

# **The Act amending the Plant Propagation and Plant Variety Rights Act and the Forest Act**

## **§ 1. Amendment of the Plant Propagation and Plant Variety Rights Act**

The following amendments are made to the Plant Propagation and Plant Variety Rights Act:

1) the following subsection 1<sup>1</sup> is added to section 1:

‘(1<sup>1</sup>) This Act regulates the marketing of small quantities of seed and propagating material, except seed and propagating material of a variety which has been granted a plant variety right, and the use of cultivating material originating in a Member State of the European Union or the European Economic Area for the purpose of forest breeding, research or performing a state experiment only in the relevant part provided for in this Act.’;

2) Section 4<sup>1</sup> is added to the Act, worded as follows:

### **§ 4<sup>1</sup>. Marketing of small quantities of seed and propagating material**

(1) Seed and propagating material, with the exception of seed and propagating material of a variety protected by a plant variety right, of which the plant species or group of plant species is characterised by greater genetic diversity, disease resistance or tolerance and adaptation to different local soil and climatic conditions, may, without complying with the other relevant requirements of this Act, be marketed in a quantity which, by plant species or group of plant species, does not exceed the authorised quantity per year (hereinafter also *small quantity*).

(2) For a small quantity of seed and propagating material specified in subsection (1) of this section per year permitted for marketing by plant species or group of plant species, the maximum net weight of the sales packaging of seed or the maximum number of planting material per plant species or group of plant species shall be established by a regulation of the minister responsible for the field on the basis of the maximum quantity prescribed in Annex II to Commission Delegated Regulation (EU) 2021/1189.

(3) A person engaged in the marketing of small quantities of seed and propagating material other than seed and propagating material of a variety protected by a plant variety right shall keep accurate records of the seed and propagating material which he or she markets. Documents for the marketing of small quantities of seed and propagating material other than seed and propagating material of a variety protected by a plant variety right shall be kept for three years.’;

3) section 5<sup>1</sup> is added to the Act, worded as follows:

### **§ 5<sup>1</sup>. Use of forest reproductive material for forest breeding, scientific research or national experiments**

(1) Forest reproductive material originating in a Member State of the European Union or the European Economic Area intended for forestry purposes may be transported to Estonia and grown here for the purpose of forest breeding, research or national experiments.

(2) A person who wishes to transport and grow forest reproductive material originating in a Member State of the European Union for the purpose of forest breeding, research or national testing shall notify the Environmental Board not later than seven days before the start of the experiment of the following data:

- 1) the exact purpose of its cultivation and the duration of the experiment or research;
- 2) the size of the area and the coordinates of the location;
- 3) the test method;
- 4) the tree species used;
- 5) hybrids of tree species used;
- 6) the origin of the cultivating material.

(3 ) The information provided for in subsection (2) of this section shall be entered in the state register for accounting of forest resources established on the basis of subsection 9 (1) of the Forest Act.

(4 ) The more detailed procedure for notification of cultivation of forest reproductive material originating in a Member State of the European Union or of the European Economic Area for the purpose of forest breeding, research or state testing shall be established by a regulation of the minister responsible for the area.

4) in section 15, the text ‘Regulation (EC) No 637/2009 establishing implementing rules as regards the suitability of the denominations of varieties of agricultural plant species and vegetable species (OJ L 191, 23.7.2009, p. 10–14)’ is replaced by ‘Implementing Regulation (EU) 2021/384 on the suitability of the denominations of varieties of agricultural plant species and vegetable species and repealing Regulation (EC) No 637/2009 (OJ L 74, 4.3.2021, p. 27–34)’;

5) in subsection 25(2), first sentence, the words ‘and a well-known variety of fruit and berries’ are added after the word ‘variety’;

6) the following subsection 6<sup>1</sup> is added to section 26:

‘(6<sup>1</sup>) A well-known variety of fruit and berries shall be entered in the variety list if it complies with the requirements provided for in clauses (1) 1) and 3) of this section.

7) the following subsection 1<sup>1</sup> is added to section 28:

‘(1<sup>1</sup>) In the case of a known variety of fruit and berry species, the qualifying description of the variety shall be submitted to the registrar.’;

8) the following subsection 4<sup>1</sup> is added to section 28:

‘(4<sup>1</sup>) The registrar shall make a decision to enter or refuse to enter the variety list on the basis of the description of the known variety of fruit and berry species submitted to him or her within two calendar months of the submission of the description of the variety.’;

9) in the title of Section 96, the words ‘and seed’ are replaced by the words ‘and seed and

seed potatoes’;

**10)** in subsection 96(1)<sup>5</sup>, ‘or seed potatoes’ are added after the word ‘seed’;

**11)** a subsection (6) is added to section 109, worded as follows:

‘(6) The verification of the equivalence of seed specified in subsection (1) shall be carried out in the course of the verification of compliance with the requirements specified in § 37 of the Plant Protection Act.’;

**12)** clause 114(1)1) is supplemented by the words ‘and their importation’ after the word ‘propagating material’;

**13)** in clause section 114(1)3), the words ‘seed and propagating and’ are deleted;

**14)** subsection 118(2) is amended and worded as follows:

‘(2) In the case of propagating material taken in the course of certification, other than seed potatoes, the costs of analysis related to the determination of the presence of the pest shall be borne by the applicant for certification.’;

**15)** section 136<sup>2</sup> is added to the Act, worded as follows:

#### **§ 136<sup>2</sup>. Implementation of provisions on forest breeding, research or public trials**

The person conducting the experiment shall submit the data specified in subsection § 5<sup>1</sup> (2) of this Act to the Environmental Board by 1 November 2024 on the cultivation of cultivation material originating from a Member State of the European Union or the European Economic Area for the purpose of forest breeding, research or national experiments commenced before 1 January 2024 and continuing after that date.’.

## **§ 2. Amending the Forest Act**

Subsection 1<sup>1</sup> is added to section 9 of the Forest Act, worded as follows:

‘(1<sup>1</sup>) The forest register shall also keep records of the information listed in subsection 5<sup>1</sup>(2) of the Plant Propagation and Plant Variety Rights Act during the relevant activity.’.