name in the state language and its botanical name,
- b) Registration code of the basic material,
- c) Place of harvesting,
- d) Year of harvesting,
- e) Volume of seed and seed units, number of wildlings or parts of plants for vegetative propagation,
- f) Tenant of the basic material.

Article 13 **Raising of Planting Stock**

(1) Sowing of seed, planting of seedlings and vegetative propagation of parts of plants aimed at production of planting stock for forest regeneration and afforestation, shall be done in nurseries established for production of the planting stock of forest tree species (hereinafter only the „nursery“) or in landlots and facilities established for production of the planting stock of forest tree species (hereinafter only the „production facilities“) registered by the research institute.

(2) Seeds, parts of plants for vegetative propagation, wildlings, seedlings and plants shall, during all stages of production, be kept separately by lots and identified by the following information:

- a) Number of the Letter of Origin or Master Certificate (hereinafter only the „master certificate“) issued according to Article 14 paragraph 5,
- b) Name in the state language and botanical name,
- c) Category of the reproductive material,
- d) Expected use,
- e) Type of the basic material,
- f) Registration code and provenance region of the basic material,
- g) Origin of the basic material,
- h) Year of collection of seed, seed units, part of plants or wildlings,
- i) Age and type of cultivation of the planting stock,
- j) Quantity of the produced reproductive material,
- k) Eventual genetic modification of the produced planting stock.

(3) Other reproductive materials cultivated in nurseries and production facilities according to paragraph 1, which are intended for non-forestry purposes, shall comply with paragraph 2 letters b), d), e), h) to k).

Article 14 **Registration of Reproductive Material**

(1) The research institute shall register a reproductive material upon written application of its owner within 60 days from its delivery.

- (2) The owner of a reproductive material shall submit application for registration of
- a) Seeds up to 15 days after harvesting of seed or processing of seed units,
 - b) Wildlings and parts of plants for vegetative propagation up to 15 days after harvesting,
 - c) Planting stock by 15 September of a current year,
 - d) Secondary vegetative propagation of registered plants up to 15 days after the harvest of their parts.

(3) The research institute shall register seeds, wildlings or parts of plants, if they are derived from approved basic materials or seed sources according to Article 5, and their collection was accomplished in accordance with Article 12.

- (4) The research institute shall register a planting stock, if
- a) It was raised from registered seeds, wildlings or parts of plants,
 - b) It was /has been raised and handled in accordance with Article 13,
 - c) It is healthy and normally developed.

(5) Registered reproductive material can be marketed when its owner applies in written for the Master Certificate according to Annex 5.

Article 15

Records of Reproductive Material

(1) Records of forest reproductive material shall be kept and maintained for 10 years by the natural or legal person engaged in producing of reproductive material (hereinafter only the „producer“), its supplier or recipient.

- (2) Records of reproductive material shall consists of the following documents
- a) Letter of Origin,
 - b) Master Certificate,
 - c) Accompanying Certificate of reproductive material (hereinafter only the „accompanying certificate“).

(3) Producer of planting stock shall, in addition to the records according to paragraph 2, keep and maintain for the period of 5 years, also graphical records of nursery or production facility, indicating the registration code of a basic material, age and quantity of cultivated planting stock, area for each lot of reproductive material.

(4) The research institute shall keep records of the letters of origin and master certificates for the period of 20 years.

PART FOUR

MARKETING OF REPRODUCTIVE MATERIAL

Article 16

Conditions for Marketing of Reproductive Material

(1) Reproductive material shall be marketed in categories selected, qualified, and tested. Source-identified reproductive material can be marketed only if it was acquired in accordance with Article 5.

(2) Reproductive material shall be marketed only in lots, which are packed, transported and kept separately until their use in forest stands.

(3) The reproductive material to be marketed must comply with requirements on health condition according to special legal regulation¹⁴⁾.

(4) Vegetatively propagated reproductive material and reproductive material of artificial hybrids shall not be marketed in the category source-identified.

(5) Vegetatively propagated reproductive material may be marketed in the category selected only if it has been mass propagated from the planting stock originating in seeds.

(6) Reproductive material of improved poplars (*Populus* cv.), improved tree willows (*Salix* cv.) and genetically modified reproductive materials¹⁵⁾ shall be marketed only in the tested category.

Article 17

Label and Accompanying Certificate

(1) A lot of reproductive material compliant with provisions of Article 13 paragraph 2, may be marketed only in a package according to Article 19, if it has been labelled by the number of a Master Certificate and (*by a copy of*) Accompanying Certificate.

(2) In the case of seeds, the label shall contain the following additional information:

- a) seed purity,
- b) the Germination percentage or the viability percentage of pure seed,
- c) the weight of 1000 pure seeds,
- d) the number of germinable seeds or number of viable seeds per kilogram of pure seeds.

(3) Accompanying Certificate shall contain the following information

- a) Name of supplier,
- b) Number of master certificate according to Article 14 paragraph 5,
- c) Species name in the state language and botanical name,
- d) Category of reproductive material,
- e) Expected use,

¹⁴⁾ Act No. 285/1995 of the Legal Code on plant health care, as amended in the Act no. 471/2001 of the Legal Code.

¹⁵⁾ Act No. 151/2002 of the Legal Code on the use of genetic technologies and genetically modified organisms.

- f) Registration code of the basic material, from which the reproductive material has been derived,
- g) Code and name of the provenance region,
- h) Origin and registration code of the basic material,
- i) Year of harvesting of the seed, seed units, wildlings and parts of plants, or the age of plants or rooted cuttings and method of their cultivation,
- j) Classification in the case of poplars (*Populus* sp.),
- k) Quantity or number of units of reproductive material,
- l) Information on eventual genetic modification of reproductive material.

(4) The Accompanying Certificate shall contain information required for plant passports¹⁴⁾.

(5) Seeds can be marketed with their accompanying certificate and label without information according to paragraph 2 letters b) and d) in the case of short delivery time, providing that the master certificate and missing information shall be provided by the supplier to the recipient immediately after completion of qualitative tests and issuing the master certificate.

(6) Master certificates, labels and packages of reproductive material for individual categories of reproductive material are marked by

- a) yellow colour for the source-identified reproductive material,
- b) green colour for the selected reproductive material,
- c) pink colour for the qualified reproductive material,
- d) blue colour for the tested reproductive material.

Article 18

Mixing and Dividing of Lots

(1) Mixing of lots of the same species is acceptable on a written request of its owner to the research institute and under supervision of the research institute, providing that concerned lots are derived from the same category and type of basic materials having the same origin, provenance region and altitudinal zone.

(2) The research institute shall issue a new master certificate for the lot originating in mixing.

(3) If a producer or supplier divides a lot, which was registered according to Article 14 and for which a master certificate was issued, he/she shall issue an accompanying certificate for all lots originating in the division under the same number of a master certificate. On a written request of the concerned producer or supplier, the research institute may issue a new master certificate for lots originating in the division

Article 19

Packing of Reproductive Material

(1) Reproductive material shall not be marketed unless it has been packed in packages excluding misidentification, which are sealed in a way allowing inspection of the

authenticity of their contents; Seeds shall be marketed only in sealed packages. The sealing device shall be such as will become unserviceable repeatedly after opening.

(2) Package means the material used for creation of a bunch of plants, large volume bags, special polythene bags, containers made of solid material, and lock-able spaces of transportation means. Supplier is obliged to use the prescribed method of packaging according to paragraph 1 and labelling according to Article 17 paragraphs 1 and 2.

Article 20

Use of Reproductive Material, its Transfer and Import

(1) Forest tenant is obliged to have sufficient quantity of reproductive material of appropriate species and genetic structure for regeneration of forest stands and afforestation.

(2) Only reproductive material derived from approved basic materials and registered according to Article 14 shall be used for forest regeneration and afforestation.

(3) Reproductive material can be transferred only to the site conditions identical or similar to the place of its origin.

(4) Regeneration of forest stands and afforestation using the reproductive material according to paragraphs 8 and 9 (*of this Article*) and Article 21 (*of the present Act*) is allowed only pursuant to a certificate issued by the research institute.

(5) The certificate according to paragraph 4 shall not be issued for the source-identified reproductive material.

(6) The forest tenants keep records of reproductive material used for regeneration of forest stands and afforestation. The records consist of the

- a) Card of origin of a forest stand,
- b) Master Certificate or Accompanying Certificate.

(7) Reproductive material, which is not compliant with this act, shall not be marketed in a way, which may lead to its misidentification with other reproductive materials.

(8) When a forest reproductive material originating in another member state of the European Community is marketed in the territory of Slovakia, its supplier announces its marketing in the territory of the Slovak Republic to the Forestry Institute. He/she submits a Master Certificate of concerned reproductive material, compliant with Annex 5 of this Act, to the research institute.

(9) The end-use of a reproductive material originating in the member states of the European Community may be prohibited only on the basis of

- a) Information about the region of provenance or origin of said reproductive material;
- b) Results of tests or scientific experiments carried out in appropriate locations either within or outside the Community;
- c) Results obtained in the forestry practice concerning a survival and development of concerned planted stock in relation to its morphological and physiological characteristics.

(10) The research institute shall inspect the end use of reproductive materials originating from the third countries and member states of the European Community.

PART FIVE

IMPORT AND EXPORT OF REPRODUCTIVE MATERIAL

Article 21

Import of Reproductive Material

(1) Only reproductive material compliant with this act can be imported from non-member states of the European Community to the territory of the Slovak Republic.

(2) In advance of an import according to paragraph 1, the supplier submits written application on its approval to the research institute, with the following identification:

- a) Importer's name, surname and permanent address the case of a natural person, or (his/her) business name and address if not identical with the permanent address;
- b) Business name, address and company identification number in the case of a legal person.

(3) In addition to information according to paragraph 2, the supplier shall attach

- a) Document proving a contract with supplier in the state of origin of imported reproductive material;
- b) Document issued by the competent official body controlling for the concerned reproductive material;
- c) Identification data on contracted natural or legal person, which is a recipient of imported reproductive material; it applies also to the case when imported reproductive material shall be processed, propagated or cultivated for export and re-export.

(4) If application for the import approval is not complete according to paragraphs 2 and 3, the research institute shall ask the applicant to complement missing data in 15 days. If this is not done, the research institute shall refuse application.

(5) Application for the import approval according to paragraphs 2 and 3 shall be refused if genetic characteristics of concerned reproductive material and its intended use are not appropriate from the point of view of the forest management, environment, genetic resources or biological diversity in the territory of the Slovak Republic, referring to the reasons referred to in Article 20, paragraph 6.

Article 22

Importing Procedures

(1) When reproductive material from a third country is imported, the supplier shall provide the customs authority with the Customs Declaration, Confirmation of the Origin of Forest Reproductive Material according to Annex 5, and approval with the import of reproductive material; the preceding shall not apply for the customs regime transit.

(2) The customs authority shall halt the intended import for the customs regime of free marketing, if

- a) The supplier has not submitted the Plant Passport and Master Certificate of reproductive material or, in a case of an import from non-member states of the European Community, the import approval;
- b) The reproductive material has not been packed and labelled according to Article 19.

Article 23

Export of Reproductive Material

(1) In advance of an export to the third country or trade exchange with a member state of the European Community, the supplier of concerned reproductive material shall apply to the research institute for a master certificate issued according to Annex 5 in the English language.

(2) The research institute shall issue the master certificate according to Article 14, paragraph 5 if the reproductive material referred to in paragraph 1 complies with Articles 12 to 19 (*of this act*).

PART SIX

MEASURES TO GUARANTEE IDENTITY OF REPRODUCTIVE MATERIAL

Article 24

Certificate of Professional Competence

(1) Collection, processing, storing, raising and marketing of reproductive material is allowed only on the basis of a Certificate of Professional Competence (hereinafter only the „certificate“).

- (2) Applicant for a certificate shall state in the application
- a) Name, surname, date of birth and permanent address of a natural person,
 - b) Business name, seat and identification number of a legal person,
 - c) Type of activity listed in paragraph 1,
 - d) Way of implementing concerned activity listed in paragraph 1.

(3) The ministry shall issue the certificate within 30 days, if the applicant provides all data required in paragraph 2 and meets the requirements of Article 25.

(4) If the ministry finds that an applicant has not provided all data required in paragraph 2 in the application, it shall ask the applicant to complement them within 15 days.

(5) If an applicant does not meet requirements according to Article 25 paragraph 1, letter a) and b), and Article 25, paragraph 2 and 3, the ministry shall refuse application.

Article 25

Granting Conditions

(1) The ministry shall grant the certificate (referred to in Article 24) to a natural person which has

- a) completed full secondary education in forestry or agriculture, or received a university degree of the first grade or higher in forestry, agriculture or in nature sciences specialized in botany,
- b) not been punished legally; For the purpose of this act, such a person must not be convicted for the intentional infringement or negligence in the area related to the subject of certification; The aforementioned fact shall be proved by the excerpt from the registry of punishments not older than 3 months,
- c) passed successfully the professional exam in the area of reproductive material according to Article 32, paragraph 2, letter k).

(2) The ministry shall grant the certificate to a legal person, which has enclosed to the application a proof that it carries the activity according to Article 24, paragraph 1, by its employee or other natural person holding the certificate.

(3) The ministry shall issue the certificate also to a natural person not compliant with the provisions of paragraph 1, if it has enclosed to the application a proof that it carries out the activity according to Article 24, paragraph 1 by other natural person holding the certificate.

(4) The ministry shall grant a certificate according to Article 24, paragraph 1, also to a natural or legal person from another member state of the European Union providing that the applicant has been holding a similar document issued in other member state of the European Union.

Article 26

Cancellation of the Certificate

(1) The certificate is cancelled by

- a) cancellation of a legal person¹⁶⁾,
- b) death of a natural person or his/her proclamation for dead.

(2) Natural or legal person is obliged to inform the ministry about a fact mentioned in paragraph 1 letter a), which is a reason to cancel the certificate, in 10 days after the day when it was disclosed.

Article 27

Revoking of the Certificate

(1) The ministry shall revoke the certificate granted to a natural or legal person, if

- a) it does match with the conditions of Article 25, paragraph 1, letter b),
- b) does not participate in the courses organized by the ministry once in five years,
- c) infringed duties according to Articles 9, 12, and 15 to 17,
- d) does not fulfil measures imposed by the bodies of specialised state authority,

¹⁶⁾ Article 68 paragraph 3 of the Act No. 513/1991 of the Legal Code, the Code of Commerce.

- e) announces in a written form to the ministry termination of activities for which the certificate was issued.

(2) Natural or legal person, which lost the certificate according to paragraph 1, may ask for the certificate again only when the reasons of revoking have been eliminated.

Article 28

Control of Reproductive Material

- (1) The control is carried out to check particularly
- a) the origin, collection, labelling, production, records, quality and marketing of reproductive material since its harvesting to the delivery of end user,
 - b) the use of site and genetically appropriate reproductive material for regeneration of forest stands and afforestation,
 - c) management of basic materials,
 - d) genetic identity of clones, clonal mixtures and multiclonal varieties.

(2) At the inspection carried out according to paragraph 1 by the specialised state authority (Article 29) and, if necessary, also by the experts of the European Commission, inspected natural and legal persons engaged in production of reproductive material and its marketing, tenants of basic material and forest tenants shall:

- a) Be present at the inspection, if it is required according to Article 25 paragraph 1, or guarantee the presence of a certificate holder according to Article 25 paragraph 1, if they carry out activities according to Article 25 paragraph 2 and 3, and the presence of a chartered forester in the case of a forest tenant,
- b) Provide all information necessary for inspection of reproductive material and its use,
- c) Allow the access to their ground, premises and technical means used for collection, processing, storing, raising, transportation and use of the reproductive material,
- d) Submit the records of reproductive material,
- e) Submit documents related with the subject of inspection carried out according to Article 1,
- f) Allow free collection of adequate number of samples.

Article 29

Bodies of Specialised State Authority

(1) The bodies of state authority specialized in the reproductive material and its basic materials are:

- a) Ministry,
- b) Regional Forest Office,
- c) District Forest Office,
- d) Research Institute.

- (2) The Ministry shall
- a) guide and control inspection of forest reproductive material and basic materials.
 - b) grant certificates, keeps their records and organize courses for certificate holders,
 - c) decide in cases of appeal against decisions taken by the research institute,

- d) establish the Commission for Forest Reproductive Material and Basic Materials,
- e) decide on approval of clones and multiclonal varieties,
- f) facilitate cooperation with the bodies of European Community and Organization for Economic Cooperation and Development.

(3) The Regional Forest Office shall

- a) guide and coordinate activities of the district forest office in the area of reproductive material and its basic materials,
- b) decides in cases of appeal against decisions taken by the district forest office,
- c) performs the control according to special legal regulation¹⁷⁾.

(4) The District Forest Office shall

- a) decide about approval of basic material and its withdrawal,
- b) set forth protection period on felling in approved basic materials,
- c) keep records of basic materials in the concerned area,
- d) carry out the control according to special legal regulation¹⁷⁾,
- e) impose special measures according to Article 30 paragraph 2 and penalties according to Article 31.

(5) The Research Institute shall

- a) approve basic materials and inspects production, records, marketing and end use of reproductive material,
- b) elaborate the record of inspection and corrective measures,
- c) propose to the district forest office special measures according to Article 30, paragraph 2,
- d) cooperate with the official bodies of the member states of the European Community and third states,
- e) use results of tests and findings obtained by other accredited¹⁸⁾, professionally competent domestic and foreign natural and legal persons.

Article 30 **Special measures**

(1) On the basis of inspection, the forestry institute may impose the following sanctions to the body carrying out the production, marketing and use of reproductive material in breach of obligations resulting from this act:

- a) Suspend without a delay marketing of the reproduction material until disclosed defaults are eliminated; or
- b) Cancel registration of reproductive material; or
- c) Ban collection of seed, seed units, parts of plants and wildlings; or
- d) Order destruction of the propagation material.

(2) The district forest office may towards the body breaching obligations according to this act

- a) Order destruction of established stand or stands,

¹⁷⁾ Article 30 paragraph 1 of the Act No. 100/1977 of the Legal Code as promulgated by the Act No. 510/1991 of the Legal Code.

¹⁸⁾ Article 22 of the Act No. 264/1999 of the Legal Code on technical standards of products, on the assessment of conformity and on change and supplement of some regulations, as provided for in later legal regulations.

- b) Start procedures for not fulfilling the forest regeneration duty due to the use of inappropriate forest reproductive material, which does not fulfil requirements of this act.

Article 31

Penalties

(1) The district forest office shall impose a penalty amounting up to 1 000 000 Sk to a body producing, marketing and using reproductive material in breach of obligations resulting from this act due to:

- a) Carrying out without the certificate of professional competence any activities subject to registration;
- b) Notwithstanding obligations established for the basic materials, collection, processing, raising, labelling, packaging, transportation and records of reproductive material,
- c) Marketing of reproductive material not compliant with this act or is marketing it in a way, which may lead to its misidentification,
- d) Using for forest regeneration and afforestation a reproductive material, which does not comply with conditions provided for in the present act;
- e) Importing reproductive material without a prior approval of the research institute,
- f) Obstructing execution of inspections and does not implement requested corrective measures,
- g) Ignoring special measures imposed by the research institute and district forest office according to Article 30.

(2) When setting the amount of a penalty, the district forest office pays attention, in particular, to the seriousness, nature, duration and consequences of a defaulting behaviour.

(3) The penalty may be deduced in two years from the day when the state authority disclosed a breach of obligations, but no later than within five years from the day when such a breach took place.

(4) In a case of a repeated breach of obligations stated in paragraph 1 within one year after the first penalty, the district forest office shall impose a penalty amounting up to 2,000,000 SKK.

(5) Receipts from penalties imposed by the Ministry become a part of the state budget.

PART SEVEN

COMMON, TEMPORARY AND FINAL PROVISIONS

Article 32

Assigning Provisions

(1) Details on basic materials, its procurement and use shall be set in a generally binding legal regulation issued by the ministry.

(2) Generally binding legal regulation according to paragraph 1 shall provide particularly for:

- a) Phenotypic classification of forest stands, approval of basic material, their management, marking in the field and forest maps;
- b) Keeping of the national register and publishing the national list of basic materials;
- c) Methods of examination of basic materials of the production of category “tested”;
- d) Procurement of reproductive material from basic materials and issuing of a master certificate;
- e) Boundaries and maps of seed zones and rules of horizontal and vertical transfer of reproductive material;
- f) Measures for conservation of basic materials of forest tree species in situ;
- g) Methods for the management of approved clones, clonal mixtures and multiclonal varieties;
- h) Requirements on the quality and classification of forest reproductive material;
- i) Mixing and dividing of lots of reproductive material, issuing of an accompanying letter;
- j) Using and records of forest reproductive material used for regeneration of forest stands and afforestation;
- k) Details on the examining commission and examination of professional competence according to Article 25 paragraph 1 letter c) and on issuing the certificate of professional competence.

Article 33 **Protection of Information**

The state inspection authorities, when sharing information on forest reproductive material, shall neither provide nor otherwise publish information protected by a special law¹⁹⁾, or which the producer, supplier or end-user declares as a subject of a trade secret²⁰⁾.

Article 34 **Costs and Payments**

(1) Costs of professional services related to issuing of master certificates for divided lots of reproductive material, testing the quality of reproductive material, issuing the seed quality certificates, testing of clones, their mixtures, multiclonal varieties and basic material for the category tested, are born by a physical or legal entity, on behalf of which the above mentioned services are carried out.

(2) The expenses related to the issuing of the Certificate of Professional Competence, **Import Approval**, Certificate for the Use of Forest Reproductive Material and other professional services (Articles 6 a 7) shall be born by a person, on behalf of which the above mentioned services are carried out.

(3) The amount to be settled for the services provided in accordance with paragraph 2 shall be set by the research institute at the level of reasonable economic costs.

(4) The costs of validating the origin of forest reproductive material in a case of doubts concerning the reliability of its records, shall be born at the expense of a liable person, which procured, produced, marketed or used the reproductive material in question in breach of obligations following the present Act.

¹⁹⁾ Article no. 428/2002 of the Legal Code on protection of personal data.

²⁰⁾ Articles 17 to 20 of the Act no. 513/1991 of the Legal Code, the Code of Commerce.

Article 35 Procedures

(1) The procedures under the present law follow the code of general procedures²¹⁾.

(2) General procedures are not followed in the registration of reproductive material and issuing of master certificates according to Article 14.

Article 36 Temporary and Final Provisions

(1) Uncompleted issuing of the Certificate of Professional Competence started before May 1, 2004, shall be completed in conformity with the present Act.

(2) Certificates of Professional Competence issued to natural and legal persons before May 1, 2004, which do not comply with the requirements of the present Act, shall be valid until December 31, 2004.

(3) Regionalized and recommended clones, which testing started before May 1, 2004, can be approved for production of reproductive material in the category “tested” until December 31, 2012.

(4) The present act transposes legal regulations of the European Community listed in Annex 6.

Chapter II

The Act of the Slovak National Council no. 100/1977 of the Legal Code on forest management and state forest authority, as promulgated in the Act of the Slovak National Council no. 131/1991 of the Legal Code, Act of the Slovak National Council no. 510/1991 of the Legal Code, Act of the National Council of the Slovak Republic no. 183/1993 of the Legal Code, Act of the National Council of the Slovak Republic no. 265/1995 of the Legal Code, Act of the National Council of the Slovak Republic no. 222/1996 of the Legal Code and Act no. 245/2003 of the Legal Code is changed and complemented as follows:

1. Article 9 is repealed.

2. In Article 25, a new paragraph 7 shall be inserted after paragraph 6, stating: “(7) Head of the service office, which is the regional forest office, is superintendent of the regional forest office.”

Current paragraphs 7 to 9 shall be denominated as paragraphs 8 to 10.

²¹⁾ Act No.71/1967 of the Legal Code on administrative procedures (Administrative Code) as promulgated in the Act No. 215/2002 of the Legal Code.

Chapter III

Act of the National Council of the Slovak Republic no. 291/1996 of the Legal Code on varieties and seeds, as promulgated in the Act no. 470/2002 of the Legal Code, shall be changed as follows:

1. In Article 1, paragraph 1 a 2, the words „and forest tree species“ shall be repealed.

2. In Article 2, paragraph 3, the words „clones and multiclonal varieties of forest tree species“ shall be repealed.

3. In Article 2, paragraph 9 shall be repealed.
Paragraphs 10 to 33 shall be further denominated as paragraphs 9 to 32.

4. Articles 23 to 27 shall be repealed.

5. In Article 28, letter c) shall be repealed.
Former letter “d)” shall be changed to “c)”.

6. In Article 29, paragraph 1, letter b), the words „and forest tree species“ shall be repealed.

7. In Article 29 paragraph 1, letter c), the words „and clones and multiclonal varieties of forest tree species“ shall be repealed

8. In Article 29, paragraph 2, letter “b)” shall be cancelled. Denomination of the letter “a)” shall be cancelled at the same time.

9. Article 31 shall be cancelled.

10. In Article 32, paragraph 1, the letters „and forestry institute” shall be repealed and the word “may“ shall be changed accordingly.

11. In Article 32, paragraph 2, the words „and forestry institute“ shall be repealed and the word „may “ shall be changed according to the new context.

12. In Article 32, paragraph 3, the words „and forestry institute“ shall be repealed.

13. Article 33 shall be repealed.

14. In Article 35, paragraph 1, letter a), the words „or clones and multiclonal varieties of forest tree species” shall be repealed.

15. In Article 35, paragraph 1, the letters “d)” to “f)” shall be repealed. Letters “g)” to “i)” shall be further denominated as “d)” to “i)”.

16. In Article 35, paragraph 4, the letters „or forestry institute“ shall be cancelled.

17. In Article 36, paragraph 1, the introductory sentence, the letters „or forestry institute“ and letter “c)” shall be repealed.

Letter “d); shall be further denominated as “c)”.

18. In Article 37, paragraph 4 shall be repealed.

Chapter IV

The Act of the Slovak National Council no. 330/1991 of the Legal Code on land consolidation, settlement of ownership to landlots, cadastral offices, land fund and land associations, as promulgated in the Act of the Slovak National Council no. 293/1992 of the Legal Code, Act of the Slovak National Council no. 323/1992 of the Legal Code, Act of the National Council of the Slovak Republic no. 187/1993 of the Legal Code, Act of the National Council of the Slovak Republic no. 180/1995 of the Legal Code, Act of the National Council of the Slovak Republic no. 222/1996 of the Legal Code, Act no. 80/1998 of the Legal Code, Act no. 256/2001 of the Legal Code, Act no. 420/2003 of the Legal Code and Act no. 518/2003 of the Legal Code shall be changed and complemented as follows:

1. In Article 5, a new paragraph 11 shall be inserted after paragraph 10, stating:

“(11) Head of the service office, which is the regional land office, is superintendent of the regional land office.”

Current paragraphs 11 to 14 shall be denominated as paragraphs 12 to 15.

2. Paragraph 2 of Article 43 shall state: “(2) Details on the method of evaluation of parcels for the purpose of land consolidation according to article 9, 11 and 12 shall be established in a generally binding legal regulations issued by the ministry”.

Chapter V

The Act of the National Council of the Slovak Republic no. 181/1995 of the Legal Code shall be complemented as follows:

In paragraph 2 of Article 11, the word “forest” shall be inserted after “district” and the word “district” after “respective”

Chapter VI

The Act no. 503/2003 of the Legal Code on restitution of ownership to land and on the change and complementing of the Act of the National Council of the Slovak Republic no. 180/1995 of the Legal Code on some measures to settle the ownership of lands as promulgated by later legal regulations, shall be changed and amended as follows

In paragraph 5 of Article 5, the words “paragraphs 3 and 4” shall be substituted by “paragraphs 2 and 4”.

In paragraph 1 of Article 6, letter a) the words “and legal person except of the liable person (Art. 4, par. 1)” shall be attached.

In paragraph 2 of Article 6, the words “in the amount deduced according to a special regulation^{18a}” shall be attached.

The footnote to reference 18a shall state:

“^{18a} Regulation of the Ministry of Justice of the Slovak Republic 86/2002 of the Legal Code on determination of the general value of a property, as promulgated in Regulation no. 576/2003 of the Legal Code”.

In paragraph 5 of Article 6, the words “according to the type of land in the time of its transfer on the state or other legal person” shall be attached.

In paragraph 2 of Article 8, the sentences “Costs of valuation of an object and technical documentation for decision-making of the state authority shall be covered by the state through the Slovak Land Fund. The administrative fees associated with restitution of ownership or acknowledgment of the right of reparation are not imposed” shall be attached.

Chapter VII

This Act takes effect at the time of enforcement of the Agreement on Accession of the Slovak Republic to the European Community.