

Pursuant to Article 1(5), Article 14(2), Article 18(8), Article 19(3), Article 20(8), Article 21(9), Article 22(3), Article 23(6), Article 24(4), Article 25(4), Article 26(5), Article 27(7), Article 30(4), Article 31(8), Article 32(5) and Article 33(4) of the Act on Seeds, Propagating Material and Recognition of Varieties of Agricultural Plants [Narodne Novine (Official Gazette of the Republic of Croatia) No 110/21], the Minister of Agriculture, with the prior consent of the minister responsible for nature protection, hereby issues

## **ORDINANCE ON THE MARKETING OF TOBACCO SEEDS**

### **Article 1**

(1) This Ordinance lays down the conditions for the certification of tobacco seeds, categories and conditions for the production of tobacco seeds, the procedure for official examination of their production, the method of processing, quality requirements, the procedure and method of issuing certificates for the seeds, the method and conditions of packaging, sealing and labelling, and the conditions for placing on the market and import of tobacco seeds.

(2) The provisions of this Ordinance shall apply to the production of tobacco seeds intended for marketing and to marketing of tobacco seeds.

(3) The provisions of this Ordinance shall not apply to imported tobacco seeds.

(4) The provisions of this Ordinance shall not apply to the production of tobacco seedlings that will later be marketed for the production of tobacco leaves. The production of tobacco seedlings is regulated in accordance with a special regulation on tobacco.

### **Article 2**

(1) This Ordinance has been notified in accordance with the information procedure laid down in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17. 9. 2015).

(2) The provisions of this Ordinance shall not apply to products lawfully manufactured and/or marketed in another Member State of the European Union or Turkey, or lawfully manufactured in a member state of the European Free Trade Association, which is a party to the Agreement on the European Economic Area.

### **Article 3**

(1) The terms used in the Act on Seeds, Propagating Material and Recognition of Varieties of Agricultural Plants (hereinafter: the Act) shall also be used in this Ordinance.

(2) The terms used in this Ordinance which are gender specific shall refer to both male and female gender equally.

## Article 4

For the purposes of this Ordinance, individual terms shall have the following meaning:

1. *Tobacco Nicotiana tabacum L.* (basic types Virginia and Burley) are plants intended for agricultural production.

2. *Tobacco varieties (line cultivars) and hybrids*

(a) *variety* (line cultivar) is a sufficiently uniform and stable population obtained by self-pollination or by selective cultivation over several generations or by other appropriate technique;

(b) *hybrid* is the first (F1) generation of cross-breeding of homozygous breeding lines. The maternal line is CMS (cytoplasmic male sterility), and the paternal line is fertile.

## Article 5

(1) Tobacco seeds can be marketed if in the certification procedure one of the following categories has been confirmed:

A. pre-basic seed of the variety (line cultivar) or parent-bred line hybrid:

(a) that is produced under the responsibility of a breeder in accordance with the generally accepted practice for maintaining varieties;

(b) that is intended for the production of the following seed categories: basic seed, certified seed, certified seed of the first generation or certified seed of the second generation of a line cultivar or of a basic seed of a parent-bred line hybrids;

(c) that meets the requirements for basic seed set out in Annexes 1 and 2 to this Ordinance;

(d) for which it has been established in official examination or in the case of conditions laid down in Annex 2 to this Ordinance in official examination or examination under official supervision that it meets the conditions referred to in points (a), (b) and (c) of this item;

B. basic seed of the variety (line cultivar) and parent-bred line hybrids:

(a) that is produced under the responsibility of a breeder in accordance with the generally accepted practice for maintaining varieties;

(b) that is intended for the production of seeds in the category of certified seed, certified first generation seed, certified second generation seed or F1 hybrid;

(c) that meets the conditions laid down in Annexes 1 and 2 to this Ordinance for basic seeds; and

(d) for which it has been established in official examination or in the case of conditions laid down in Annex 2 to this Ordinance in official examination or examination under official supervision that it meets the conditions referred to in points (a), (b) and (c) of this item;

C. certified seed of the variety (of line cultivar, hybrid):

(a) that is produced directly from basic seeds or, if the breeder so requires, from seeds of a generation that precedes the basic seed, for which it was specified in the official examination that it satisfies the conditions specified in Annexes 1 and 2 to this Ordinance;

(b) that is intended for the production of the end product of tobacco leaves;

(c) that satisfies the conditions specified in Annexes 1 and 2 to this Ordinance for certified seeds.

## Article 6

(1) Seed may be produced by legal and natural persons registered in the Register of Agricultural Seed Suppliers referred to in point (1) of Article 10(1) of the Act (hereinafter: Seed Supplier Register) and registered for seed production.

(2) The seed supplier registered for seed production shall keep records of the established production for the seed it produces.

(3) The seed supplier referred to in paragraph 2 of this Article shall submit to the Agency a seed production plan by the seed sowing period for the production of seedlings.

(4) The seed supplier registered for seed production shall keep records of the established production for the seed produced for export with the following information: production area (cadastral plot number and Arkod), weight of seed produced, species, variety, sown and produced category, varietal certificate, country of export and shall inform the Agency thereof.

(5) If the seed production is based on imported seeds, the seed supplier referred to in paragraph 2 of this Article shall supply the Agency with a sample of seeds, taken within the framework of official examination or examination under official supervision, from each lot that is used to grow crops by no later than by the sowing of the seed crop.

## Article 7

(1) Supervision over seed production is carried out by the Agency.

(2) The Agency may authorise the supplier to carry out examination of compliance with the requirements set out in Annex 1 to this Ordinance over its own production or examination under official supervision for all seed categories.

(3) The Agency is obliged to inspect at least 5 % of the total reported area on which examination under official supervision is carried out.

(4) The Agency shall authorise the seed supplier to carry out examination under official supervision referred to in paragraph 2 of this Article over its own production if the seed supplier has an employee who acts as an inspector for the performance of tasks of examination under official supervision, who:

(a) is permanently employed by the supplier;

(b) is an engineer or a graduate engineer of agronomy/agriculture or a bachelor of agronomy/agriculture or a master of agronomy/agriculture;

- (c) has no private interest in carrying out the examination;
- (d) has two years of professional experience in seed production;
- (e) has passed a knowledge review at the Agency and has acquired the credentials to conduct examination under official supervision;
- (f) has provided a written declaration that they will carry out examination according to the same rules that apply to official examination.

(5) The Agency shall recognise the results of the examination under official supervision referred to in paragraph 2 of this Article if:

- (a) the supplier is authorised for examination in accordance with paragraph 4. of this Article;
- (b) seed crop which is examined in accordance with paragraph 2 of this Article shall be grown from seed which has undergone post-control, the results of which have been satisfactory;
- (c) all lots of produced seeds will be included in post-control for laboratory analyses.

(6) In the event of an infringement of the rules on examination referred to in paragraph 4 of this Article, the Agency shall suspend the certification of tested seed, unless it is demonstrated that such seed still meets all the prescribed requirements.

(7) In the event of repeated infringement of the rules on examination in the course of carrying out examination under official supervision, the Agency shall withdraw, temporarily or permanently, the authorisation to carry out examination under official supervision from the inspector found to have committed the infringement intentionally or negligently.

## Article 8

(1) The seed supplier shall submit a request for examination to the Agency by June 1 of the current year.

(2) The request shall be submitted on Form No 1 that is included in Annex 4 to this Ordinance.

(3) The request can also be submitted for seed crops in the last year of testing, but the Certificate on recognition of seed crop (hereinafter: the Certificate) shall only be issued for a variety that has been recognised in the meantime.

(4) The request shall be accompanied by:

- a sketch of the location, the area on which the seed crop was sown (identification number (ID) of the ARKOD plot and the area expressed in m<sup>2</sup> shall be submitted);
- certificate of authenticity of the variety or line by the keeper of the variety or the production line for basic seed and lines;
- details of the producer producing the seed in the name and on behalf of the applicant, if any;

— approval by the Ministry of Agriculture (hereinafter: Ministry) for the production of seed for the contracting entity from a third country if the seed is produced in accordance with Article 16 of the Act.

## Article 9

(1) For each category of tobacco seeds, two inspections must be carried out in the course of the production of the seed crop.

(2) After the official examination and examination under official supervision have been carried out, a record shall be drawn up. The forms of the record are set out in Annex 4 to this Ordinance.

(3) The record shall be drawn up separately for each seed crop variety.

(4) By way of derogation from paragraph 3 of this Article, if the same supplier has several plots with the same variety and category of seed growing no more than 5 km from each other, a single joint record may be compiled provided that compulsory inspection verifies that all the required examination elements included in Annex 1 to this Ordinance are completely identical for those plots.

(5) Examination shall be conducted in the presence of a professional representative of the seed supplier who registered the seed crop for examination.

(6) Immediately after examination under official supervision has been performed, the supplier is obliged to submit to the Agency a copy of the record on the examination carried out.

(7) After performing official examination and examination under official supervision, the Agency submits to the Ministry a Report on official supervision of seed crops (hereinafter: the Report).

## Article 10

(1) After the examinations referred to in Article 9(1) of this Ordinance have been carried out and it has been established that the seed crop meets the requirements of Annex 1 to this Ordinance, the crop shall be recognised as seed and the certificate referred to in Article 27(2) of the Act.

(2) The form of the Certificate is laid down in Form No 3 in Annex 4 to this Ordinance.

(3) The Agency or the supplier shall keep a record of the Certificates issued on Form No 2 in Annex 4 to this Ordinance.

## Article 11

(1) The seed supplier registered for processing shall keep a record of the weight of the natural and processed seed on Form No 5 contained in Annex 4 to this Ordinance.

(2) Monitoring of the handling of seeds at the stages referred to in Article 19(1) of the Act shall be kept by inspecting the records and controlling the situation in the supplier's facilities.

## Article 12

Seeds for marketing shall satisfy the conditions laid down in Annex 2 to this Ordinance.

## Article 13

For the purpose of verifying varietal identity and seed quality testing, samples shall be taken in the certification process by an authorised sampler entered in the Register of Agricultural Seed Samplers referred to in point (3) of Article 10(1) of the Act (hereinafter: Sampler Register) from seed lots packed, sealed and labelled for marketing.

## Article 14

(1) Seed quality testing is carried out by a laboratory entered in the Register of Authorised and Reference Laboratories for Quality Control of Propagating Material referred to in Article 13(1) of the Act (hereinafter: Register of Laboratories)

(2) The seed quality testing shall be conducted according to the generally accepted international methods pursuant to Annex 2 to this Ordinance.

## Article 15

(1) Seed supplier registered for seed processing in the Seed Supplier Register shall submit to the Agency a request for the issuance of a seed certificate accompanied by a delivery note and a seed certificate on the packaging (hereinafter: request) on Form No 4 of Annex 4 to this Ordinance.

(2) The request shall be accompanied by a seed quality report by an authorised laboratory that carried out the seed quality testing, and by a certificate if the supplier performed examination under official supervision.

(3) The Agency may authorise the supplier for certificate printing, sealing and labelling under expert control for all seed categories.

(4) The Agency shall authorise the supplier to seal and label pursuant to paragraph 3 of this Article if it has an employee who acts as an inspector for the performance of tasks of examination under official supervision, who:

(a) has a diploma or a degree in agronomy/agricultural science;

(b) has completed training and is authorised by the Agency to conduct examination under official supervision;

(c) has made a written statement that they will carry out sealing and labelling of packaging and keeping records in accordance with the Act and this Ordinance.

(5) In relation to the supplier referred to in paragraph 3 the Agency shall carry out official examination in such a way that the sealing and labelling process of packaging shall be monitored for at least 5 % of the seed lot.

## Article 16

- (1) Tobacco seeds of all categories may be marketed only in uniform lots, originally packaged, sealed and labelled in accordance with this Article.
- (2) Packages of tobacco seeds of all categories placed on the market must be sealed and labelled under official examination or as part of examination under official supervision in such a way that the packaging cannot be opened without damaging the seal or leaving a trace of damage to the packaging or seed certificate on the packaging.
- (3) Packages shall be considered sealed when sealed by stitching or gluing with a machine (heat, pressure) or in another manner so that the packaging cannot be opened without damaging the seal or leaving a trace of damage to the packaging or seed certificate on the package. The seal shall visibly bear the label of the legal or physical person who packaged the seeds.
- (4) The packaging of seeds pursuant to paragraph 1 of this Article shall be considered original packaging.
- (5) Where the Agency, as part of the official examination referred to in Article 15(5) of this Ordinance, detects incorrectly sealed and labelled seed packages at the supplier's premises, it shall immediately inform the competent inspection for follow-up.
- (6) In the event of an infringement of the rules referred to in paragraph 5 of this Article, the Agency shall suspend the certification of tested seed, unless it is demonstrated that such seed still meets all the prescribed requirements.
- (7) Measures taken pursuant to paragraphs 5 and 6 of this Article shall be abolished as soon as it is established with certainty that the seed packaging will in future comply with the conditions laid down in respect of sealing and labelling of packaging.

## Article 17

When placing on the market, the packaging of all seed categories shall: — be marked on the outside of the packaging with a seed certificate not previously used, affixed with a seal to the packaging, and marked with the information prescribed in Annex 3 to this Ordinance in any of the official languages of the European Union.

## Article 18

- (1) In the case of import of seeds in accordance with the provision of Article 33(1) of the Act, up to 0.5 g of seed for each variety or hybrid, or thirty thousand pelleted seeds, can be imported per individual seed sample regardless of whether it is a variety or a hybrid.
- (2) In addition to the request for the certificate referred to in Article 33(2) of the Act, the supplier must provide proof of scientific or selection work performed, of registration in the Supplier Register, and of registration for seed production.
- (3) The evidence referred to in paragraph 1 of this Article shall be considered to be the Statement on the conduct of scientific selection work in seed industry or the Programme of scientific or selection work.

Article 19

Annexes 1 to 3 are printed alongside this Ordinance and form an integral part hereof.

Article 20

On the date of entry into force of this Ordinance, the Ordinance on marketing of tobacco seeds (NN No 61/14) shall cease to have effect.

Article 21

This Ordinance shall enter into force on the eighth day of its publication in the Official Gazette of the Republic of Croatia.

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Zagreb, 6 December 2023

**\*P/9017478\***

**MINISTER OF AGRICULTURE**

**Marija Vučković**

## ANNEX 1

### CONDITIONS SEED CROPS MUST SATISFY

1. Crop rotation shall be compatible with the crops being produced and the previous crop should not include plants from the *Solanaceae* and *Leguminosae* families (only in the case of *Virginia* type tobacco) for at least 3 years. There should be no spontaneous growth of plants from the previous crop.
2. The crop shall be 200 m away from neighbouring pollen sources that can result in undesirable foreign pollination.
3. The crop shall have a variety identity and purity of 97 % or, in the case of F1 parent lines, an identity and purity of 99 %. For the production of seeds of hybrid varieties, the above-mentioned provisions shall also apply to the characteristics of parent lines.

## ANNEX 2

### CONDITIONS TO BE MET BY THE SEEDS

1. The seeds shall have an adequate variety identity and purity or, in the case of seeds of breeding lines, an adequate identity and purity in relation to their characteristics. In regard to seeds of hybrid varieties in the crop, the maternal line based on cytoplasmatic male sterility (CMS) in the flowering phase has no fertile plants. These values shall be determined during monitoring in the field.

Category	Minimum variety purity (%)
Basic seed, Certified seed and hybrid	97.0

The minimum variety purity will be tested mainly in field inspections carried out in accordance with the conditions specified in Annex 1 to this Ordinance.

2. Maximum admissible quantity of the batch and fundamental claims of the class

Plant variety (Latin name)	Quantity of the seed batch maximum kg	Minimum purity %	Maximum other species %	Maximum weeds %	Germination Minimum %	Humidity Maximum %	Supplementary standards and study findings
Nicotiana tabacum	100	97	-	-	80	10	-

## ANNEX 3

### SEED CERTIFICATE (ON PACKAGING AND WITH DELIVERY NOTE)

#### *Information Required*

1. EU rules and standards;
2. Body authorised for certification, name or country code
3. Batch reference number;
- 3a. Month and year of sealing expressed as follows: 'sealed ...' (month and year);
4. Species: Croatian and Latin name;
5. Variety: variety name;
6. Category;
7. Country of production;
8. Net or gross weight or number of seeds in the package;
- 8a. Where the weight is indicated, and granulated pesticides, pelletising agents or other solid additives are used, indicate the type of additive as the approximate relationship between the weight of pure seed and the total weight;
9. Treatment; name of active agents of materials for plant protection and the commercial name of the materials;
10. If the varieties are hybrids or inbred lines:
  - for basic seed:  
name of the component to which the base seed belongs, that can be indicated as a code, with reference to the final variety, with or without reference to its function (male or female), by the word 'component';  
— for the certified seed:  
name of the variety to which the seed belongs, by the word 'hybrid';
11. When germination is inspected again, the marking 'repeated inspection' shall be indicated, along with the month and the year of the inspection, and the laboratory that conducted the repeated inspection may be indicated as well. Such information must be indicated on the official label affixed to the seed certificate on the packaging;
12. If the seeds do not receive final certification, give the indication: seeds did not receive final certification.

## ANNEX 4

*Form No 1*

*(Name and registered office of the supplier — applicant)*

Telephone: \_\_\_\_\_

OIB (PERSONAL IDENTIFICATION NUMBER): \_\_\_\_\_ MIPBG: \_\_\_\_\_

Date: \_\_\_\_\_

### R E Q U E S T

**for official examination of seed crops** \_\_\_\_\_

*(Name and registered office of authorised natural or legal person for official examination or examination under official supervision)*

HYBRID VARIETY	SOWN SEED CATEGORY	LINE		LOT			PRECURSOR CROP	SOWING DATE	SEED CERTIFICATE	
		Female	Male	ARKOD ID	Cadastral municipality	cadastral plot number			Number	Date

The professional person responsible for seed production for this request is \_\_\_\_\_

*(name and surname, telephone)*

L.S. \_\_\_\_\_

Record number \_\_\_\_\_ on performed official examination of seed crops

**Applicant:**

Address: \_\_\_\_\_

Species: \_\_\_\_\_ Variety: \_\_\_\_\_ Category: \_\_\_\_\_

Reported area for examination, ha: \_\_\_\_\_ Plot: \_\_\_\_\_

Crop rotation 20\_ 20\_ 20\_ 20\_ 20\_

Seed lot no.:

## Origin:

Manufacturer:

Sowing date:

Field marker: YES – NO

Accompanied by packaging seed certificate: YES – NO

Minimum spatial isolation: YES – NO

Crop canopy per m<sup>2</sup>:

Developmental stage of the crop:

Uniformity of the crop: YES – NO

Authenticity of the variety: YES – NO

Genetic purity in %:

Lodging at %:

#### EVALUATION ELEMENTS (number according to monitored unit)

3. WEEDS DIFFICULT TO SEPARATE DURING SEED PROCESSING (Latin name)

Sum:

4. STATE OF HEALTH (disease and damage – Latin name):

Sum:

Monitored area (ha): \_\_\_\_\_

Rejected area (ha): \_\_\_\_\_

Recognised area (ha): \_\_\_\_\_

Comments to the producer:

Estimated yield, kg/ha (at the last inspection)

Total (kg):

The crop is recognised: YES – NO in the category:

Inspection date:

Signature of the person responsible   Signature of the monitor

\_\_\_\_\_

\_\_\_\_\_

**CERTIFICATE**

**on recognition of seed crop number** \_\_\_\_\_

1. Supplier registered for seed production

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2. Registered office (address): \_\_\_\_\_

3. Seed variety (name in Croatian and in Latin):

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4. Species – hybrid – inbred line:

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5. Year of manufacture: \_\_\_\_\_

6. Lineage of the seed produced:

*a) Name and registered office of the seed producer:*

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*b) Number and date of the seed certificate accompanying the delivery note:*

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7. Area of the seed crop (ha):

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8. Total yield of natural seeds in kg:

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Pursuant to Article 15(2) of the Act on Seeds, Propagating Material and Recognition of Varieties of Agricultural Plants (NN Nos 140/05, 35/08, 25/09, 124/10 and 55/11), the record number \_\_\_\_\_ of \_\_\_\_\_ on the official examination performed, **the seed crop is recognized, category** \_\_\_\_\_

Place and date:

L.S.

*(signature)*



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*Name and registered office of the applicant*

**REQUEST FOR THE ISSUANCE OF SEED CERTIFICATE NO \_\_\_\_\_**

1. Plant species
2. Variety
3. Category
4. Supplier
5. Number of the Certificate on recognition of seed crop, Varietal certificate for import seeds
6. Number of the original certificate (in the event of pre-packaging)
7. Country of origin of the seed

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<i>Ordinal number</i>	<i>Number of seed certificate</i>	<i>Number of notification regarding quality</i>	<i>Year of production</i>	<i>Lot weight</i>	<i>Weight of each package or number of seeds</i>	<i>Packaging number</i>	<i>Name of the preparation for disinfection of the seeds</i>	<i>Name and quantity of the fraction</i>	<i>Germination %</i>
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8. Type of certificate on packaging (self-adhesive, for stitching, binding) \_\_\_\_\_

Date of submission of the request L.S.

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Applicant

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## RECORDS OF THE WEIGHT OF SEED TAKEN AND PROCESSED

Supplier entitled to processing: \_\_\_\_\_

*(Supplier's name and registered office)*