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AGRICULTURAL SEEDS AND PROPAGATING MATERIAL ACT

(unofficial consolidated text No. 1) ¹

I. GENERAL PROVISIONS

Article 1 (content)

This Act shall provide for the public service activity in the field of seed production and providers of the public service; regulate the conditions for the production, market preparation, import and/or marketing of seeds and propagating material of agricultural plants: cereals, fodder plants, potatoes, beet, oil and fibre plants, vegetables, fruit and ornamental plants, vine and hops (hereinafter referred to as: „agricultural seeds and propagating material“); set out the obligations of persons engaged in the production, market preparation, import and marketing of agricultural seeds and propagating material; lay down the requirements for marketing of agricultural seeds and propagating material and the modalities to ensure compliance with the prescribed requirements; regulate the entry of varieties of agricultural plants in the national catalogue and maintenance of the varieties entered in the national catalogue; lay down special examination of varieties of agricultural plants for the needs of descriptive national catalogue; regulate the obtaining, exchange and linking of data in information system; lay down the holder of public authorisation, designation of laboratories, appointment of the performers of examination of varieties and of the performers of keeping standard samples, and inspection, in accordance with:

- Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ L, No. 125 of 11 July 1966, p. 2298), last amended by Commission Directive 2007/72/EC of 13 December 2007 amending Council Directive 66/401/EEC as regards the inclusion of the species *Galega orientalis* Lam (OJ L, No. 329 of 14 December 2007, p. 37), and the detailed regulations governing the implementation thereof;
- Council Directive No. 66/402/EEG of 14 June 1966 on the marketing of cereal seed (OJ L, No. 125 of 11 July 1966, p. 2309), last amended by Commission Directive 2006/55/EC of 12 June 2006 amending Annex III to Council Directive 66/402/EEC as regards the maximum weight of seed lots (OJ L, No. 159 of 13 June 2006, p. 13), and the detailed regulations governing the implementation thereof;

¹ Unofficial consolidated text of the Agricultural Seeds and Propagating Material Act reflects the following provisions:

- **Agricultural Seeds and Propagating Material Act** (ZSMKR; Official Gazette of the Republic of Slovenia, No. 58/02 of 4 July 2002; valid as from 19 July 2002),
- **Act amending, supplementing and repealing certain acts in the field of agriculture and forestry** (ZdZPKG; Official Gazette of the Republic of Slovenia, No. 45/04 of 29 April 2004; valid as from 1 May 2004),
- **Act amending Agricultural Seeds and Propagating Material Act** (ZSMKR-A; Official Gazette of the Republic of Slovenia, No. 86/04 of 5 August 2004; valid as from 20 August 2004),
- **Act amending Agricultural Seeds and Propagating Material Act** (ZSMKR-B; Official Gazette of the Republic of Slovenia, No. 41/09 of 2 June 2009; valid as from 17 June 2009).

- Council Directive No. 68/193/EEG of 9 April 1968 on the marketing of material for the vegetative propagation of the vine (OJ L, No. 93 of 17 April 1968, p. 15), last amended by Commission Directive 2005/43/EC of 23 June 2005 amending the Annexes to Council Directive 68/193/EEC on the marketing of material for the vegetative propagation of the vine (OJ L, No. 164 of 24 June 2005, p. 37), (hereinafter referred to as: „Directive 68/193/EEG“), and the detailed regulations governing the implementation thereof;
- Council Directive 98/56/ES of 20 July 1998 on the marketing of propagating material of ornamental plants (OJ L, No. 226, of 13 August 1998, p. 16), last amended by Council Directive 2003/61/EC of 18 June 2003 amending Directives: 66/401/EEC on the marketing of fodder plant seed; 66/402/EEC on the marketing of cereal seed; 68/193/EEC on the marketing of material for the vegetative propagation of the vine; 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed; 92/34/EEC on the marketing of propagating and planting material of fruit plants; 98/56/EC on the marketing of propagating material of ornamental plants; 2002/54/EC on the marketing of beet seed; 2002/55/EC on the marketing of vegetable seed; 2002/56/EC on the marketing of seed potatoes; and 2002/57/EC on the marketing of seed of oil and fibre plants as regards Community comparative tests and trials (OJ L, No. 165 of 3 July 2003, p. 23), and the detailed regulations governing the implementation thereof;
- Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L No. 193 of 20 July 2002, p. 1), last amended by Regulation (EC) No. 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (OJ L No. 268 of 18 October 2003, p. 1) (hereinafter referred to as: „Directive 2002/53/EC“), and the detailed regulations governing the implementation thereof;
- Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L No. 193 of 20 July 2002, p. 12), last amended by Council Directive 2004/117/EC of 22 December 2004 amending Directives: 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC, and 2002/57/EC as regards examinations carried out under official supervision, and equivalence of the seed produced in third countries (OJ L No. 14 of 18 January 2005, p. 18), and the detailed regulations governing the implementation thereof;
- Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L No. 193 of 20 July 2002, p. 33), last amended by Commission Directive 2006/124/EC of 5 December 2006 amending Council Directive 92/33/EEC on the marketing of vegetable propagating and planting material other than seed, and Council Directive 2002/55/EC on the marketing of vegetable seed (OJ L No. 339 of 6 December 2006, p. 12), (hereinafter referred to as: „Directive 2002/55/EC“), and the detailed regulations governing the implementation thereof;
- Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes (OJ L No. 193 of 20 July 2002, p. 60), last amended by Commission Decision 2008/973/EC of 15 December 2008 amending Council Directive 2002/56/EC as regards the date laid down in Article 21(3) until which Member States are authorised to extend the validity of decisions concerning equivalence of seed potatoes from third countries (OJ L No. 345 of 23 December 2008, p. 90), and the detailed regulations governing the implementation thereof;
- Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L No. 193 of 20 July 2002, p. 74), last amended by Council Directive 2004/117/EC of 22 December 2004 amending Directives: 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC, and 2002/57/EC as regards examinations carried out under

official supervision and equivalence of seed produced in third countries (OJ L No. 14 of 18 January 2005, p. 18), and the detailed regulations governing the implementation thereof;

- Commission Directive 2008/62/EC of 20 June 2008 providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties (OJ L No. 162 of 21 June 2008, p. 13), and the detailed regulations governing the implementation thereof;
- Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed (Codified version), (OJ L No. 205 of 1 August 2008, p. 28), and the detailed regulations governing the implementation thereof, and
- Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (Recast version), (OJ L No. 267 of 8 October 2008, p. 8) and the detailed regulations governing the implementation thereof.

Article 2 **(purpose)**

The purpose of this Act shall be to ensure quality agricultural seeds and propagating material with a view to promoting economical agricultural production, environmental protection, and consumer protection.

Article 3 **(application)**

(1) This Act shall apply to agricultural seeds and propagating material of the species as specified in the European Union regulations referred to in Article 1 of this Act.

(2) The provisions of this Act shall also apply to the seeds and propagating material of other species of agricultural plants, if it is produced and marketed in the Republic of Slovenia.

(3) The provisions of this Act shall not apply to the seeds and propagating material of other species of agricultural plants, if it is produced in another EU Member State and marketed in the Republic of Slovenia.

(4) The provisions of this Act shall not apply to the agricultural seeds and propagating material intended for export to the countries not members of the European Union (hereinafter referred to as: „export“), except when otherwise provided for by the present Act.

(5) The minister of agriculture (hereinafter referred to as: „minister“) shall issue regulations specifying the species of agricultural plants referred to in the first and second paragraphs of this Article.

Article 4 **(definitions)**

The terms used in this Act shall have the following meanings:

1. Agricultural seeds and propagating material shall mean seeds, whole plants, or their parts (tubers, bulbs, rhizomes, cuttings, shoots, rootstocks, grafts and others), if these are intended for:
 - propagation and reproduction of agricultural seeds and propagating material, or
 - sowing or planting with a view to producing agricultural plants.
2. Lot shall mean a certain quantity or number of units of agricultural seeds and propagating material, identifiable by its homogeneity of composition and by its origin.
3. Variety shall mean a plant grouping within a single botanical taxon of the lowest known rank, which can be:
 - defined by the expression of the characteristics resulting from a given genotype or combination of genotypes,
 - distinguished from any other plant grouping by the expression of at least one of the said characters, and
 - considered as an entity of its ability to be propagated unchanged.
4. Category of agricultural seeds and propagating material shall mean a certain quality level of agricultural seeds and propagating material.
5. Quality of agricultural seeds and propagating material shall be determined by varietal or species identity and purity, health status and other quality criteria, in particular germination, purity and seed moisture, suitability of the seeds and propagating material for sowing, planting or reproduction, and other.
6. Supplier of agricultural seeds and propagating material (hereinafter referred to as: „supplier“) shall be any natural or legal person engaged in carrying out at least one of the following activities: production, market preparation, import or marketing of agricultural seeds and propagating material (hereinafter referred to as: „activities of supplier“).
7. Place of production shall be an organisationally and operationally rounded economic unit (including fields, facilities, machinery and equipment) where the activities of supplier are carried out.
8. Production of agricultural seeds and propagating material shall mean obtaining agricultural seeds and propagating material by propagation or other procedures generally in force for a particular species of agricultural plants.
9. Market preparation of agricultural seeds and propagating material shall mean the procedures for preparing agricultural seeds and propagating material for market (drying, cleaning, sorting, treating with plant protection products or chemicals, packing and labelling, and others).
10. Marketing of agricultural seeds and propagating material shall mean sale, supply or distribution of seeds and propagating material to a third person, whether or not for a consideration; offering seeds and propagating material for sale; storage of seeds and propagating material; or any disposal of seeds and propagating material with a view to marketing.
11. Import of agricultural seeds and propagating material shall mean disposal of agricultural seeds and propagating material to the customs procedure for release for free circulation.

12. The central authority responsible for: keeping the register of suppliers; carrying out administrative tasks concerning: production, market preparation and placing on the market of agricultural seeds and propagating material, official certification of agricultural seeds and propagating material, entry of varieties in the national catalogue, supervision of the implementation of this Act; cooperating with the bodies of the European Union and EU Member States; and international exchange of data and information, shall be the body within the ministry of agriculture, appointed pursuant to the Government regulation (hereinafter referred to as: „Administration“).

13. Official measures shall mean all actions carried out on the basis of this Act by state bodies, or natural or legal persons, whether public or private, under the authorisation or upon appointment of the Administration.

Article 4.a (competence of the minister)

Implementation of this Act and European Community regulations (hereinafter referred to as: „Community“) shall be under implementing regulations issued by the minister, which govern the marketing of agricultural seeds and propagating material and entry of varieties of agricultural plants in the national catalogue.

II. SUPPLIERS OF AGRICULTURAL SEEDS AND PROPAGATING MATERIAL

Article 5 (register of suppliers)

(1) Only the suppliers can be engaged in the production, market preparation, import or marketing of agricultural seeds and propagating material who are entered in the register of suppliers.

(2) Entry into the register of suppliers shall be binding on the suppliers who perform their activity within the territory of the Republic of Slovenia, and who are:

- legal persons with the registered office in the Republic of Slovenia, registered to perform the activities of supplier,
- natural persons with the permanent residence in the Republic of Slovenia, having registered the activities of supplier with the competent tax authority,
- foreign enterprises performing the activities of supplier through a branch office,
- foreign legal and natural persons if so provided for with international agreements binding on the Republic of Slovenia.

(3) The suppliers referred to in the preceding paragraph shall be entered in the register of suppliers if they provide a technically qualified person who meets the requirements as regards professional qualification, and who shall be responsible for fulfilling the obligations of supplier under this Act (hereinafter referred to as: „responsible qualified person“). A supplier who is a natural person may also be appointed as the responsible qualified person, provided to meet the requirements with regard to technical qualification.

(4) The criteria with regard to technical qualification of the responsible qualified person referred to in the preceding paragraph shall be laid down by the minister.

Article 6
(exception)

Irrespective of the provisions of the preceding Article, entry in the register of suppliers shall not be compulsory for the suppliers whose sole activity is distribution and sale of agricultural seeds and propagating material in original packaging.

Article 7
(entry in the register of suppliers)

(1) The register of suppliers shall be set up and kept by the Administration.

(2) The suppliers referred to in the second paragraph of Article 5 of this Act shall lodge an application for entry in the register of suppliers with the Administration. The application shall include in particular:

- identification data on the supplier: personal name and place of residence or whereabouts, or business name and registered office; tax number; unique personal identification number or ID number of a business subject; legal form of organisation,
- the activity of the supplier: production; market preparation; import or marketing, by species or groups of agricultural plants and by places of production if performing such activities at several places of production;
- data on agricultural holding if the supplier's activity is the production of agricultural seeds and propagating material: agricultural holding's name and address, and its unique identification number (KMG-MID) assigned upon entry in the register of agricultural holdings pursuant to the act governing agriculture;
- identification data on the responsible qualified person: personal name and place of residence or whereabouts; unique personal identification number; tax number.

(3) If the supplier carries out the supplier's activity at different places of production, in the application he shall state data specified in the second, third and fourth indents of the preceding paragraph in respect of each individual place of production.

(4) The Administration shall decide on entry in the register of suppliers by a decision. Upon entry in the register, each supplier shall be delivered a unique registration number.

(5) The supplier shall notify the Administration of any change of the data kept in the register of suppliers, not later than within 30 days following such a change.

(6) The detailed content of the application referred to in the second paragraph of this Article, as well as the documents to be enclosed to the application, shall be provided for by the minister.

Article 8
(deletion of suppliers from the register of suppliers)

(1) The Administration shall delete a supplier from the register of suppliers:

- upon a proposal of the supplier; *ex officio*; or upon a proposal of the competent inspector, if the supplier ceases to perform the activities of supplier,
- upon a proposal of the inspector if he finds that the conditions set out in the third paragraph of Article 5 of this Act are not met, or that the supplier have not, for more

than two times, execute the measures ordered by the inspector during carrying out the supervision.

(2) Deletion of the supplier from the register of suppliers shall be decided by the Administration with a decision.

Article 9 (content and keeping the register of suppliers)

(1) The register of suppliers shall contain the following data in particular:

- supplier's unique registration number;
- identification data on the supplier: personal name and place of residence or whereabouts, or business name and registered office; tax number; unique master citizen number or ID number of a business entity; legal form of organisation;
- on the activity of the supplier: production; market preparation; import or marketing, by species or groups of agricultural plants and by places of production if performing such activities at several places of production;
- agricultural holding's name and address, and its unique identification number (KMG-MID);
- identification data on the responsible qualified person: personal name and place of residence or whereabouts; unique personal identification number; tax number;
- on authorisations for the issue of supplier's labels and certificates referred to in Article 20 of this Act.

(2) The register of suppliers may be kept by the Administration in electronic form.

(3) The Administration shall keep original documents or the copies thereof, which represent the basis for keeping the register of suppliers, for at least 3 (three) years following the deletion of the supplier from the register of suppliers.

(4) Data in the register of suppliers shall be public, except for tax number which must be treated in accordance with the act governing tax procedure, and unique personal identification number which must be handled in accordance with regulations governing protection of personal data.

(5) The minister shall prescribe the detailed content and method of keeping the register of suppliers.

III. REQUIREMENTS AS REGARDS AGRICULTURAL SEEDS AND PROPAGATING MATERIAL

Article 10 (requirements in respect of marketing of agricultural seeds and propagating material)

(1) The seeds and propagating material of individual species of agricultural plants referred to in the first and second paragraphs of Article 3 of this Act may be marketed if it has been produced in accordance with the requirements that apply for the production of a certain category, and if satisfying quality requirements laid down in respect of the prescribed category of agricultural seeds and propagating material.

(2) If no category is prescribed for a certain species of agricultural plants, this may be marketed if satisfying the prescribed minimum quality requirements.

(3) In addition to the requirements specified in the first or second paragraphs of this Article, the seeds and propagating material of a certain plant species shall, as regards health status, also satisfy the requirements provided for with the regulations on plant health.

(4) Agricultural seeds and propagating material shall be marketed in homogeneous lots. It shall be packed and labelled in the prescribed manner and so that the originality of the packaging is ensured.

(5) The seeds and propagating material of agricultural plants which are genetically modified organisms (hereinafter referred to as: „GMOs“) or which contain GMOs shall, in addition to the requirements laid down in this Article, also meet the requirements provided for with the regulations governing GMOs, and shall be additionally marked as GMOs.

(6) If the agricultural seeds and propagating material has been treated with chemicals or plant protection products, such chemical or plant protection product shall be indicated in the prescribed manner.

(7) Seeds and propagating material of the prescribed species of agricultural plants may be marketed only if the requirements laid down in the first and third paragraphs of this Article have been officially established as satisfied by the means of official certification of the seeds and propagating material in compliance with this Act.

(8) In accordance with Community regulations, the minister shall prescribe in respect of an individual species of agricultural plants:

- the categories of seeds and propagating material, and in respect of each individual category the requirements with regard to production and the detailed requirements with regard to varietal or species identity and purity, health status and other quality criteria, or minimum quality requirements if the category for the seeds and propagating material is not prescribed,
- requirements with regard to packaging and labelling of the seeds and propagating material,
- additional requirements for market preparation and marketing of the treated seed,
- the maximum number or quantity of seeds and propagating material in a lot,
- when the originality of packing is considered to be ensured,
- the procedures and methods for checking meeting the requirements referred to in this Article.

(9) Notwithstanding the provision of the preceding paragraph the minister may, as regards the production and marketing in the Republic of Slovenia, impose additional or more stringent requirements for a certain category of agricultural seeds and propagating material, insofar as this does not conflict with the Community regulations laid down in Article 1 of this Act.

(10) Only on the basis of a decision issued by the competent Community authority, the minister may restrict or prohibit the marketing of agricultural seeds and propagating material, which has been produced and placed on the market in one of the EU Member States, and meets the requirements provided for with Community regulations laid down in Article 1 of

this Act, however not meeting additional or more stringent requirements referred to in the preceding paragraph.

(11) The minister shall prescribe the species of agricultural plants referred to in the seventh paragraph of this Article, the seeds and propagating material of which may be marketed only upon official certification.

Article 11

(supply of agricultural seeds and propagating material not finally certified)

(1) Irrespective of the provisions of the preceding Article, with a view to preparing for market the agricultural seeds and propagating material referred to in the seventh paragraph of the preceding Article, this may also be supplied to another supplier as not finally certified agricultural seeds and propagating material, provided that such material has been produced under official control and has been officially established to satisfy the requirements provided for in respect of not finally certified agricultural seeds and propagating material as to varietal or species identity and purity and health status, and if it is marked in the prescribed manner.

(2) The minister shall lay down the requirements in respect of not finally certified agricultural seeds and propagating material, referred to in the preceding paragraph of this Article, and the labelling method.

Article 12

(requirements as regards variety)

(1) If the requirements laid down in Article 10 of this Act provide for varietal identity and purity with respect to seeds and propagating material of certain species of agricultural plants, such agricultural seeds and propagating material may be marketed if it meets the requirements as laid down in Article 10 of this Act, and if it is designated by the name of variety.

(2) As regards agricultural plant species (cereals, fodder plants, potatoes, beet, oil and fibre plants), vegetables, vine, and hops, the variety referred to in the previous paragraph shall be entered in the national catalogue in accordance with this Act, or in the common catalogue of varieties of agricultural plant species pursuant to Directive 2002/53/EC (hereinafter referred to as: „common catalogue of varieties of agricultural plant species“); in the common catalogue of varieties of vegetable species pursuant to Directive 2002/55/EC (hereinafter referred to as: „common catalogue of varieties of vegetable species“); or in the common catalogue of varieties of vine pursuant to Directive 68/198/EEC (hereinafter referred to as: „common catalogue of varieties of vine“).

(3) As regards fruit plants intended for fruit production (hereinafter referred to as: „fruit plants“), the variety referred to in the first paragraph of this Article shall be entered in the national catalogue pursuant to this Act; protected under regulations governing the protection of new varieties of plants; or be a matter of common knowledge.

(4) As regards ornamental plants, the variety referred to in the first paragraph of this Article shall be entered in the national catalogue pursuant to this Act; protected under regulations governing the protection of new varieties of plants; be a matter of common knowledge; or be entered in the list of varieties kept by the supplier.

(5) The seeds and propagating material referred to in the second, third and fourth paragraphs

of this Article shall be marketed under the same official variety name as entered in the national catalogue or in a certain common catalogue of varieties, or in another official list or official register of varieties. If the variety of ornamental plants has been entered in the supplier's list of varieties, the seeds and propagating material of such a variety shall be indicated by the same name or marking as kept in the supplier's list of varieties.

(6) The minister shall lay down, in accordance with Community regulations, when the variety referred to in the third and fourth paragraphs of this Article is considered to be of common knowledge, and the method of keeping the list of varieties kept by the supplier pursuant to the fourth paragraph of this Article.

Article 13 **(exception as regards variety)**

(1) Notwithstanding the provisions of the second and third paragraphs of the preceding Article, the Administration shall, upon the request of the supplier who submitted the application for entry of the variety in the national catalogue, permit marketing of the seeds and propagating material of the variety which is in the process of being entered in the national catalogue. The request shall state at least the following information:

- personal name and place of residence or whereabouts; or business name and registered office;
- species, variety and quantity of agricultural seeds and propagating material intended to be marketed.

(2) As regards the varieties of agricultural plant species and vegetables, the Administration shall grant the authorisation referred to in the preceding paragraph under the conditions as laid down in the Community regulation governing the rules for granting authorizations for placing on the market seeds and propagating material of the varieties in respect of which an application for entry in the national catalogue of varieties of agricultural plant species or vegetables has been submitted. As regards varieties of other agricultural plant species referred to in the second paragraph of the preceding Article, and of fruit plants referred to in the third paragraph of the preceding Article, the Administration shall issue the authorization referred to in the preceding paragraph for no more than the prescribed quantity.

(3) Notwithstanding the provisions of the third paragraph of the preceding Article the Administration shall, upon the supplier's request, permit that a prescribed category of seeds and propagating material of the fruit variety that fails to satisfy the conditions as laid down in the third paragraph of the preceding Article, is marketed in the Republic of Slovenia, if such a variety is of no intrinsic value for commercial production. In the application the supplier shall, in addition to data referred to in the first paragraph of this Article, also state data indicating that the variety is of no intrinsic value for commercial production, and attach the prescribed description of the variety. The Administration shall issue the permit after having established that the conditions laid down in this paragraph are satisfied; the description of the variety submitted by the supplier shall be considered as an officially recognised description of the variety. Upon granting the authorisation, the officially recognized description of the variety shall be kept in the manner as provided for in Article 57 of this Act.

(4) When placed on the market, seeds and propagating material of the varieties referred to in this Article shall be marked in the prescribed manner.

(5) For agricultural seeds and propagating material which are GMOs, or which contains

GMOs, the Administration shall issue the authorisation referred to in this Article only if also meeting the requirements as regards marketing, provided for with the regulations governing GMOs.

(6) Pursuant to Community regulations, the minister shall prescribe:

- the maximum quantity of agricultural seeds and propagating material referred to in the second paragraph of this Article;
- the categories of seeds and propagating material of fruit varieties referred to in the third paragraph of this Article, and data which should be provided in the description of such varieties;
- the manner of marking the seeds and propagating material of varieties referred to in this Article.

Article 14 **(special requirements with regard to marketing)**

(1) Seeds and propagating material of a certain species of agricultural plants intended for organic production may be only marketed if, in addition to the requirements laid down in Article 10 of this Act, also meeting special marketing requirements provided for such seeds and propagating material by means of regulations governing organic production.

(2) Seeds and propagating material of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion (hereinafter referred to as: „conservation varieties“), and seeds and propagating material of vegetable varieties of no intrinsic value for commercial vegetable production, may be marketed:

- if the variety as such is entered in the national catalogue pursuant to Article 55 of this Act,
- up to the prescribed quantity,
- if meeting other prescribed requirements (quality, packing, labelling, etc.).

(3) Seeds and propagating material of a conservation variety may be produced or marketed only within the area as specified under the third paragraph of Article 55 of this Act.

(4) The suppliers engaged in the production or marketing of seeds and propagating material of conservation varieties shall each year, prior to starting the production, inform the Administration until the prescribed time limit of the intended production of the seeds and propagating material of such varieties. If the notifications indicate that the intended production is not to result in exceeding the prescribed quantity of seeds and propagating material, the Administration shall inform the suppliers thereof.

(5) If the notifications referred to in the preceding paragraph indicate that the intended production is to exceed the prescribed quantity of the seeds and propagating material, the Administration shall *ex officio* allocate to each supplier the quantity of seeds and propagating material that may be marketed from such a production.

(6) The suppliers referred to in the fourth and fifth paragraphs of this Article shall each year by 31 January inform the Administration of the quantity of the seeds and propagating material in respect of each conservation variety they placed on the market in the previous year.

(7) Data referred to in the fourth, fifth and sixth paragraphs of this Article shall be kept within the record on production referred to in Article 28 of this Act.

(8) The minister shall, in accordance with Community regulations, lay down maximum quantities and other prescribed requirements referred to in the second paragraph of this Article, and specify the time limit and the content of the notification referred to in the fourth paragraph of this Article.

Article 14 **(special exceptions with regard to marketing)**

(1) Notwithstanding the provisions of Articles 5, 10, 12 and 20 of this Act, agricultural seeds and propagating material may also be marketed within the territory of the Republic of Slovenia for test or trial purposes, for scientific purposes, for selection work, or for conservation of genetic diversity if: not satisfying the prescribed quality requirements; the variety has not been entered in the national catalogue; being marketed by the supplier not entered in the register of suppliers; or the supplier has not been issued the authorisation laid down in Article 20 of this Act, under the following conditions:

- that it is marketed only up to the prescribed quantity, and
- that it is marked in the prescribed manner.

(2) Notwithstanding the provisions of the fourth paragraph of Article 10 of this Act, certain species of agricultural plants referred to in the seventh paragraph of Article 10 of this Act may be marketed within the territory of the Republic of Slovenia, provided to be intended only to final consumers and marked in the prescribed manner:

- in small quantities of the seeds and propagating material which does not comply with the requirements as regards homogeneity of a lot, packing, sealing, and marking,
- in small packages of seeds and propagating material which are not officially closed and marked in the prescribed manner.

(3) The minister shall prescribe the maximum quantities of agricultural seeds and propagating material which may be marketed for the purposes specified in the first paragraph of this Article; the species of agricultural plants and what is to be considered a small quantity of seeds and propagating material referred to in the first indent of the preceding paragraph; the species of agricultural plants and what is to be considered a small quantity of seeds and propagating material referred to in the second indent of the preceding paragraph; the detailed conditions with regard to packing, sealing and the manner of marking agricultural seeds and propagating material which may be marketed under this Article.

Article 15 **(temporary exceptions)**

(1) In order to remove any temporary difficulties in the supply of a certain species of agricultural plants in the current year, the Administration may, upon the request of the supplier, permit the agricultural seeds and propagating material to be marketed temporarily, for one year at the most:

- which does not meet all qualitative requirements with regard to, in particular, germination or moisture of the seeds laid down in Article 10 of this Act in respect of the subject species of agricultural plants, or
- of varieties of agricultural plant species, vegetables, vine, and hops which do not meet the requirements as regards variety referred to in the second paragraph of Article 12 of this Act.

(2) In the request specified in the preceding paragraph, the supplier shall indicate in particular:

- personal name and place of residence or whereabouts; or business name and registered office, and unique registration number of the supplier,
- data on the agricultural seeds and propagating material, species, variety and category; year and place of production; and quantity,
- data on the quality of agricultural seeds and propagating material referred to in the first indent of the preceding paragraph; or data on the characteristics of the variety referred to in the second indent of the preceding paragraph.

(3) The Administration shall permit marketing of a certain species of agricultural seeds and propagating material upon establishing that the conditions laid down in the first paragraph of this Article are met.

(4) When placed on the market, the agricultural seeds and propagating material referred to in the preceding paragraph shall be marked as agricultural seeds and propagating material not satisfying all the prescribed requirements.

(5) The minister shall lay down minimum requirements with regard to the quality of the agricultural seeds and propagating material referred to in the first indent of the first paragraph of this Article, and the detailed method of labelling the agricultural seeds and propagating material which does not meet all the prescribed requirements.

Article 15.a
(measures as regards production, use or marketing)

(1) After a prior approval of the competent Community authority, the minister may issue a regulation in order to prohibit, throughout or in any part of the territory of the Republic of Slovenia, the use or marketing of the seeds and propagating material of a certain variety which has been entered in the common catalogue of varieties of agricultural plant species or in the common catalogue of varieties of vegetable species; or lay down special conditions for the production of such a variety or for the use of such variety's crops if it is established as follows:

- that the cultivation of such a variety could be harmful from the point of view of plant health or cultivation of other species or varieties of agricultural plants;
- that official testing carried out pursuant to Article 43 of this Act shows that the variety is not of value for cropping and use as referred to in Article 42 of this Act, and that it is not suitable for cultivation in the Republic of Slovenia because of its type of maturity class, or
- that the variety presents a risk for human health or the environment.

(2) If it is found out that the variety presents a direct risk for the spread of harmful organisms, human health or the environment, the minister may, without a prior approval by the competent Community authority, issue an order to temporarily prohibit marketing of the seeds and propagating material of such a variety, and immediately notify the competent Community authority thereof. Based on the decision of the competent Community authority, the minister shall issue an order in accordance with the first paragraph of this Article, or merely annul the temporary prohibition of marketing of the seeds and propagating material.

(3) In the issuing procedure of the order on temporary prohibition of marketing referred to in the preceding paragraph, no consideration shall be given to the provisions regulating public

participation laid down in regulations governing participation of public in the adoption of regulations.

Article 16
(seed mixture)

(1) Agricultural seeds and propagating material may also be placed on the market as a mixture of seeds of different varieties or species of agricultural plants (hereinafter referred to as: „seed mixture“).

(2) A seed mixture may be marketed if:

- before mixing, each component of the seed mixture complies with the marketing requirements laid down in Articles 10 and 12 of this Act,
- it satisfies the prescribed requirements in respect of the marketing of seed mixtures, and is packed and marked in the prescribed manner, and
- the supplier producing seed mixtures complies with the prescribed requirements.

(3) Compliance with the requirements referred to in the preceding paragraph shall be officially established by means of official certification of the seed mixture pursuant to this Act.

(4) In addition to the requirements referred to in the second paragraph of this Article, the seed mixture intended for the production of fodder shall be entered in the record of seed mixtures in the Republic of Slovenia or in another EU Member State.

(5) The minister shall lay down the requirements for marketing; the conditions referred to in the third indent of the second paragraph of this Article; and how the seed mixtures are to be packed and labelled.

Article 17
(register of seed mixtures)

(1) The supplier shall lodge an application with the Administration for entry of the seed mixture in the register of seed mixtures.

(2) The application shall include in particular:

- identification data on the supplier: personal name and place of residence or whereabouts; or business name and registered office, and unique registration number of the supplier,
- data on the seed mixture: name, composition, and intended use.

(3) If the seed mixture referred to in the fourth paragraph of the preceding Article satisfies the prescribed conditions for entry as regards its composition, it shall be entered in the register of seed mixtures by the Administration.

(4) Upon the request of the supplier, the Administration shall also enter in the register of seed mixtures the seed mixtures, intended for other purposes.

(5) The Administration shall establish and maintain the register of seed mixtures, containing in particular:

- data on the seed mixture: name, composition, and intended use,

– supplier’s unique registration number.

(6) The minister shall specify the conditions with regard to the composition of the seed mixture intended for the production of fodder, and the method of keeping the register of seed mixtures.

Article 18 (exceptions with regard to marketing)

(1) According to this Act, the supply of the following shall not be considered as marketing of agricultural seeds and propagating material:

1. of samples of the seeds and propagating material intended for official examination or inspection supervision,
2. (deleted),
3. of seeds and propagating material to persons, preparing the seeds and propagating material for market in the name and on behalf of the supplier,
4. of seeds and propagating material to persons producing, in the name and on behalf of the supplier, certain species of agricultural plants intended for industrial processing, or propagating seeds and propagating material for such purpose.

(2) Samples of agricultural seeds and propagating material referred to in point 1 of the preceding paragraph shall be specially marked as samples of agricultural seeds and propagating material intended for the purpose as specified in point 1 of the preceding paragraph.

(3) For the supply of the seeds and propagating material specified in point 4 of the first paragraph of this Article, the supplier shall be granted a preliminary authorisation by the Administration. The application for the authorisation, containing first of all: personal name and place of residence or whereabouts; or registered company name and registered office; and unique registration number of the supplier, shall be attached by a copy of the agreement specifying the purpose of production and marketing requirements to be satisfied by the agricultural seeds and propagating material. The Administration shall issue the authorisation upon establishing that the agricultural seeds and propagating material complies with the purpose, specified in point 4 of the first paragraph of this Article.

(4) The minister shall prescribe maximum quantities of the agricultural seeds and propagating material considered to be a sample, and the labelling method of the sample.

(5) The minister may lay down the detailed conditions for the issue of the authorisation referred to in the third paragraph of this Article.

IV. PROVISION OF COMPLIANCE

Article 19 (obligations of suppliers)

(1) The supplier shall perform the activities of supplier in compliance with this Act and ensure that, when placed on the market, the agricultural seeds and propagating material meets the prescribed requirements.

(2) The supplier shall in particular:

1. carry out examinations with a view to monitoring and supervising critical points in the production of agricultural seeds and propagating material which could influence the quality of such material (in particular varietal or species identity and purity, and health status),
2. carry out measures necessary for the prevention of occurrence or spread of harmful organisms; take samples in order to send them for analysis to the laboratory appointed in compliance with Article 76 of this Act,
3. ensure traceability and identifiability of each lot of agricultural seeds and propagating material in all phases of production and market preparation, during storage, sale and supply of the seeds and propagating material,
4. keep records and keep evidence: of the origin and quality of agricultural seeds and propagating material, used for the multiplication or re-production of the seeds and propagating material; of the monitoring and supervision of critical points in the production of agricultural seeds and propagating material; and of the measures taken in order to ensure compliance of the produced agricultural seeds and propagating material with the prescribed requirements,
5. keep records and keep evidence of the purchase and sale, or supply of agricultural seeds and propagating material,
6. enable carrying out the supervision referred to in Article 21 of this Act; inspections and examinations referred to in the third paragraph of Article 66 of this Act; allow taking of samples; and accompany the competent inspector during carrying out an official control or inspection and provide him, upon his request, with the evidence and records kept in accordance with this Act,
7. carry out the prescribed measures which are ordered during the official control or inspection,
8. fulfil other prescribed obligations as provided for with this Act, with the act regulating plant health, and regulations issued on the basis thereof.

(3) The supplier shall keep all evidence and records referred to in the preceding paragraph for at least one year, and for at least three years for fruit plants, vine, hops and perennial ornamental plants.

(4) A supplier who, during the carrying out of obligations laid down in this Article, establishes or suspects the occurrence of quarantine harmful organisms provided for by the regulations governing plant health (hereinafter referred to as: „quarantine harmful organisms“), or finds out that the extent of occurrence of harmful organisms provided for by the regulation referred to in the eighth paragraph of Article 10 of this Act governing the requirements as regards health status of the seeds and propagating material (hereinafter referred to as: „regulated harmful organisms“) was greater than permitted, he shall immediately inform the Administration and the competent inspector thereof.

(5) A supplier not engaged in the production of agricultural seeds and propagating material shall not be liable to meet the obligations laid down in points 1 and 4 of the second paragraph of this Article.

(6) The supplier who is not liable for entry in the register of suppliers and is engaged in the following activities:

- distribution and sale of agricultural seeds and propagating material in original packaging, shall not be liable to meet the obligations laid down in points 1, 2, 3 and 4 of the second paragraph of this Article,

- exclusively in the supply by the retailer of agricultural seeds and propagating material in original packaging, shall not be liable to meet the obligations laid down in points 1, 2, 3, 4 and 5 of the second paragraph of this Article,

Article 20
(authorisation for issuing supplier's labels and certificates)

(1) A supplier may place on the market agricultural seeds and propagating material, other than seeds and propagating material of the species referred to in the seventh paragraph of Article 10 of this Act, provided to have been issued an authorisation by the Administration for the issue of supplier's labels and certificates, and if on the basis of examinations referred to in point 1 of the second paragraph of the preceding Article, the seeds and propagating material is found to meet the requirements provided for in Articles 10 and 12 of this Act, and is issued the prescribed supplier's labels or certificate.

(2) The Administration shall issue the authorisation referred to in the preceding paragraph upon an application of the supplier, containing the following data in particular:

- on the supplier: personal name and place of residence or whereabouts; or business name and registered office, and unique registration number of the supplier,
- on the place of production;
- on the species or groups of agricultural plants which he produces and places on the market.

(3) The application referred to in the preceding paragraph shall be attached by a sample of the supplier's label and certificate, as well as a statement on being familiar with other supplier's obligations under this Act.

(4) The Administration shall authorise the supplier for issuing supplier's labels and certificates in respect of the species or groups of agricultural plants indicated in the application, upon establishing that he meets the obligations laid down in points 1 and 2 of the second paragraph of the preceding Article.

(5) Prior to issuing the authorisation referred to in the preceding paragraph, the Administration may check meeting the supplier's obligations referred to in points 1 and 2 of the second paragraph of the preceding Article.

(6) The supplier shall have to obtain the authorisation from the Administration, referred to in the fourth paragraph of this Article, in respect of each new species or group of agricultural plants, the seeds and propagating material of which he intends to produce or market.

(7) Data on the authorisations issued referred to in the fourth paragraph of this Article shall be kept in the register of suppliers.

(8) The supplier who has been granted the authorisation for the issue of supplier's labels and certificates shall keep a record in respect of the issued supplier's labels or certificates.

(9) The granting of the authorisation referred to in the fourth paragraph of this Article shall not be compulsory for the suppliers who are small producers of seeds and propagating material, and whose entire production of such seeds and propagating material is intended for their self-supply or sale in the local market to natural persons who are final users of such material, and are not professionally involved in the production of agricultural plants.

(10) The minister shall specify the content of the supplier's label and certificate referred to in the first paragraph of this Article; the mode of submitting the application referred to in the second paragraph of this Article; and the criteria with respect to small producers and local market referred to in the preceding paragraph.

Article 21 **(supervision of suppliers)**

(1) Supervision of the supplier of agricultural seeds and propagating material, authorised pursuant to the fourth paragraph of the preceding Article shall be carried out by the competent inspector at least once a year. When carrying out the supervision, the competent inspector shall check whether the supplier meets the supplier's obligations referred to in Articles 19 and 20 of this Act, and if the agricultural seeds and propagating material corresponds to the requirements provided for in Article 10 of this Act.

(2) If the competent inspector finds that the supplier does not meet the obligations provided for in points 1 or 2 of the second paragraph of Article 19 of this Act, he shall make a proposal to the Administration to withdraw the authorisation for the issue of supplier's labels and certificates.

(3) If the competent inspector finds that the supplier does not meet other obligations provided for in Articles 19 and 20 of this Act, he shall order the irregularities to be rectified or the obligations to be met within the time limit not shorter than 15 days.

(4) If the competent inspector finds that the agricultural seeds and propagating material does not comply with the prescribed requirements, he shall order to the supplier to rectify the irregularities within the time limit not shorter than 15 days. If it is suspected that quarantine pests have occurred, or that the prescribed extent of occurrence of regulated pests has been exceeded, he shall take samples of the agricultural seeds and propagating material and submit these to the appointed laboratory for analysis.

(5) Irrespective of the provisions referred to in the preceding paragraph, the competent inspector may fix a shorter time limit to the supplier, if the ordered measures refer to care of crops or plantations and protection against harmful organisms.

(6) If on the basis of a repeated supervision referred to in the third or fourth paragraphs of this Article, or on the basis of the results of analysis of the samples taken in accordance with the fourth paragraph of this Article, the competent inspector finds that the compliance cannot be ensured, the supplier shall be prohibited to market such seeds and propagating material. If the supplier is found to market such seeds and propagating material in spite of the prohibition, the competent inspector shall propose to the Administration to withdraw the authorisation for the issue of supplier's labels and certificates.

(7) The competent inspector shall keep a record of the supervision performed.

(8) The competent inspector shall inform the Administration in the prescribed manner of the supervision carried out at the supplier, and of the findings and measures ordered as laid down in this Article.

(9) All costs arising in relation to the ordered measures referred to in the second, third, fourth,

fifth and sixth paragraphs of this Article, and the costs in relation to taking samples and carrying out the analysis thereof, shall be borne by the supplier, whenever the result of the analysis being unsatisfactory for the supplier.

(10) The minister shall lay down the method of taking samples referred to in the fourth paragraph of this Article, and the manner of informing the Administration referred to in the eighth paragraph of this Article.

Article 21.a

(withdrawal of the authorisation for issuing supplier's labels and certificates)

(1) The Administration shall withdraw from the supplier the authorisation for the issue of supplier's labels and certificates:

- upon official duty, if the supplier is deleted from the register of suppliers in accordance with the first paragraph of Article 8 of this Act, or
- upon an inspector's proposal, if he finds the supplier to not meet the obligations laid down in points 1 or 2 of the second paragraph of Article 19 of this Act, or to market agricultural seeds and propagating material in spite of the prohibition of the competent inspector referred to in the sixth paragraph of the preceding Article.

(2) Withdrawal of the authorisation for the issue of supplier's labels and certificates shall be decided by the Administration in a decision.

(3) Data in relation to the withdrawal of the authorisation referred to in the preceding paragraph shall be kept in the register of suppliers.

Article 22

(official certification of agricultural seeds and propagating material)

(1) The supplier intending to market agricultural seeds and propagating material of a certain species of agricultural plants as officially certified pursuant to this Act shall lodge an application for official certification of the agricultural seeds and propagating material with the certification authority which has been granted a public authorisation in compliance with Article 75 of this Act (hereinafter referred to as: „certification authority“). The application, which must be lodged until the prescribed time limit, shall contain the following data in particular:

- on the supplier: personal name and place of residence or whereabouts; or business name and registered office, and unique registration number of the supplier,
- place of production;
- on the land where the seed crop or plantation is located: identification mark of the land (GERK-PID) under which such land is managed in the register of agricultural holdings pursuant to the act governing agriculture, and the surface,
- on the agricultural seeds and propagating material used, in particular species, variety and category, and the quantity,
- on special requirements with regard to certification.

(2) The certification authority shall conduct the procedure for official certification of the seeds and propagating material if the variety indicated in the application is:

- for agricultural plant species, vegetables, vine and hops: entered in the national catalogue pursuant to this Act; or in the common catalogue of varieties of agricultural

plant species; or in the common catalogue of varieties of vegetable species; or in the common catalogue of varieties of vine,

- for other agricultural species: entered in the national catalogue pursuant to this Act; or protected pursuant to the regulations governing protection of new varieties; or is a matter of common knowledge.

(3) Notwithstanding the preceding paragraph, with a view to further propagation and timely provision of adequate quantities of seeds and propagating material of a new variety, the seeds and propagating material of a variety in respect of which an application for entry in the national catalogue has been lodged pursuant to this Act, and the applicant referred to in Article 38 of this Act has lodged the application for official certification of the seeds and propagating material of such a variety, may be officially certified.

(4) The procedure for official certification of agricultural seeds and propagating material conducted by the certification authority shall consist of:

- official examinations of seed crops or plantations; of plots of land; of facilities for production, storage and market preparation of agricultural seeds and propagating material,
- official examinations of evidence and records kept by the supplier pursuant to points 4 and 5 of the second paragraph of Article 19 of this Act,
- official sampling and testing of samples.

(5) During the procedure for official certification referred to in the preceding paragraph, the certification authority shall establish whether the agricultural seeds and propagating material meets the prescribed requirements laid down in Articles 10 or 11 of this Act.

(6) If during the procedure for official certification, the certification authority establishes that the agricultural seeds and propagating material satisfies the requirements laid down in Article 10 of this Act in respect of the prescribed category, the certification authority shall issue the prescribed official labels for such a category. The certification authority shall originally close and label the packages of agricultural seeds and propagating material with the issued official labels, and issue a certificate of official certification of agricultural seeds and propagating material.

(7) If during the procedure for official certification referred to in the fourth paragraph of this Article the certification authority finds the agricultural seeds and propagating material to satisfy the requirements laid down in Article 11 of this Act in respect of not definitively certified agricultural seeds and propagating material, the certification authority shall issue a certificate that the seeds and propagating material meets the requirements provided for in respect of the not definitively certified seeds and propagating material. The certification authority may also issue the prescribed official labels for such seeds and propagating material and carry out the labelling thereof.

(8) The certification authority shall refuse official certification by a decision if the agricultural seeds and propagating material is found to not meet the requirements provided for in Article 10 of this Act in respect of any of the prescribed categories, or to not meet the requirements provided for in Article 11 of this Act in respect of not definitively certified agricultural seeds and propagating material. Against the decision of the certification authority, an appeal is possible to be filed with the Administration.

(9) The certification authority shall keep a record of the official acts carried out under the fourth paragraph of this Article.

(10) The certification authority shall inform the Administration and the competent inspector in the prescribed manner of all accepted applications, official acts carried out during the procedure for official certification, and of certification or refusal of official certification.

(11) The costs of the procedure for official certification referred to in the fourth paragraph of this Article, the costs associated with the issue of official labels and official labelling, shall be paid by the supplier to the certification authority.

(12) The minister shall specify the time limits and the manner in which the applications are to be submitted; the evidence to be attached to the application; the procedure for official certification; the content, colour and form of official label and the content of the certificate of official certification of agricultural seeds and propagating material and of the certificate of not-definitively certified agricultural seeds and propagating material; the method of original closing; and the manner in which the Administration and the competent inspector are to be notified.

Article 22.a

(field inspections, sampling and testing of samples under official supervision)

(1) In the procedure for official certification, the certification authority shall ensure that the responsibilities specified in points 1 and 3 of the fourth paragraph of the preceding Article are carried out by itself or through natural or legal persons who satisfy the prescribed conditions and have been appointed for: carrying out examinations under official supervision; performing samplings under official supervision; and testing of agricultural seeds and propagating material under official supervision (hereinafter referred to as: „inspectors, samplers and laboratories“).

(2) Inspectors, samplers and laboratories referred to in the preceding paragraph shall be appointed by the Administration on the basis of an application, providing to meet the prescribed conditions as regards professional qualification or technical equipment.

(3) Training of inspectors, samplers and persons who perform quality analysis of seed of agricultural plants in the laboratory under official supervision (hereinafter referred to as: „seed analyst“) shall be carried out by the certification authority.

(4) The Administration shall keep the register of inspectors, samplers and laboratories. The register shall include the following data in particular:

- on the appointed natural or legal persons: personal name and place of residence or whereabouts; or business name and registered office;
- on the level of education and further training;
- on the date of issue and validity of the appointment,
- on the species or groups of agricultural plants which are the subject of appointment.

(5) The Administration shall publish a list of inspectors, samplers and laboratories in the official publication of the Administration referred to in Article 56 of this Act, which shall include the information given in the first, fourth and fifth indents of the preceding paragraph.

(6) In the carrying out of their responsibilities specified in points 1 and 3 of the fourth paragraph of the preceding Article, inspectors, samplers and laboratories referred to in the first paragraph of this Article shall be supervised by the certification authority in the manner provided for by the minister. The certification authority and the inspector, sampler or laboratory shall conclude an agreement on their mutual rights and obligations.

(7) If the certification authority carrying out the supervision of inspector, sampler and laboratory establishes that that this does not act in accordance with the prescribed method, it shall make a proposal with the Administration to cancel the appointment.

(8) The minister shall provide for the conditions to be satisfied by inspector, sampler or laboratory as regards technical competence and technical equipment; the training method for inspectors, samplers or seed analysts; the manner of keeping the register; and the scope and arrangements for the supervision carried out by the certification authority.

Article 23 **(official certification of a seed mixture)**

(1) Official certification of a seed mixture shall be a prescribed procedure carried out by the certification authority on the basis of an application submitted by the supplier, aiming at officially establishing that the seed mixture satisfies the requirements laid down in the second paragraph of Article 16 of this Act.

(2) The application lodged by the supplier with the certification authority shall state the following data in particular:

- on the supplier: personal name and place of residence or whereabouts; or business name and registered office, and unique registration number of the supplier,
- designation, composition and intended use of the seed mixture,
- individual components used for the preparation of the seed mixture.

(3) The seed mixture intended for the production of fodder may be officially certified only if meeting the conditions as provided for in the second and fourth paragraphs of Article 16 of this Act.

(4) The procedure for official certification of the seed mixture shall consist of official examinations of the seed mixture and the evidence clearly indicating that each component of the mixture meets the conditions as to the marketing, as well as of the evidence and records kept by the supplier in compliance with points 4 and 5 of the second paragraph of Article 19 of this Act.

(5) If during the procedure for official certification referred to in the preceding paragraph the certification authority finds the seed mixture to satisfy the requirements laid down in the second paragraph of Article 16 of this Act, the certification authority shall issue the prescribed official labels, use these for marking the seed mixture, and issue a certificate of official certification of the seed mixture.

(6) If the certification authority finds the requirements laid down in the second paragraph of Article 16 of this Act not to be met, it shall refuse official approval of the seed mixture by a decision. Against the decision of the certification authority, an appeal is possible to be filed with the Administration.

(7) The certification authority shall keep a record of the official acts carried out, referred to in the fourth paragraph of this Article.

(8) The certification authority shall inform the Administration and the competent inspector of all accepted applications, official acts carried out during the procedure for official certification, and of certification or refusal of official certification of the seed mixture.

(9) The costs of the procedure for official certification referred to in the fourth paragraph of this Article, and the costs associated with the issue of official labels and official labelling shall be paid by the supplier to the certification authority.

(10) The minister shall specify the procedure for official certification; the content, colour and form of official label; and the content of the certificate of official certification of the seed mixture.

Article 24

(issue of official labels prior to officially establishing seed germination)

(1) For the species of agricultural plants referred to in the seventh paragraph of Article 10 of this Act, in respect of which the requirements for marketing of agricultural seeds and propagating material referred to in Article 10 of this Act provide for a minimum germination capacity of seed, the certification authority may, at the request of the supplier, exceptionally issue official labels referred to in the sixth paragraph of Article 22 of this Act in the procedure for official certification, and use these for labelling the agricultural seeds and propagating material prior to the germination capacity of the seeds being officially established, if:

- the certification authority has established during the procedure for official certification that the agricultural seeds and propagating material meets all other requirements laid down in Article 10 of this Act, save for the prescribed germination capacity,
- on the basis of the provisional germination report provided by the supplier, the agricultural seeds and propagating material is also found to meet the prescribed requirements as to germination capacity.

(2) In the request referred to in the preceding paragraph, the supplier shall state in particular data on:

- the supplier: personal name and place of residence or whereabouts; or business name and registered office, and unique registration number of the supplier,
- the location of supplier's warehouse, or the warehouse of the first consignee where the agricultural seeds and propagating material is to be kept pending the issue of the certificate in respect of such agricultural seeds and propagating material, and on the first consignee: name, surname and address or business name and registered office,
- the agricultural seeds and propagating material, in particular species, variety and category, on the place and year of production.

The request shall be attached by a provisional germination report.

(3) Pending the issue of the certificate of official certification, the agricultural seeds and propagating material referred to in the first paragraph of this Article shall not be marketed.

(4) Irrespective of the preceding paragraph, the supplier may deliver the agricultural seeds and propagating material referred to in the first paragraph of this Article to the first consignee

indicated in the request specified in the second paragraph of this Article. The supplier shall additionally mark such agricultural seeds and propagating material with a label indicating at least the unique registration number of the supplier and germination capacity as stated in the temporary germination report.

(5) Irrespective of the provisions of the first paragraph of this Article, the certification authority may not issue official labels in respect of the imported seeds and propagating material prior to officially establishing germination of the seeds.

(6) The certification authority shall issue the certificate of official certification of agricultural seeds and propagating material if during the procedure for official certification it is found to satisfy the requirements laid down in Article 10 of this Act also as regards germination capacity.

(7) If the certification authority finds out during the procedure for official certification that the agricultural seeds and propagating material does not satisfy the requirements laid down in Article 10 of this Act with regard to germination capacity, it shall refuse official certification by a decision. In the decision, the supplier shall be ordered to permit the certification authority to remove the issued official labels referred to in the first paragraph of this Article, or to return the issued official labels to the certification authority not later than within 8 days following the delivery of the decision.

Article 24.a

(exceptions with regard to the seeds and propagating material intended for further propagation)

(1) For the species of agricultural plants referred to in the seventh paragraph of Article 10 of this Act, the seeds and propagating material of certain categories intended for further propagation may be, irrespective of the provisions of the first paragraph of Article 10, subject to official certification and marketing, also if such material does not meet the prescribed requirements as regards germination.

(2) The certification authority shall, at the request of the supplier, officially certify the seeds and propagating material referred to in the preceding paragraph, if during the procedure for official certification provided for in Article 22 of this Act all requirements in respect of official certification have been found as satisfied save for germination, and if the supplier provides additional labelling for such material with a label, indicating at least data on the supplier and actual germination of the seeds.

(3) The minister shall provide for the categories of seeds and propagating material which may be subject to the exception specified in the first paragraph of this Article, and the mode of additional labelling.

Article 25

(exceptions with regard to the seeds and propagating material intended for export)

(1) Agricultural seeds and propagating material of the species indicated in the seventh paragraph of Article 10 of this Act intended for export shall be subjected to the procedure for official certification carried out by the certification authority upon the request of the supplier pursuant to Article 22 of this Act, also if the variety is not entered in the national catalogue.

(2) Agricultural seeds and propagating material which the certification authority finds during carrying out the procedure for official certification referred to in the preceding paragraph to meet the prescribed requirements laid down in Articles 10 or 11 of this Act, shall be issued special official labels and the certificate indicating that such agricultural seeds and propagating material is not intended for marketing within the Community territory.

(3) The minister shall provide for the content, colour and form of official label, and the content of certificate of official certification referred to in the preceding paragraph.

Article 26
(labelling under official supervision)

(1) Irrespective of the provisions of the sixth paragraph of Article 22, and the fifth paragraph of Article 23 of this Act, the certification authority may permit the supplier of seeds and propagating material of certain species of agricultural plants to perform original closing and labelling of the agricultural seeds and propagating material by means of official labels, if the certification authority provides for the supervision of such labelling in the prescribed manner.

(2) The minister shall lay down the species of agricultural plants and the manner of carrying out the supervision referred to in the preceding paragraph of this Article.

Article 27
(official re-labelling of agricultural seeds and propagating material)

(1) Agricultural seeds and propagating material which has been officially certified, originally closed and labelled, may be re-packed, originally closed and officially re-labelled. Upon the supplier's request, the certification authority shall issue new official labels and provide for original closing and labelling of the agricultural seeds and propagating material, provided that such a material still satisfies the prescribed requirements for official certification.

(2) The costs incurred in connection with the issue of official labels and official labelling shall be paid by the supplier to the certification authority.

Article 28
(production records)

(1) Based on the notifications of the performed supervisions of suppliers referred to in the eighth paragraph of Article 21 of this Act, and based on the applications referred to in the first paragraph of Article 22 of this Act, the Administration shall set up and keep a production record for agricultural seeds and propagating material for the current year. The record shall include data: on the suppliers, who are involved in the production of agricultural seeds and propagating material; on the places of production; and on surfaces registered for the production of agricultural seeds and propagating material. For the species of agricultural plants referred to in the seventh paragraph of Article 10 of this Act, the record shall also include data on the quantities of officially certified seeds and propagating material, by species and varieties of agricultural plants.

(2) The Administration shall keep the record referred to in the preceding paragraph for five (5) years.

V. IMPORT OF AGRICULTURAL SEEDS AND PROPAGATING MATERIAL

Article 29

(conditions for import of agricultural seeds and propagating material)

(1) Agricultural seeds and propagating material may only be imported if it is equivalent to the agricultural seeds and propagating material produced within the territory of Community Member States pursuant to regulations governing the marketing of agricultural seeds and propagating material.

(2) Agricultural seeds and propagating material which must, pursuant to regulations referred to in the eighth paragraph of Article 10 of this Act, also comply with the requirements as regards varietal identity and purity when placed on the market, may be imported if the conditions referred to in the preceding paragraph are satisfied, and if the requirements referred to in Article 12 of this Act as regards variety are met.

Article 30

(equivalence of agricultural seeds and propagating material)

(1) The imported agricultural seeds and propagating material shall be equivalent to the seeds and propagating material produced within the Community in compliance with regulations if the requirements in respect of agricultural seeds and propagating material; the requirements for suppliers and official supervision of seed crops or plantations of agricultural seeds and propagating material or of suppliers, as provided for with the regulations of an individual country which is not an EU Member State (hereinafter referred to as: „third country“), are equivalent to regulatory requirements, and if the agricultural seeds and propagating material has been produced in the third country pursuant to such regulations.

(2) The equivalence of agricultural seeds and propagating material shall be decided by the competent Community authority.

(3) Until the decision is taken by the competent authority referred to in the preceding paragraph, the Administration may *ex officio* or upon a proposal of the importer check meeting the conditions in respect of recognising the equivalence of the agricultural seeds and propagating material produced in the third country.

(4) In the case referred to in the preceding paragraph, the Administration shall issue a decision and publish it in the Official Gazette of the Republic of Slovenia, which is to apply at least until the decision is taken by the competent authority referred to in the second paragraph of this Article, on the basis of which the Administration provides for:

- the labels or evidence showing the equivalency of agricultural seeds and propagating material produced in a third country,
- in the case of official labels or evidence, also official authorities of the third country which are to issue such labels or evidence referred to in the preceding indent in compliance with the regulations in force in another country, or in compliance with international certification schemes.

Article 31

(import procedure)

(1) Prior to import, the importer shall declare each consignment of agricultural seeds and propagating material to phytosanitary inspector for inspection. The application shall include the following data in particular:

- on the importer: personal name and place of residence or whereabouts; or business name and registered office, and unique registration number of the supplier,
- on the agricultural seeds and propagating material: species or variety, category and quantity,
- on the country of production (origin) and country of export.

(2) Inspection of a consignment of agricultural seeds and propagating material shall be performed at the first point of entry in the Republic of Slovenia designated in compliance with the regulations governing plant health, and where also other import administrative formalities are carried out, including customs.

(3) Inspection of the consignment of agricultural seeds and propagating material may also be performed at officially designated places inside the country which are under customs control, if this is in compliance with the regulations governing plant health.

(4) Customs authorities shall not be permitted to start the procedure for free circulation of goods, as long as the phytosanitary inspector permits the import of agricultural seeds and propagating material.

(5) The phytosanitary inspector shall carry out an inspection in order to establish whether the agricultural seeds and propagating material satisfies import requirements laid down in Article 29 of this Act.

(6) When carrying out an inspection, the phytosanitary inspector may take samples of agricultural seeds and propagating material in order to send them to analysis to the laboratory, appointed in compliance with Article 76 of this Act.

(7) Provided that import conditions referred to in Article 29 of this Act are met, the phytosanitary inspector shall, upon carrying out the inspection, permit the import of agricultural seeds and propagating material with a decision issued in the form of an official endorsement on the application.

(8) If the phytosanitary inspector finds on the basis of an inspection or the results of analysis of the samples taken, that the agricultural seeds and propagating material does not comply with import conditions provided for in Article 29 of this Act, the phytosanitary inspector shall prohibit import of such agricultural seeds and propagating material by a decision.

(9) The phytosanitary inspector shall provide the Administration with a copy of the decision indicated in the seventh and eighth paragraphs of this Article.

(10) All costs arising in relation to the taking of samples and carrying out the analysis of samples of agricultural seeds and propagating material, carried out upon the request of the phytosanitary inspector, shall be borne by the importer with whom the official samples were taken, whenever the result of the analysis proved to be unsatisfactory for the importer.

Article 32 **(exceptions)**

(1) Irrespective of the provisions referred to in the preceding Article, agricultural seeds and propagating material shall not be liable to be declared to the phytosanitary inspector for inspection, if the import refers to:

- the samples of seeds and propagating material intended for official examination; for keeping in the gene bank; for varietal selection; for scientific and research purposes; or for exhibitions, provided that the quantities of seeds and propagating material do not exceed regulatory quantities;
- certain quantities of seeds and propagating material in original packaging intended for personal use.

(2) The minister shall provide for the quantities of agricultural seeds and propagating material which may be imported as samples referred to in the first indent of the preceding paragraph, and the quantities of agricultural seeds and propagating material in original packaging which may be imported for personal use.

Article 33 (special import licences)

(1) Irrespective of the provisions of the seventh paragraph of Article 31 of this Act, the phytosanitary inspector shall on the basis of a special import licence issued by the Administration, authorise the import of:

- samples of agricultural seeds and propagating material for: official examination; keeping in the gene bank; varietal selection; scientific and research purposes, if the quantities of the seeds and propagating material exceed the regulatory quantities laid down in the first indent of the first paragraph of the preceding Article,
- seeds and propagating material of a variety which does not comply with the requirements as regards variety referred to in Article 12 of this Act.

(2) In order to be issued the special import licence, the importer shall lodge an application with the Administration, containing the following data in particular:

- on the importer: personal name and place of residence or whereabouts; or business name and registered office, and unique registration number of the supplier,
- on agricultural seeds and propagating material: species or variety; category; quantity; country of production (origin); and exporting country.
- on the purpose of import,
- on the estimated deadline for the import.

(3) The Administration shall issue the special import licence to scientific and research institutions for the import of samples of seeds and propagating material referred to in the first indent of the first paragraph of this Article also if these are not entered in the register of suppliers.

(4) The Administration shall issue the special import licence to the importer of the seeds and propagating material specified in the second indent of the first paragraph of this Article with a view to its propagating in the Republic of Slovenia, provided that the importer submits a written statement to the Administration, to export the entire quantity of the propagated seeds and propagating material within the time limit fixed. The Administration shall issue a special import licence specifying the time limit by which the propagated seeds and propagating material must be exported.

(5) The importer shall attach the special import licence referred to in the third and fourth

paragraphs of this Article to the application for inspection referred to in the first paragraph of Article 31 of this Act.

Article 34
(obligations of importers)

(1) In addition to the obligations specified in Articles 19 and 20 of this Act, the importer of seeds and propagating material of ornamental plants shall keep the Administration informed of the import of such seeds and propagating material.

(2) The importer of the agricultural seeds and propagating material referred to in the fourth paragraph of the preceding Article shall furnish to the Administration the proof of export of such seeds and propagating material, within the time limit set by the Administration in the special import licence.

Article 35
(official re-labelling of imported agricultural seeds and propagating material)

(1) Agricultural seeds and propagating material referred to in the seventh paragraph of Article 10 of this Act, imported from a third country and meeting the requirements as to equivalence specified in Article 30 of this Act may be repacked, originally closed and officially re-labelled in accordance with the decision issued by the competent Community authority referred to in the second paragraph of Article 30 of this Act. Upon the request by the supplier, the certification authority shall provide for official labelling and original closing of such agricultural seeds and propagating material. Prior to official re-labelling, the certification authority may check whether the agricultural seeds and propagating material still meets the prescribed requirements for official certification.

(2) The costs incurred in connection with the issue of official labels and official labelling shall be paid by the supplier to the certification authority.

(3) The minister shall provide for the amount of costs referred to in the preceding paragraph.

VI. POST CONTROL OF AGRICULTURAL SEEDS AND PROPAGATING MATERIAL, AND COMPARATIVE TESTS

Article 36
(post control)

(1) Agricultural seeds and propagating material produced or marketed in the Republic of Slovenia in the current year shall be subjected to a post control by the Administration as regards its quality. Such post control shall aim at checking, by the means of varietal examinations or laboratory tests, varietal or species identity and purity, health status, and meeting other requirements in relation to quality.

(2) Post control shall include each year a certain percentage of samples of agricultural seeds and propagating material, taken in accordance with the prescribed method during official supervision of the supplier, in the procedure for official certification, or during an inspection supervision of agricultural seeds and propagating material.

(3) Varietal examinations or laboratory tests of the agricultural seeds and propagating material included in the post control shall be carried out by the performers of examinations and laboratories, appointed pursuant to Article 76 of this Act.

(4) Funds necessary for the carrying out of the post control shall be allocated from the budget of the Republic of Slovenia. Whenever the results of the examinations proved to be unsatisfactory for the supplier, the costs of post control shall be borne by supplier, with whom the samples for the post control have been taken.

(5) The minister shall provide for, in respect of each individual species of agricultural plants: the method of sampling referred to in the second paragraph of this Article; the procedure for carrying out post control: and the percent of samples to be included each year in the post control.

Article 36.a **(comparative tests)**

(1) The Administration shall take part in the comparative tests and trials of agricultural seeds and propagating material carried out in the Community (hereinafter referred to as: „Community comparative tests“), on the basis of a decision issued by the competent Community authority, setting out the arrangements for Community comparative trials which are aimed at verifying the compliance of seeds and propagating material with Community regulations, referred to in the first paragraph of Article 1 of this Act.

(2) Taking part in Community comparative trials shall mean officially taking of samples of the species of agricultural seeds and propagating material specified in the decision of the competent Community authority, provided that seeds and propagating material of such species is being produced and marketed in the Republic of Slovenia.

(3) Samples indicated in the preceding paragraph shall be taken during official supervision of the supplier, in the procedure for official certification or during inspection supervision of agricultural seeds and propagating material placed on the market in the Republic of Slovenia, according to the method as laid down in the preceding Article in respect of post control, and delivered to the performers of Community comparative trials indicated in the decision of the competent Community authority.

VII. PROCEDURE FOR ACCEPTANCE OF A VARIETY IN THE NATIONAL CATALOGUE

Article 37 **(national catalogue)**

(1) National catalogue shall be an official list of varieties of agricultural plants. In the national catalogue, the varieties of agricultural plants referred to in the second, third and fourth paragraphs of Article 12 of this Act shall be entered, provided they meet the conditions laid down in this Act.

(2) The procedure for acceptance of a variety in the national catalogue shall be managed by

the Administration, which shall publish the national catalogue in the official journal of the Administration.

Article 38
(applicant)

(1) An application for acceptance of the variety in the national catalogue may be submitted by the applicant who is the breeder or the person responsible for the maintenance of the variety, or by another natural or legal person entitled to dispose of the seeds and propagating material of the variety.

(2) If the applicant referred to in the preceding paragraph has the place of residence or registered office in a third country, such applicant shall lodge the application through an authorised person who is a natural or legal person with the place of residence or registered office in the European Union.

Article 39
(lodging an application for acceptance of a variety in the national catalogue)

(1) The procedure for acceptance of a variety in the national catalogue shall start by lodging a written application with the Administration.

(2) The application referred to in the preceding paragraph shall contain in particular:

- data on the applicant: personal name and place of residence or whereabouts; or business name and registered office;
- data on the authorised person: personal name and place of residence or whereabouts; or business name and registered office;
- plant species;
- proposed variety name;
- data on the origin of the variety and its intended use.

(3) If the application refers to a grass variety intended for the production other than of fodder, or a variety intended to be used solely as a genealogical component for the production of seeds and propagating material, or a variety which is a GMO, the applicant shall make an explicit indication thereof.

(4) In the application, the applicant may require data on the origin of the variety to be treated as confidential.

(5) The minister shall specify the procedure for acceptance of a variety in the national catalogue.

Article 40
(conditions for accepting a variety in the national catalogue)

(1) The Administration shall enter a submitted variety in the national catalogue if:

- it is distinct, uniform and stable,
- for varieties of agricultural plants, industrial chicory and oil pumpkins: it is of satisfactory value for cultivation and use,
- its name complies with the prescribed requirements.

(2) The Administration shall enter a GMO variety in the national catalogue only if meeting the conditions for entry specified in the preceding paragraph, and if the acceptance of such a variety in the national catalogue, or handling of the seeds and propagating material of such a variety, complies with the regulations governing GMO.

(3) Notwithstanding the provision of the first paragraph of this Article, the satisfactory values for cultivation and use shall not be required in respect of the following varieties:

- of grasses, if the varieties are not intended for the production of fodder,
- which are intended to be used solely as a genealogical component for the production of seeds and propagating material.

(4) In the case of grass varieties not intended for the production of fodder, the Administration may check the suitability of the variety as for the purpose indicated in the application by the applicant.

Article 41 **(distinctness, uniformity and stability of variety)**

(1) A variety applied shall be regarded as distinct if, on the day when the application duly made was lodged for its acceptance in the national catalogue, it is clearly distinguishable by at least one of the essential characteristics from any other variety of common knowledge in the Community. Such characteristics of the variety shall be clearly distinguishable and determinable.

(2) A variety shall be regarded to be of common knowledge in the Community if on the day when the application duly made was lodged for its acceptance in the national catalogue it is:

- indicated in the common catalogue of varieties of agricultural plant species, or in the common catalogue of varieties of vegetable species, or
- accepted or submitted for acceptance in the national catalogue in the Republic of Slovenia pursuant to this Act, or in any other EU Member State pursuant to Community regulations governing: common catalogue of varieties of agricultural plant species; marketing of vegetable seeds; or marketing of material for vegetative propagation of the vine;

except if before the decision on the inclusion of the variety in the national catalogue is accepted the variety has, in all EU Member States, ceased to meet the conditions specified hereabove in respect of a variety of common knowledge in the Community.

(3) A variety shall be regarded as uniform if, apart from aberrations that may be expected due to the distinctive features of the reproductive systems of the plants, it is sufficiently uniform in the expression of those characteristics, which are essential for the distinguishing from any other variety.

(4) A variety shall be regarded as stable if, after successive propagation or multiplications or at the end of each cycle (where the breeder has defined a particular cycle of propagation or multiplication) it remains true to the description of its essential characteristics.

Article 42 **(value of the variety for cultivation and use)**

(1) The value of a variety, submitted for acceptance in the national catalogue, for cultivation and use shall be regarded as satisfactory if, when compared to other varieties already accepted in the national catalogue, its qualities offer a clear improvement when applying a certain manner of cultivation or use of yield or of a product of the yield of such a variety.

(2) Notwithstanding the preceding paragraph, the value of the variety submitted for acceptance in the national catalogue shall also be considered as satisfactory for cultivation and use if individual characteristics are not as good as those of compared varieties, however superior characteristics of the submitted variety prevail.

Article 43 **(examination of varieties)**

(1) Distinctness, uniformity, stability, and the value for cultivation and use of the variety shall be examined by the means of variety examinations and laboratory and other tests (hereinafter referred to as: „examination of varieties“) under the prescribed procedures and methods. The prescribed quantity of seeds and propagating material for the examination of the variety shall be provided by the applicant.

(2) If the applicant indicates in the application that distinctness, uniformity and stability of the variety have already been examined in the Republic of Slovenia, or in one of the EU Member States, or in a third country to which the competent Community authority has recognised the equivalence of examinations of distinctness, uniformity and stability of varieties, re-examination shall not be necessary and the Administration shall itself obtain the final examination report.

(3) For the varieties which are GMO, the examination of varieties shall be carried out under the procedure pursuant to this Act and with due regard to the regulations governing GMO.

(4) Examination of varieties shall be carried out by a performer of examination of varieties appointed by the Administration pursuant to Article 76 of this Act.

(5) Notwithstanding the provision of the preceding paragraph, the examination of distinctness, uniformity and stability of varieties may also be performed by other performers, already performing such activity in another EU Member State, or in a third country to which the competent Community authority has recognised equivalence of examinations of varieties, and which have concluded an agreement with the Administration on cooperation in the examination of varieties.

(6) All costs arising in relation to the examination referred to in the first paragraph of this Article, and those arising in relation to obtaining the results of examination referred to in the second paragraph of this Article shall be borne by the applicant.

(7) The minister shall, in accordance with Community regulations, lay down the procedures and methods for the examination of varieties referred to in the first paragraph of this Article, including the characteristics of an individual agricultural species to be checked by means of examination, and the amount of costs of the examination referred to in the preceding paragraph.

Article 44 **(variety name)**

(1) Unless otherwise provided for in the regulations governing protection of new plant varieties, the name of variety may be any word, a combination of words, a combination of words and numbers, or a combination of letters and numbers. Variety name shall enable distinguishing the variety from any other commonly known variety of the same or related species. The variety name shall not be misleading as regards, in particular, the origin of the variety and its characteristics, and shall not be in contradiction to regulations governing trademarks or geographical origin.

(2) If the variety has already been protected or entered in the national catalogue in one of the EU Member States or in one of the signatories of the UPOV Convention, the variety shall be entered in the national catalogue in the Republic of Slovenia under the same name as it has been entered in the register of protected varieties or in the national catalogue in one of the stated countries, except if the variety name being in contradiction to the provisions of the first paragraph of this Article.

(3) Suitability of the proposed variety name for agricultural plant species and vegetable species shall be checked in accordance with Commission Regulation (EC) No. 930/2000 of 4 May 2000 establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species (OJ L No. 108 of 5 May 2000, p. 3), last amended by Commission Regulation (EC) No. 920/2007 of 1 August 2007 amending Regulation (EC) No 930/2000 establishing implementing rules as to the suitability of the denomination of varieties of agricultural plant species and vegetable species (OJ L No. 201 of 2 August 2007, p. 3). For other agricultural plant species, the minister shall specify the rules for checking the suitability of variety denomination, taking due account of the guidelines of international organisations and associations considering the protection of new plant varieties.

Article 45 **(appeal against the proposed variety name)**

(1) The Administration shall check the suitability of the proposed variety name and publish it in the official journal of the Administration referred to in Article 56 of this Act.

(2) Each person expressing legal interest may lodge an appeal against the proposed variety name with the Administration, however not later than within 60 days following the publication of such name. The appeal shall be in written form and substantiated.

(3) If the appeal is justified, the Administration shall call upon the applicant to submit a new proposed name of the variety within 60 days following the acceptance of the call.

Article 46 **(discussing the results of examination)**

(1) After the Administration have acquired the results of examination of the value of a variety for cultivation and use, it shall ask the varietal commission referred to in Article 59 of this Act to issue an expert opinion on whether the variety meets the conditions referred to in Article 42 of this Act.

(2) When the Administration establishes that the conditions specified in the first and second indents of the first paragraph of Article 40 of this Act are satisfied, the supplier shall be requested to, within the term not longer than 15 days, communicate personal name and place

of residence or whereabouts, or business name and registered office of the person responsible for the maintenance of the variety who shall be, during the period of validity of acceptance of the variety in the national catalogue, responsible for the maintenance of the variety and for providing that other obligations referred to in Article 48 of this Act are satisfied.

(3) If the supplier does not provide the Administration with the name of the person responsible for the maintenance of the variety within the specified term, the applicant shall be deemed to be the person responsible for the maintenance of the variety.

Article 47 (issue of decision)

(1) If a variety meets the conditions for acceptance in the national catalogue laid down in Article 40 of this Act, and the applicant has settled all costs in relation to the examination of the variety or in relation to obtaining the results of the examination, the Administration shall issue a decision on acceptance of the variety in the national catalogue. When the decision is issued, the following data shall be entered in the national catalogue:

- variety name,
- on the person responsible for the maintenance of the variety: personal name and place of residence or whereabouts; or business name and registered office,
- personal name and place of residence, or business name and registered office of the authorised person of the person responsible for the maintenance of the variety, if the residence or registered office of the latter are in a third country,
- on the period of acceptance of the variety in the national catalogue, if this is limited.

(2) On the issuing day of the decision, the varieties of agricultural plants and vegetables shall be entered in the national catalogue for the period until the end of the tenth calendar year following the year of acceptance of the variety in the national catalogue. Entry in the national catalogue of varieties of other agricultural plant species shall not be subject to any limitations.

(3) Notwithstanding the provision of the preceding paragraph, the minister shall limit entry in the national catalogue for varieties of fruit plants, if provided so by Community regulations.

(4) If the conditions laid down in the first paragraph of this Article are not met, the Administration shall refuse the acceptance in the national catalogue by a decision.

Article 48 (responsibilities of the person responsible for the maintenance of a variety)

(1) Pending the expiration of the period of validity of acceptance of the variety in the national catalogue, the person responsible for the maintenance of the variety shall provide for maintenance of the variety under the prescribed methods, or procedures and methods generally in force, in order to preserve uniformity and stability of the variety.

(2) The person responsible for the maintenance of the variety shall pay the fixed annual fee in respect of each variety accepted in the national catalogue. Such fee shall be paid to the Administration until 31 January at the latest for the current year of acceptance of the variety in the national catalogue. If the annual fee is also not paid within a subsequent time limit fixed by the Administration, which shall not be longer than three months following the receipt of the warning, such variety shall be deleted from the national catalogue.

(3) Upon the request of the Administration, the person responsible for the maintenance of the variety shall provide a sample of the seeds and propagating material free of charge and within the time limit fixed by the Administration which shall not be shorter than 30 days, for:

- checking whether the variety is maintained in such a manner that its uniformity and stability are maintained,
- preservation of standard sample or the renewal thereof.

(4) The amount of annual fee for the varieties accepted in the national catalogue shall be specified by the Government of the Republic of Slovenia. The annual fee shall represent budget revenue of the Republic of Slovenia.

(5) The minister may lay down the method for maintenance of the variety.

Article 49

(authorisation granted to other persons for maintenance of varieties)

(1) In addition to the person responsible for the maintenance of the variety, a variety accepted in the national catalogue may also be maintained by suppliers, if they are entered in the register of suppliers and having been issued an authorisation by the Administration.

(2) A supplier shall lodge the application for authorisation referred to in the preceding paragraph with the Administration. The application shall state in particular: personal name and place of residence or whereabouts, or business name and registered office of the supplier; his unique registration number; data on the variety.

(3) The supplier shall be issued an authorisation for maintenance of the variety by the Administration, if on the basis of the results of examination of a sample of seeds and propagating material, submitted by the supplier, and standard sample of the seeds and propagating material referred to in Article 58 of this Act, both samples are established to be identical. The Administration shall issue the authorisation for the period of validity of acceptance of the variety in the national catalogue.

(4) Aiming at preserving uniformity and stability of the variety, the supplier who has been issued authorisation specified in the first paragraph of this Article shall maintain the variety pursuant to the prescribed methods or under the procedures and methods generally in force, and fulfil other obligations of the person responsible for the maintenance of the variety specified in Article 48 of this Act.

(5) A supplier not meeting the obligations of the person responsible for the maintenance of a variety referred to in Article 48 of this Act shall be withdrawn the authorisation for maintenance of the variety by the Administration.

(6) Data on the supplier who has been issued the authorisation for maintenance of the variety shall be kept by the Administration in the national catalogue.

Article 50

(supervision of maintenance of a variety)

(1) The maintenance of a variety shall be supervised by the Administration by means of examining the variety according to the prescribed methods, in order to check whether uniformity and stability of the variety are preserved.

(2) A sample of the seeds and propagating material for examination of the variety referred to in the preceding paragraph shall be acquired by the Administration from:

- the certification authority, or
- the competent inspector, or
- the person responsible for the maintenance of the variety, or
- the supplier issued an authorisation for the maintenance of the variety.

(3) If, on the basis of the results of examination referred to in the first paragraph of this Article, the Administration finds the person responsible for the maintenance of the variety to not provide the maintenance of the variety in such a manner as to ensure uniformity and stability of the variety to be preserved, the Administration shall repeal the decision on entry of the variety in the national catalogue in compliance with the second indent of the first paragraph of Article 52 of this Act.

(4) If, on the basis of the results of examination referred to in the first paragraph of this Article, the Administration finds the supplier, who has been issued an authorisation for the maintenance of the variety in compliance with the first paragraph of the preceding Article, to not provide for the maintenance of the variety in such a manner as to ensure uniformity and stability of the variety to be preserved, the Administration shall withdraw the authorisation referred to in the first paragraph of the preceding Article.

(5) The minister shall lay down the methods of controlling the maintenance of the variety referred to in the first paragraph of this Article.

Article 51

(deletion of varieties from the national catalogue)

(1) On the expiry date of validity of acceptance of the variety in the national catalogue, the Administration shall delete such a variety from the national catalogue.

(2) The seeds and propagating material of the variety which has been deleted from the national catalogue pursuant to the preceding paragraph may be marketed until 30 June of the third year following the deletion from the national catalogue.

(3) Upon deletion from the national catalogue, the sample of seeds and propagating material of a domestic or domesticated variety shall be kept in the gene bank.

(4) The minister shall provide for when the variety is to be considered a domestic or domesticated variety referred to in the preceding paragraph of this Article.

Article 52

(revocation of decision on acceptance of varieties in the national catalogue)

(1) The Administration shall revoke the decision on acceptance of a variety in the national catalogue before expiry of the period of validity of acceptance in the national catalogue in the following cases:

- upon the request of the person responsible for the maintenance of the variety,

- *ex officio* if the person responsible for the maintenance of the variety failed to pay the annual fee fixed in the second paragraph of Article 48 of this Act, or if the person responsible for the maintenance of the variety has been established to not carry out the maintenance of the variety in such a manner as to ensure uniformity and stability of the variety to be preserved.

(2) The Administration shall issue a decision on revocation of the decision on acceptance of the variety in the national catalogue, on the basis of which the variety shall be deleted from the national catalogue. An appeal against any decision shall have no suspensory effect.

Article 53 (nullity)

(1) If the decision on the acceptance of a variety in the national catalogue is subsequently found to be grounded on false or fraudulent particulars as regards the variety, furnished by the applicant, the Administration shall declare such decision null and void.

(2) Invalidity shall be decided by the Administration issuing a decision on the basis of which the variety is deleted from the national catalogue. An appeal against any decision shall have no suspensory effect.

Article 54 (renewal of acceptance of a variety in the national catalogue)

(1) The person responsible for the maintenance of a variety shall, not later than two years before expiry of the period of validity of acceptance of the variety in the national catalogue, lodge an application with the Administration for the renewal of acceptance of the variety in the national catalogue. The application shall contain in particular: personal name and place of residence or whereabouts, or business name and registered office name of the person responsible for the maintenance of the variety; and the name of variety to which the application refers.

(2) Before issuing the decision, the Administration shall check, in accordance with the first paragraph of Article 50 of this Act, whether the person responsible for the maintenance of the variety is maintaining the variety in such a manner as to ensure uniformity and stability of the variety to be preserved.

(3) Providing that the condition referred to in the preceding paragraph is met, the Administration shall issue a decision on renewal of acceptance of the variety in the national catalogue.

(4) With the date of issue of the decision, acceptance of the variety of agricultural plants and vegetables in the national catalogue shall be renewed for the period of ten years as from the last day of validity of acceptance of the variety in the national catalogue.

(5) If, pending the expiry of validity of the decision on acceptance of the variety in the national catalogue, the Administration has not yet decided on the renewal of entry, however the application referred to in the first paragraph of this Article has been lodged in time, the Administration shall issue a temporary decision on the basis of which acceptance of the variety in the national catalogue is to be renewed until a decision is taken on the application for renewal.

(6) Notwithstanding the provision of the first paragraph of this Article, the application for renewal of acceptance of the variety in the national catalogue may also be lodged by the supplier, who has been issued authorisation for the maintenance of the variety by the Administration.

(7) The minister shall specify the content of the application referred to in the first paragraph of this Article.

Article 55

(exceptions with regard to acceptance in the national catalogue)

(1) Notwithstanding the provisions of Article 40 of this Act, also a variety may be accepted in the national catalogue with a view to maintaining biological diversity or sustainable use of plant genetic resources for agriculture, which does not satisfy all the conditions for acceptance if these are:

- conservation varieties,
- vegetable varieties with no intrinsic value for commercial vegetable production.

(2) The variety referred to in the preceding paragraph shall be accepted in the national catalogue by the Administration if, on the basis of the results of examination or on the basis of data of common knowledge acquired at propagation, production or use of such a variety, the variety is established to satisfy requisite conditions for entry.

(3) In the decision on acceptance of a conservation variety in the national catalogue, the Administration shall identify the region or regions in which the variety has historically been grown and to which it is naturally adapted (region of origin), and where such a variety may be maintained and produced, or the seeds and propagating material of such a variety may be marketed. Upon the proposal by the applicant or person responsible for the maintenance of the variety, the Administration may approve additional regions for production, provided that the seeds and propagating material of the conservation variety may not be produced in the region of origin due to a specific environmental problem. With no respect to the third paragraph of Article 44 of this Act, conservation variety name may in the national catalogue also be added by known synonyms.

(4) Upon entry in the national catalogue, a sample of the seeds and propagating material of the conservation variety shall be kept in the gene bank.

(5) Fruit varieties, the seeds and propagating material of which is marketed within the Republic of Slovenia before 30 September 2012 shall be, irrespective of the first paragraph of Article 40 of this Act, entered in the national catalogue if they are provided with an officially recognised description of the variety. The officially recognised description of the variety shall be the description attached by the applicant to the application for entry referred to in Article 39 of this Act, and which the Administration finds to include at least data on the essential properties which form the basis for distinguishing the applied variety from another commonly known variety of the same fruit species.

(6) The minister shall, pursuant to Community regulations, specify the conditions and procedure for acceptance of the variety in the national catalogue under this Article.

Article 56

(publications in the official journal of the Administration)

Data in relation to the entry of varieties in the national catalogue; issued decisions on the acceptance of varieties in the national catalogue; and other decisions of the Administration; the national catalogue and changes thereof; and other data concerning seed production shall be published by the Administration in the official journal of the Administration.

**Article 57
(keeping of documentation)**

(1) The Administration shall keep all documents, which based its decision on acceptance of a variety in the national catalogue, as well as descriptions of varieties listed in the national catalogue.

(2) The Administration shall keep the documents referred to in the preceding paragraph for at least two years following the issuance of the decision on refusing acceptance of the variety in the national catalogue, or for five years following deletion of a variety from the national catalogue.

(3) The Administration shall make available to each person, showing legitimate interest, insight in all documents referred to in the first paragraph of this Article, save for those containing confidential data.

**Article 58
(preservation of standard samples of seeds and propagating material of varieties)**

(1) A sample of the seeds and propagating material of the variety which is listed in the national catalogue and maintained in the Republic of Slovenia, or the seeds and propagating material of which is produced or officially certified, shall be preserved as standard sample.

(2) The person carrying out preservation of standard samples shall be appointed by the Administration pursuant to Article 76 of this Act.

(3) Preservation of standard samples of the seeds and propagating material of the variety shall be financed from the budget of the Republic of Slovenia.

**Article 59
(varietal commissions)**

(1) The Director of the Administration shall appoint varietal commissions in respect of individual species or groups of agricultural plants, consisting of the representatives of research and education institutions, the Chamber of Agriculture and Forestry of Slovenia, and the organisation of producers of agricultural plants.

(2) The Director of the Administration shall appoint members of varietal commissions on the basis of a public invitation.

(3) Varietal commissions shall have the following tasks in particular:

- interpretation of results of examination of a variety, and delivery of expert opinion referred to in the first paragraph of Article 46 of this Act,

- discussion of the proposed method of varietal examination referred to in the first paragraph of Article 43 and first paragraph of Article 60 of this Act,
- discussion and delivery of an expert opinion with regard to the proposed varieties to be included in special examination pursuant to the sixth paragraph of Article 60 of this Act,
- discussion of other matters concerning seed production; delivery of expert opinions or proposals.

(4) The method of approach of varietal commissions shall be laid down in a rulebook, confirmed by the Director of the Administration.

(5) Funds for covering the costs incurred in connection with the activities of varietal commissions, in particular fees and travel expenses of the members of varietal commissions, shall be provided by the Administration.

(6) The costs referred to in the preceding paragraph shall be specified by the Director of the Administration.

Article 60 **(special examination of varieties)**

(1) Certain species of agricultural plants which are important for production in the Republic of Slovenia shall be subjected to special examination of varieties, aiming at determining their value for cultivation and use in relation to different cultivation technologies or ecological conditions, in order to provide producers with the more detailed data on the characteristics of the variety.

(2) Special examination of varieties shall be carried out as public service in the field of seed production, following the prescribed procedures and methods, and in compliance with the programme adopted by the minister for the period of seven years.

(3) The program referred to in the preceding paragraph shall provide for as follows:

- the species of agricultural plants which are important for production in the Republic of Slovenia, and the locations where special examination of certain species of agricultural plants takes place,
- the intended number of varieties to be, within a certain year, included in the special examination for an individual species of agricultural plants, and the criteria for inclusion of a certain variety in the special examination, with regard to, in particular: the widespread and suitability of the variety for production within a certain area or at application of a certain technology; the intended use of such a variety; the duration of acceptance in the national catalogue,
- linking with other programmes in the field of agriculture.

(4) The programme referred to in the preceding paragraph shall also specify financial sources necessary for the carrying out of special examination of varieties.

(5) According to the programme referred to in the second paragraph of this Article, the Administration shall each year designate the varieties to be included in the special examination of varieties.

(6) When designating the varieties referred to in the preceding paragraph, the Administration

may take into account all proposals submitted by: the person responsible for the maintenance of the variety; the Chamber of Agriculture and Forestry of Slovenia; the organisation of producers; the cooperation; interest groups; and associations operating in the field of agriculture. Prior to designating the varieties, the Administration may acquire expert opinion from the varietal commission referred to in the preceding Article.

(7) The Administration may also include in the special examination other varieties, which have been proposed in compliance with the preceding paragraph and do not satisfy the criteria set out in the programme indicated in the second paragraph of this Article, provided that the provider of public service is paid by the applicant all costs incurred in connection with such special examination.

(8) On the basis of the results of special examination of varieties, the Administration shall compile a descriptive national catalogue to be published in the official journal of the Administration.

(9) The minister shall lay down the procedures and methods of special examination of a variety; more detailed manner of setting up and maintaining the descriptive national catalogue; and the amount of costs incurred in connection with such special examination of varieties to be paid by the applicant in relation to the seventh paragraph of this Article.

VIII. OBTAINING, USE AND EXCHANGE OF DATA AND INFORMATION

Article 61

(obtaining, use and communication of data)

(1) For keeping and maintaining the register of suppliers; the record of production of seeds and propagating material of agricultural plants; the national catalogue; and other records and databases kept in compliance with this Act, the Administration may obtain and use data, kept by the state bodies, public institutions and agencies, concessionaires, and other authorised bodies within the framework of the prescribed databases, from:

1. the register of agricultural holdings and the record of entities,
2. the register of actual use of agricultural land,
3. the register of spatial units,
4. the tax register (tax number),
5. the Central register of Population (personal name and place of residence or whereabouts; unique master citizen number),
6. the land cadastre (lot number, lot boundaries, surface, owner, manager, tenant),
7. the land register (ownership and tenant right to individual lots),
8. the Business Register of the Republic of Slovenia,
9. collections of customs data on import and export of agricultural seeds and propagating material,
10. the record of producers and processors of agricultural products or foodstuffs,
11. collections of statistical data in the field of agriculture and forestry in an aggregate form.

(2) The Administration may also make use of basic topographic plans, topographic maps, survey maps and digital orthophotographic plans.

(3) The manner of linking with other databases and the manner of acquiring data from other

databases shall be specified by the minister in agreement with the minister responsible for an individual database, and in compliance with the regulations governing an individual database.

(4) Data referred to in the first paragraph of this Article which are of the nature of personal data shall be communicated by the managers of databases in compliance with the provisions on the protection of personal data.

(5) The managers of databases, maps and digital orthophoto maps referred to in the first and second paragraphs of this Article shall communicate data to the Administration free of charge, however may charge direct material costs.

(6) The Administration shall protect data acquired in compliance with the first paragraph of this Article, and which are deemed a professional or tax secret, in compliance with the regulations governing such secrets.

(7) The Administration shall, within its competencies, link its databases with all databases maintained at the ministry.

Article 62 (communication of data)

(1) If other state bodies, holders of public authorisations, providers of public services, and other legal and natural persons, in order to carry out statutory tasks, express the need for a certain data from the register and records kept by the Administration pursuant to this Act, they shall be communicated such data by the Administration free of charge.

(2) By issuing public authorisation, the Administration may assign performers of the tasks referred to in the preceding paragraph to keep and regularly supplement certain records, registers and databases in compliance with this Act.

(3) The minister shall specify the manner of linking, the conditions for keeping registers, records and databases.

Article 63 (information system)

(1) The Administration shall ensure that the records, registers and databases kept by the providers of tasks in compliance with the second paragraph of the preceding Article are linked in an information system in the field of plant health and seed production, set up by the Administration.

(2) The Administration shall ensure that the information system in the field of plant health and seed production is linked with the information system of the ministry.

Article 64 (international exchange of data and information)

(1) The Administration shall, at the international level, exchange the following data and information in particular:

1. on the central responsible body;

2. on the bodies responsible for official certification of agricultural seeds and propagating material;
3. on the registered suppliers;
4. on the cultivation and marketing of agricultural seeds and propagating material in the Republic of Slovenia;
5. on the import of agricultural seeds and propagating material;
6. on the multiplication of agricultural seeds and propagating material in third countries;
7. on entry and deletion of varieties;
8. on the persons maintaining varieties in the Republic of Slovenia.

(2) Communication of data and information referred to in the preceding paragraph shall be subject to international conventions and agreements binding upon the Republic of Slovenia.

IX. COMPETENCIES OF STATE BODIES

1. Phytosanitary Administration of the Republic of Slovenia,

Article 65 (Administration)

(1) Administrative and organisational tasks, and the related professional tasks from the field of production, market preparation and marketing of agricultural seeds and propagating material, as well as listing of varieties in the national catalogue (hereinafter referred to as: „seed production“) shall be carried out by the Administration.

(2) As regards administrative matters which are decided by the Administration, the ministry shall be deemed a body of the second instance.

Article 66 (tasks and authorisations of the Administration)

(1) In the field of seed production, the Administration shall have the following tasks and authorisations in particular:

1. managing the procedure for entry into and deletion from the register of suppliers of agricultural seeds and propagating material; the procedure for the issue and withdrawal of authorisations for the issue of supplier's labels and certificates; the procedure for entry in and deletion of a variety from the national catalogue; and other administrative procedures in compliance with this Act,
2. managing the register of suppliers; the national catalogue; the descriptive national catalogue; and other records and lists in compliance with this Act,
3. establishing and managing the information system in the field of seed production,
4. granting concessions for the performance of public service in the field of seed production,
5. assigning public authorisations to the bodies for official certification of agricultural seeds and propagating material,
6. appointing inspectors, samplers, laboratories, and performers of examination of varieties of agricultural plants,
7. appointing persons to carry out preservation of standard samples of seeds and propagating material of a variety,

8. carrying out expert supervision over performing the tasks of public service,
9. publishing official and other announcements, instructions and notifications in the official journal of the Administration, and issuing publications from the field of seed production,
10. preparing reports, analysis, information and other documentation from the field of seed production for the bodies and international organisations to which the Republic of Slovenia is liable to report in compliance with the regulations and on the basis of international agreements,
11. cooperating with other bodies and organisations within the country and abroad within the scope of work,
12. representing the Republic of Slovenia in international bodies and organisations in the field of seed production,
13. cooperating in the European Commission committees (hereinafter referred to as: „Commission“) and European Union working parties, competent for agricultural seeds and propagating material,
14. demanding data in relation to the agricultural seeds and propagating material and other data in the field of seed production from bodies and organisations in other countries, and from the European Union Commission,
15. performing other tasks in the field of seed production.

(2) In addition to the tasks specified in the preceding paragraph, the Administration shall inform other EU Member States and the Commission on all procedures and measures carried out pursuant to this Act and the regulations issued on the basis thereof, with regard in particular to:

- the central responsible official body;
- the bodies responsible for official certification of agricultural seeds and propagating material;
- the bodies responsible for the supervision of suppliers and agricultural seeds and propagating material;
- the suppliers entered in the register of suppliers, and the suppliers having been issued an authorisation for issuing supplier’s labels and certificates;
- acceptance and deletion of varieties, and the persons maintaining varieties in the Republic of Slovenia;
- the cultivation and marketing of agricultural seeds and propagating material in the Republic of Slovenia;
- the import of agricultural seeds and propagating material;
- the multiplication of agricultural seeds and propagating material in third countries;
- the measures adopted by the Administration in view of limitations or prohibitions of marketing of agricultural seeds and propagating material;
- the bodies and institutions competent for maintaining and sustainable use of genetic resources for food and agriculture;
- the areas of origin of conservation varieties, and additional areas for the production of seeds and propagating material of conservation varieties.

(3) In addition to the tasks specified in the first and second paragraphs of this Article, the Administration shall also cooperate with experts appointed by the Commission (hereinafter referred to as: „Commission experts“) with the aim to perform on-the-spot controls to check a uniform application of Community regulations. Moreover, the Administration shall provide Commission experts with the necessary assistance in the carrying out the tasks assigned by the Commission, including the performance of examinations at the suppliers of seeds and propagating material.

2. Inspection supervision

Article 67 (inspection supervision)

(1) Carrying out of this Act and the regulations issued on the basis thereof shall be under inspection and supervision of phytosanitary and agricultural inspectors.

(2) The measures specified in this Act shall be ordered by the phytosanitary or agricultural inspector with a decision issued in an administrative procedure. An appeal against any decision shall have no suspensory effect.

(3) As regards administrative matters which are decided by the phytosanitary or agricultural inspector, the ministry shall be deemed a body of the second instance.

Article 68 (tasks and authorisations of inspectors)

(1) Under this Act and the regulations issued on the basis thereof, the phytosanitary inspector may, in addition to the authorisations granted under other regulations:

1. have access to the suppliers of agricultural seeds and propagating material, or to agricultural seeds and propagating material, at any time and at any place where this is produced, stored, prepared for market or marketed,
2. check whether the suppliers who are liable to be entered in the register of agricultural seeds and propagating material, are entered therein,
3. check whether the registered suppliers of agricultural seeds and propagating material provide responsible experts referred to in the third paragraph of Article 5 of this Act,
4. check whether suppliers meet the conditions of suppliers under this Act,
5. review documents and records at suppliers, which are kept and maintained by suppliers in relation to agricultural seeds and propagating material,
6. check whether the agricultural seeds and propagating material meets the prescribed requirements,
7. check whether the agricultural seeds and propagating material is packed and labelled in the prescribed manner,
8. check whether suppliers have been granted authorisations for issuing supplier's labels and certificates,
9. check whether suppliers are engaged in the production or marketing of seeds and propagating material of a conservation variety within the area specified in the decision on entry of such a variety in the national catalogue,
10. check whether suppliers are engaged in the production or marketing of seeds and propagating material of a conservation variety up to the maximum quantity,
11. take samples of agricultural seeds and propagating material at suppliers,
12. supervise carrying out of the orders referred to in Article 15.a of this Act,
13. carry out inspections of agricultural seeds and propagating material prior to import,
14. carry out supervision at providers of public service,
15. carry out supervision at holders of public authorisations under this Act, and also check whether the certification authority carries out supervision at the appointed inspectors, samplers and laboratories under official supervision pursuant to the sixth paragraph of Article 22.a of this Act,

16. carry out supervision at accredited laboratories, performers of examination of varieties, and persons carrying out preservation of standard samples,
17. have insight into registers and records necessary for carrying out the supervision in compliance with this Act,
18. supervise carrying out of measures under this Act,
19. perform other tasks in the field of seed production.

(2) Under this Act and the regulations issued on the basis thereof, the agricultural inspector may, in addition to the authorisations granted under other regulations:

1. have access to the suppliers marketing agricultural seeds and propagating material, or to agricultural seeds and propagating material placed on the market,
2. check whether the suppliers who are liable to be entered in the register of agricultural seeds and propagating material, are entered therein,
3. check whether suppliers have been granted authorisations for issuing supplier's labels and certificates,
4. review documents and records at suppliers which they keep and maintain in relation to agricultural seeds and propagating material,
5. check whether the agricultural seeds and propagating material placed on the market meets the prescribed requirements,
6. supervise carrying out of the orders referred to in Article 15.a of this Act,
7. check whether the agricultural seeds and propagating material is packed and labelled in the prescribed manner,
8. take samples of agricultural seeds and propagating material placed on the market;
9. have insight into registers and records necessary at carrying out the supervision in compliance with this Act,
10. supervise carrying out of measures under this Act.

Article 69 (measures of inspector)

(1) Under this Act and the regulations issued on the basis thereof, the phytosanitary inspector who carries out inspection supervision may with a decision:

1. prohibit the person not entered in the register of suppliers under this Act, but being liable to be entered therein under this Act, to perform marketing of agricultural seeds and propagating material,
2. order measures for the irregularities and deficiencies to be eliminated within the term fixed by himself,
3. temporarily prohibit carrying out the activities of the supplier, if suppliers are found to have ceased to meet the conditions for entry in the register of suppliers, or to have failed to meet the ordered measures for more than two times, and propose to the Administration to delete such suppliers from the register of suppliers,
4. order the irregularities to be eliminated, and until then, temporarily prohibit the marketing of agricultural seeds and propagating material which is not packed or labelled in the prescribed manner,
5. prohibit the marketing of agricultural seeds and propagating material to suppliers who issue supplier's labels and certificates without an Administration authorisation,
6. prohibit the marketing of agricultural seeds and propagating material, not satisfying the prescribed marketing requirements,
7. prohibit the production or marketing of agricultural seeds and propagating material of a conservation variety if this is produced or marketed outside the area laid down in the decision on entry of such a variety in the national catalogue,

8. prohibit the marketing of seeds and propagating material of a conservation variety exceeding the maximum permitted quantity,
9. pending the results of quality analysis of the seeds and propagating material based on the samples taken during an inspection are known, temporarily prohibit the marketing of a certain lot of agricultural seeds and propagating material, if there is a grounded suspicion that it does not comply with the prescribed requirements,
10. prohibit import of agricultural seeds and propagating material if the importing conditions as provided for with this Act are not satisfied,
11. propose to the Administration to withdraw the concession for carrying out public service from providers of public service if they do not carry out the assigned tasks, or not carrying out these in compliance with the prescribed conditions,
12. propose to the Administration to withdraw the public authorisation granted in compliance with this Act if holders of public authorisation do not carry out tasks in compliance with an agreement or regulations governing the carrying out of the tasks upon public authorisation,
13. propose to the Administration to repeal the decision on appointing an inspector, sampler or laboratory under official supervision for carrying out the tasks specified in points 1 or 3 of the fourth paragraph of Article 22 of this Act, if the appointed inspector, sampler or laboratory are found to not carry out their tasks in the prescribed manner,
14. propose to the Administration to repeal the decision on appointing the laboratory, performer of testing of varieties, or the person carrying out preservation of standard samples, if it fails to meet the prescribed conditions or contractual obligations,
15. carry out procedures pursuant to the act governing offences, or report a criminal offence,
16. order other measures in compliance with this Act or the regulations issued on the basis thereof.

(2) Under this Act and the regulations issued on the basis thereof, the agricultural inspector who carries out an inspection supervision may with a decision:

1. prohibit persons not entered in the register of suppliers but being liable to be entered therein under this Act, to perform marketing of agricultural seeds and propagating material,
2. order measures for the irregularities and deficiencies to be eliminated within the term fixed by himself,
3. temporarily prohibit suppliers to market agricultural seeds and propagating material, if they are found to have ceased to meet the conditions for entry in the register of suppliers, or to have failed to meet the ordered measures for more than two times, and propose to the Administration to delete such suppliers from the register of suppliers,
4. order the irregularities to be eliminated, and until then, temporarily prohibit the marketing of agricultural seeds and propagating material which is not packed or labelled in the prescribed manner,
5. prohibit the marketing of agricultural seeds and propagating material to suppliers who issue supplier's labels and certificates without an Administration authorisation,
6. prohibit the marketing of agricultural seeds and propagating material, not satisfying the prescribed marketing requirements,
7. carry out procedures pursuant to the act governing offences, or report criminal offence,
8. order other measures in compliance with this Act or with the regulations issued on the basis thereof.

X. PUBLIC SERVICES IN THE FIELD OF SEED PRODUCTION

Article 70 (activities and financing of public service)

- (1) Public service activity in the field of seed production shall be carried out in such forms as laid down in the act regulating agriculture, and in this Act.
- (2) The public service activity in the field of seed production shall be special examination of varieties for the descriptive national catalogue.
- (3) The public service referred to in the preceding paragraph shall be financed from:
 - the budget of the Republic of Slovenia;
 - other sources.
- (4) Providers of public service of special examination of varieties for the descriptive national catalogue shall earmark the funds from the budget of the Republic of Slovenia intended for the financing of public service, exclusively for the performance of such public service.
- (5) The minister may specify the tasks of public service referred to in the second paragraph of this Article.

Article 71 (performance of public services)

- (1) The tasks of public service of special examination of varieties for the descriptive national catalogue shall be carried out by public institutes which operate in the field of agriculture; by persons of public law; by legal or natural persons granted a concession (hereinafter referred to as: „concession holders“), provided to meet the prescribed personnel and spatial conditions as well as conditions in relation to equipment.
- (2) The minister shall specify the conditions laid down in the preceding paragraph.

Article 72 (concession)

- (1) The Administration shall grant, for a specified period, a concession for the performance of public service of special examination of varieties for the descriptive national catalogue to the providers referred to in the first paragraph of the preceding Article, on the basis of public tenders published in the Official Gazette of the Republic of Slovenia.
- (2) The public tender referred to in the preceding paragraph shall contain in particular:
 - determination of the subject and scope of concession;
 - indication of the commencement and term of the concession;
 - the conditions to be met by the concession holder;
 - obligatory components of the application;
 - selection criteria;
 - indication of the time limit for issuing a decision on the selection for granting the concession;
 - other eventual professional and technical conditions;

- contact person for providing information in relation to the content of public tender;
- date, place and time of the opening of applications;
- the manner of informing candidates on the selection of concession holders.

(3) The procedure for opening and evaluating the applications shall be carried out by a commission appointed by the Director of the Administration. At opening the applications, also authorised representatives of applicants may be present.

(4) The applications not arriving on time shall be rejected. In the case of incomplete applications, the applicants may complete these within eight days following the day of acceptance of the call for completion, otherwise the applications are rejected, on which the applicants are to be warned.

(5) The results of the public tender shall be published in the Official Gazette of the Republic of Slovenia.

(6) The public tender referred to in the first paragraph of this Article shall not be necessary for public institutions operating in the field of agriculture, which shall be, upon application, granted performance of public service in the field of special examination of varieties for descriptive national catalogue by the Administration, issuing a decision in an administrative procedure.

(7) Mutual relationships between the Administration and the concession holder shall be settled by means of a contract.

(8) No appeal may be lodged against the decisions referred to in this Article; however, a contentious administrative matter is possible.

(9) The minister shall provide for the period indicated in the first paragraph of this Article.

Article 73 (contract)

(1) The contract referred to in the preceding Article shall be concluded in writing and shall contain in particular:

- the performer and experts to carry out the activities;
- the tasks of public service in the field of seed production, carried out by the provider;
- the manner and conditions for carrying out tasks specified in the contract;
- the rights, obligations and liabilities of concession holder;
- the commencement and duration of the concession;
- the source of financing;
- the supervision over carrying out the tasks of public service;
- the termination of concession;
- the cancellation term of the contract.

(2) If the concession holder is not carrying out the tasks which he is obliged to, or not carrying these out in compliance with the prescribed conditions, the Administration shall withdraw the concession, specified in the previous Article, by a decision.

Article 74 (supervision over carrying out public service)

(1) Expert supervision over the carrying out tasks of public service in the field of special examination of varieties for the descriptive national catalogue shall be performed by the Administration.

(2) The Administration may assign the tasks of expert supervision referred to in the preceding paragraph to other legal or natural persons as a public authorisation.

XI. PUBLIC AUTHORISATIONS; APPOINTMENT OF LABORATORIES AND PERFORMERS OF EXAMINATION OF VARIETIES AND OF KEEPING OF STANDARD SAMPLES

Article 75 (public authorisations)

(1) In order to carry out the tasks specified in Article 22 of this Act, Articles 23 to 27 of this Act, Article 35 of this Act, and in the second paragraph of the preceding Article, the Administration shall grant public authorisations to legal or natural persons satisfying the prescribed conditions as regards professional, spatial and technical qualifications, as well as other conditions for the carrying out of tasks upon public authorisation.

(2) The Administration shall grant the public authorisation for carrying out the tasks specified in the first paragraph of this Article on the basis of a public tender.

(3) Meeting the conditions specified in the first paragraph of this Article shall be checked by the commission appointed by the Director of the Administration.

(4) The Administration shall establish the meeting of such conditions by issuing a decision in an administrative procedure, and grant a public authorisation to the person meeting the conditions laid down in the first paragraph of this Article (hereinafter referred to as: „holder of public authorisation“). For carrying out certain tasks specified in the first paragraph of this Article, experts shall be appointed by a decision.

(5) Public institutions operating in the field of agriculture shall not be liable to be subject to the public tender indicated in the second paragraph of this Article, if meeting the prescribed conditions as regards professional, spatial and technical qualifications, and the conditions for carrying out the tasks under public authorisation. Such institutions shall be granted public authorisations on the basis of an application, by issuing a decision in an administrative procedure.

(6) No appeal may be lodged against the decision referred to in the fourth and fifth paragraphs of this Article; however, a contentious administrative matter is possible.

(7) For carrying out the tasks for which they were granted public authorisations, the holders of public authorisations shall be responsible to the Administration.

(8) The public authorisation shall cease to be valid if the holder of such public authorisation no longer meets the prescribed conditions, or acts in the contrary to the regulations, which is established by the Administration issuing a decision in an administrative procedure.

(9) Carrying out the tasks under public authorisation shall be financed from the budget of the Republic of Slovenia, save as otherwise provided for in this Act.

(10) The conditions with regard to professional, spatial and technical qualifications, and the conditions for carrying out the tasks under public authorisation referred to in the first paragraph of this Article, shall be laid down by the minister.

Article 76

(appointment of laboratories, performers of examination of varieties, and of persons carrying out preservation of standard samples)

(1) Laboratories for the carrying out diagnostic examinations and other tests of agricultural seeds and propagating material; the persons performing examinations of varieties; and the persons carrying out the storage of standard samples of seeds and propagating material of a variety, shall be appointed by the Administration upon public tender. As regards professional, spatial and technical qualifications, the laboratories, the performers of examination of varieties, and the persons carrying out the storage of standard samples shall be liable to meet the prescribed requirements.

(2) A decision on the accreditation of laboratories for carrying out diagnostic examinations and other examinations of agricultural seeds and propagating material (hereinafter referred to as: „appointed laboratories“); on the appointment of performers of examination of varieties; and on the appointment of persons carrying out the storage of standard samples, shall be issued by the Administration after the public tender.

(3) Laboratories, performers of examination of varieties, and persons carrying out the storage of standard samples which are public institutions operating in the field of agriculture, shall not be necessary to be subject to the public tender referred to in the first paragraph of this Article. These shall be appointed by the Administration on the basis of an application with a decision in an administrative procedure, provided that they meet the prescribed requirements.

(4) Mutual relationships shall be settled by contracts, concluded between the Administration and the accredited laboratories, performers of examination of varieties, and persons carrying out the storage of standard samples referred to in the second paragraph of this Article.

(5) The appointment referred to in the second paragraph of this Article shall be cancelled with a decision issued by the Administration, if the appointed laboratories, or performers of examination of varieties, or persons carrying out storage of standard samples referred to in the second paragraph of this Article, cease to satisfy the prescribed conditions, or if they are found to not carry out the contractual obligations.

(6) The conditions with regard to professional, spatial and technical qualifications which are to be met by laboratories for carrying out diagnostic examinations and other examinations of agricultural seeds and propagating material, by performers of examination of varieties, and by persons carrying out the storage of standard samples of seeds and propagating material of a variety, shall be provided for by the minister.

XII. PENALTY PROVISIONS

Article 77
(violations)

(1) A fine in the amount between EUR 800 to 25,000 shall be imposed for an infringement on a legal entity which is liable for entry in the register of suppliers, or independent entrepreneur who is liable for entry in the register of suppliers if:

1. he is engaged in the production, market preparation, or marketing of agricultural seeds and propagating material, however not being entered in the register of suppliers (the first paragraph of Article 5),
2. placing on the market agricultural seeds and propagating material in the contrary to Article 10 of this Act,
3. supplying agricultural seeds and propagating material that is not finally certified, in the contrary to Article 1 of this Act,
4. placing on the market agricultural seeds and propagating material which does not comply with the requirements as regards variety referred to in Article 12 of this Act,
5. placing on the market a seed mixture which does not comply with the requirements laid down in Article 16 of this Act,
6. acting contrary to point 1 of the second paragraph of Article 19 of this Act;
7. acting contrary to point 2 of the second paragraph of Article 19 of this Act;
8. acting contrary to point 3 of the second paragraph of Article 19 of this Act;
9. acting contrary to point 4 of the second paragraph of Article 19 of this Act;
10. acting contrary to point 6 of the second paragraph of Article 19 of this Act;
11. acting contrary to point 7 of the second paragraph of Article 19 of this Act;
12. issuing supplier's labels or certificates of agricultural seeds and propagating material without an authorisation by the Administration, contrary to the first paragraph of Article 20 of this Act.

(2) A fine in the amount between EUR 1,500 to 50,000 shall be imposed for an infringement referred to in the preceding paragraph on a legal entity which is liable for entry in the register of suppliers and is, under the act governing companies, considered to be a medium-sized or large company.

(3) A fine in the amount between EUR 500 to 10,000 shall be imposed for an infringement referred to in the first paragraph of this Article on an individual who performs the activity independently and is liable for entry in the register of suppliers.

(4) A fine in the amount between EUR 150 to 3,000 shall also be imposed for an infringement referred to in the first paragraph of this Article on a responsible person of a legal entity, or a responsible person of an independent entrepreneur.

Article 78
(other violations)

(1) A fine in the amount between EUR 600 to 15,000 shall be imposed for an infringement on a legal entity or independent entrepreneur:

1. if acting contrary to the order issued by the minister referred to in Article 15.a of this Act;
2. if supplying agricultural seeds and propagating material to the persons referred to in point 4 of the first paragraph of Article 18 of this Act, without the permission of the Administration referred to in the third paragraph of Article 18 of this Act;

3. if he is not liable for entry in the register of suppliers, and is engaged in the distribution and sale of agricultural seeds and propagating material in original packaging, however not keeping records or evidence on the supply and sale or purchase of the agricultural seeds and propagating material (point 5 of the second paragraph of Article 19);
4. if not using financial sources as provided for in the fourth paragraph of Article 70 of this Act.

(2) A fine in the amount between EUR 1,000 to 30,000 shall be imposed for an infringement referred to in the preceding paragraph on a legal entity which is, under the act governing companies, considered to be a medium-sized or large company.

(3) A fine in the amount between EUR 400 to 8,000 shall be imposed for an infringement referred to in the first paragraph of this Article on an individual who performs the activity independently and is liable for entry in the register of suppliers of agricultural seeds and propagating material.

(4) A fine in the amount between EUR 100 to 2,000 shall also be imposed for an infringement referred to in the first paragraph of this Article on a responsible person of a legal entity, or a responsible person of an independent entrepreneur.

(5) A fine in the amount between EUR 75 to 750 shall be imposed on an individual for an infringement referred to in the first paragraph of this Article.

The Agricultural Seeds and Propagating Material Act– ZSMKR (Official Gazette of the Republic of Slovenia, No. 58/02) contains the following transitional and final provisions:

XIII. TRANSITIONAL AND FINAL PROVISIONS

Article 79 – ZdZPKG and ZSMKR-A taken into consideration (special provisions)

- (1) With effect from the date of accession of the Republic of Slovenia to the European Union:
 1. a supplier shall be considered to be entered in the register of suppliers if he is registered as supplier in an EU Member State,
 2. agricultural seeds and propagating material produced in one of the EU Member States shall be considered to meet the marketing requirements under this Act if meeting the marketing requirements in respect of agricultural seeds and propagating material, provided for with Community regulations that govern the marketing of agricultural seeds and propagating material;
 3. the seeds and propagating material of a variety may be produced and marketed in the Republic of Slovenia which has been, pursuant to Community regulations, entered in the common catalogue of varieties of agricultural plant species or in the common catalogue of varieties of vegetable species;
 4. the Administration may permit marketing of agricultural seeds and propagating material referred to in Article 15 of this Act upon a prior permission issued by the competent Community authority.

Article 80 – ZSMKR-A taken into consideration (deleted)

Article 81
(entry in the register)

(1) The persons referred to in the second paragraph of Article 5 of this Act who are at the time of this Act taking effect, listed in:

- the register of producers or processors of seeds and plants in compliance with Article 18 of the Seeds and Propagating Material Act (Official Gazette of the SRS, No. 42/73 and 29/86, hereinafter referred to as: „ZSemS“),
- the register of producers, processors, importers, and distributors of plants, plant products and regulated articles in accordance with Articles 19 and 20 of the Plant Health Act (Official Gazette of the Republic of Slovenia, No. 45/01), shall *ex officio* be entered in the register of suppliers if providing data to the Administration specified in Article 7 of this Act, within one year from the entry into force of this Act at the latest.

(2) The persons referred to in the first item of the preceding paragraph may perform the activities of suppliers in accordance with this Act, for a period not exceeding one year from the entry into force of this Act.

(3) The procedures for entry in the register of producers and processors which are upon entry into force of this Act carried out under the ZsemS shall be continued under this Act.

Article 82
(marketing of agricultural seeds and propagating material)

The agricultural seeds and propagating material which has been, until the entry into force of this Act produced, processed, packed and declared in compliance with the ZSemS, may be marketed until 30 June 2004.

Article 83
(entry and deletion of varieties)

(1) The procedures for entry of varieties in the national catalogue which are, from the entry into force of this Act, conducted pursuant to the Certification of New Species, Permits for Introduction of Foreign Species and Protection of Species of Agricultural and Forestry Plants Act (Official Gazette of the SFRY, No. 38/80 and 82/90) shall be continued under this Act.

(2) If this Act does not provide for the compulsory entry of a variety in the national catalogue, the applicant may withdraw the request for entry of the variety in the national catalogue.

(3) The varieties which are at the time of this Act taking effect listed in the national catalogue, kept in compliance with the Certification of New Species, Permits for Introduction of Foreign Species and Protection of Species of Agricultural and Forestry Plants Act (Official Gazette of the SFRY, No. 38/80 and 82/90), shall remain listed therein until 31 December 2004 at the latest.

(4) The persons entitled to apply a variety in the national catalogue in compliance with Article 38 of this Act may, in respect of varieties referred to in the preceding paragraph, lodge an application with the Administration for entry of the variety in the national catalogue kept under this Act, within one year after this Act takes effect, at the latest.

(5) If the variety is found to satisfy the conditions set out in the first or second indents of the first paragraph of Article 40 of this Act, and if the applicant submits data on the person responsible for the maintenance of the variety, the Administration shall issue a decision on listing the variety referred to in the third paragraph of this Article in the national catalogue.

(6) If the conditions referred to in the preceding paragraph are found as not satisfied, the Administration shall, by a decision, reject the application for entry of the variety in the national catalogue, kept in compliance with this Act.

(7) After expiry of the period specified in the third paragraph of this Article, the varieties shall be deleted from the national catalogue by the Administration, issuing a decision *ex officio*.

(8) Notwithstanding the provision of the preceding paragraph, the Administration shall enter a domestic or domesticated variety referred to in the third paragraph of this Article in the national catalogue as a conservation variety if the conditions, laid down in Article 55 of this Act, are met.

(9) A sample of seeds and propagating material of the domestic or domesticated variety which has been deleted from the national catalogue on the basis of the seventh paragraph of this Article, and of the variety which has been entered in the national catalogue as a conservation variety on the basis of the preceding paragraph, shall be stored in the gene bank.

(10) Seeds and propagating material of agricultural and vegetable varieties, which are on the day of accession of the Republic of Slovenia to the European Union entered in the national catalogue pursuant to the third paragraph of this Article, and are found to not meet the conditions for entry in the common catalogue of varieties of agricultural plant species or common catalogue of varieties of vegetable species pursuant to provisions of Council Directive 2002/53/EC (OJ L, 20 July 2002), as amended, and 2002/55/EC (OJ L, 20 July 2002), as amended, may be marketed until not later than 1 May 2009. The labels and certificates marking or accompanying the seeds and propagating material of such varieties shall clearly indicate that the marketing is only allowed within the territory of the Republic of Slovenia.

Article 84

(time limit for the issue of regulations on the basis of this Act)

The regulations on the basis of this Act shall be issued within 18 months after this Act takes effect at the latest, except for the regulations on the basis of Articles 5, 6, 7, 9 and 39 of this Act, which shall be issued within six months after this Act takes effect.

Article 85

(regulations which are valid or apply until the issue of new regulations)

Until entry into force of the regulations issued on the basis of this Act, the following regulations shall be valid or apply:

1. Rules on quality standards, packaging, sealing and declaring of propagating and planting material of agricultural plants (Official Gazette of the SFRY, No. 45/75 and 26/79);

2. Rules on the quality of seeds of agricultural plant species (Official Gazette of the SFRY, No. 47/87, 60/87, 55/88 and 81/89, and Official Gazette of the Republic of Slovenia, No. 1/95, 59/99 and 111/2000);
3. Rules on the certification of health status and the quality of seed potato and trade in seed potato (Official Gazette of the Republic of Slovenia, No. 111/2000);
4. Rules on the conditions for production, processing and marketing of agricultural seeds and propagating material (Official Gazette of the SRS, No. 36/74);
5. List of organisations of associated labour authorised to exercise expert control of the selection of mother plants for fruit growing, vine growing and hop growing (Official Gazette of the SRS, No. 24/75);
6. Rules on the uniform control measures for multiplication of agricultural seeds (Official Gazette of the SRS, No. 36/74, and Official Gazette of the Republic of Slovenia, No. 111/00);
7. Regulation on the method for selection and approval of mother plants, and on the uniform control of production of propagating material (Official Gazette of the SRS, No. 36/74);
8. Decision on the organisations of associated labour authorised to issue certificates on the quality of seeds of agricultural plants intended for export (Official Gazette of the SFRY, No. 67/80);
9. Decision on the organisations of associated labour authorised to issue certificates on the quality of planting material of agricultural plants intended for export (Official Gazette of the SFRY, No. 67/80 and 62/81);
10. Decision on the designation of the Agricultural Institute of Slovenia, Hacquetova 17, Ljubljana to perform professional tasks in the field of examination of varieties and preservation of samples of propagating material of agricultural plants (Official Gazette of the Republic of Slovenia, No. 35/00);
11. Rules on data and information to be stated in the request for certification of new varieties (cultivars) or for permitted introduction of a foreign variety (cultivar) of agricultural and forest plants, and on variety denomination (Official Gazette of the SFRY, No. 56/89);
12. Rules on the register of new domestic varieties or on register of foreign varieties of agricultural and forest plants allowed for introduction (Official Gazette of the SFRY, No. 56/89);
13. Order on costs relating to the procedure of approving new domestic varieties and/or for permits for introduction of foreign varieties (Official Gazette of the Republic of Slovenia, No. 11/94, 14/95, 9/96, 8/97, 27/98 and 14/00);
14. List of approved domestic varieties of agricultural plants and foreign varieties of agricultural plants allowed to be introduced into the Republic of Slovenia, and of domesticated varieties of agricultural plants allowed to be traded in the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 59/01 and 42/02);
15. List of varieties to be deleted from the list of certified domestic varieties of agricultural plants and of foreign varieties of agricultural plants, whose introduction into the Republic of Slovenia was permitted (Official Gazette of the Republic of Slovenia, No. 71/00);
16. List of varieties to be deleted from the list of domestic and domesticated foreign varieties of agricultural plants, production of which in the Republic of Slovenia is justified (Official Gazette of the Republic of Slovenia, No. 71/00).

Article 86
(regulations which are no longer valid or cease to apply)

(1) With the effective date of this Act, provisions of the Seeds and Propagating Material Act (Official Gazette of the SRS, No. 42/73 and 29/86) which refer to seeds and plants of agricultural plants shall no longer be valid.

(2) With the effective date of this Act, the following documents shall no longer be valid:

1. National catalogue for fruit plants and vine (Official Gazette of the SRS, No. 18/76, 12/77 and 12/79);
2. Order on the designation of the Agricultural Institute of Slovenia in Ljubljana for conducting examinations of seeds and propagating material (Official Gazette of the Republic of Slovenia, No. 13/58);
3. List of varieties to be deleted from the register of new varieties or from the record of foreign varieties of agricultural plants, whose introduction in the Republic of Slovenia is permitted (Official Gazette of the Republic of Slovenia, No. 3/97).

(3) With the effective date of this Act, the following documents shall cease to apply in relation to agricultural plants:

1. Certification of new varieties, permits for introduction of foreign varieties and protection of varieties of agricultural and forestry plants act (Official Gazette of the SFRY, No. 38/80 and 82/90, and Official Gazette of the Republic of Slovenia, No. 4/91, 86/98);
2. Ordinance on the consent to the Act on Certification of New Species, Permitting of the Introduction of New Species and the Protection of Species of Agricultural and Forestry Plants -Amendment (Official Gazette of the Republic of Slovenia, No. 4/91).

(4) With the effective date of this Act, the following documents shall cease to apply:

1. Rules on uniform method for the examination of varieties of ornamental deciduous and coniferous trees at a trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in the laboratory (Official Gazette of the SFRY, No. 9/89);
2. Rules on the uniform method for examination of varieties of valerian and of Angelika at the trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 14/89);
3. Rules on the uniform method for examination of varieties of basil, savoury and sweet marjoram at the trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 14/89);
4. Rules on the uniform method for examination of varieties of hyssop, thyme, peppermint, lemon balm and tarragon at the trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 14/89);
5. Rules on the uniform method for examination of varieties of chamomile at the trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 14/89);
6. Rules on the uniform method for examination of varieties of florence fennel, white mustard, coriander and caraway at the trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 14/89);
7. Rules on the uniform method for examination of coniferous and deciduous species of shrubs, semi-shrubs, climbing plants and lianas at the trial field and in a laboratory and

- on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 14/89);
8. Rules on the uniform method for examination of varieties of flowers – pot plants at the trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 23/89);
 9. Rules on the uniform method for examination of varieties of annual and two-year (seasonal) flowers at the trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 23/89);
 10. Rules on the uniform method for examination of varieties of perennial flowers at the trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 23/89);
 11. Rules on the uniform method for examination of varieties of flowers of bulbs, tubers and rhizomes at the trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 23/89);
 12. Rules on the uniform method for examination of varieties of cut flowers at the trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 23/89);
 13. Rules on the uniform method for examination of varieties of roses and rootstock at the trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field and in a laboratory (Official Gazette of the SFRY, No. 23/89);
 14. Order on non-variety seeds and allowed mixture of agricultural seeds which may be placed on the market (Official Gazette of the SFRY, No. 25/66 and 7/67);
 15. Rules on quality standards and other conditions of trade in agricultural planting material (Official Gazette of the SFRY, No. 53/67);
 16. Rules on quality standards for individual species of agricultural seeds and other conditions of trade and the uniform method of their analysis (Official Gazette of the SFRY, No. 25/66, 32/66);
 17. List of approved new domestic varieties (cultivars) of agricultural plants in the SFR Yugoslavia (Official Gazette of the SFRY, No. 20/91, Official Gazette of the Republic of Slovenia, No. 31/97);
 18. Rules on the method of and the procedure for the approval of new varieties of agricultural plants (Official Gazette of the SFRY, No. 36/66, 1/70);
 19. Rules on the method of and the procedure for the approval of a new cultivated variety of propagating material and for the permission of introduction of foreign varieties of propagating material in fruit-, vine- and hop-growing (Official Gazette of the SFRY, No. 19/71);
 20. Trade in Seeds Material Act (Official Gazette of the SFRY, No. 27/54).

Article 87

This Act shall take effect fifteen (15) days after publication in the Official Gazette of the Republic of Slovenia.

Act amending the Agricultural Seeds and Propagating Material Act– ZSMKR-A (Official Gazette of the Republic of Slovenia, No. 86/04) contains the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 59

(temporary exemptions for small packages)

Notwithstanding the provision of the second paragraph of Article 14.a and tenth paragraph of Article 83 of this Act, the seeds of vegetable and ornamental plants in small packages may continue to be marketed within the Republic of Slovenia until stocks of packaging are exhausted, however not later than 31 December 2005, provided to bear a label indicating at least the following information:

- on the supplier: personal name and place of residence or whereabouts; or business name and registered office; or supplier's unique registration number on entry in the register of suppliers,
- on the agricultural seeds and propagating material: species, variety, or for ornamental plants: denomination of the group of plants, lot number, germination of the seed;
- on the treatment with plant protection or other chemical products.

Article 60

(temporary exemptions as regards authorisations for the issue of supplier's labels and certificates)

(1) Suppliers who are, at the time when this Act enters into force, entered in the register of suppliers for the production, market preparation, placing on the market, or import of seeds and propagating material of fruit plants, ornamental plants and vegetable plants pursuant to Article 7 of this Act, and issue supplier's labels and certificates, may continue to issue these until not later than 31 December 2005.

(2) The Administration shall issue *ex officio* to the suppliers referred to in the preceding paragraph authorisations for the issue of supplier's labels and certificates referred to in the first paragraph of Article 20 of this Act, if they have provided the Administration until 30 September 2005 at the latest with the proof on having met the obligations specified in points 1, 2 and 3 of the second paragraph of Article 19 of this Act, and with a model of supplier's labels and certificate they issue.

Article 61

(implementation of penalty provisions)

(1) Provisions of the third and sixth paragraphs of Article 53 of this Act shall apply as from the entry into force of the General Offences Act (Official Gazette of the Republic of Slovenia, No. 7/03).

(2) The fees set out in Articles 55 and 56 of this Act shall be, until entry into force of the General Offences Act, in the violations procedure imposed as pecuniary penalties, in the amount of fees as laid down in this Act.

(3) Provisions of the third paragraph of Article 55 and third paragraph of Article 56 of this Act, regulating the fines imposed on violations committed by a responsible person of an

independent entrepreneur, shall apply as from the entry into force of the General Offences Act.

Article 62
(regulations which are no longer valid or cease to apply)

- (1) With the effective date of this Act, the following documents shall no longer be valid:
- Decision on the designation of the Agricultural Institute of Slovenia, Hacquetova 17, Ljubljana to perform professional tasks in the field of examination of varieties and preservation of samples of propagating material of agricultural plants (Official Gazette of the Republic of Slovenia, No. 35/00);
 - List of approved domestic varieties of agricultural plants and foreign varieties of agricultural plants permitted to be introduced into the Republic of Slovenia, and of domesticated varieties of agricultural plants permitted to be traded in the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 59/01 and 42/02).
- (2) With the effective date of this Act, the Decision on the organisations of associated labour authorized to issue certificates on the quality of seeds of agricultural plants intended for export (Official Gazette of the SFRY, No. 67/80) shall cease to apply.
- (3) With the effective date of this Act, provisions of the following regulations shall cease to apply, except for those referring to seeds and plants of forest plants:
- Rules on uniform method for the examination of varieties of forest coniferous trees at a trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field (Official Gazette of the SFRY, No. 9/89, Official Gazette of the Republic of Slovenia, No. 58/02, 85/02-corr.);
 - Rules on uniform method for the examination of varieties of forest deciduous trees at a trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field (Official Gazette of the SFRY, No. 9/89, Official Gazette of the Republic of Slovenia, No. 58/02, 85/02-corr.);
 - Rules on uniform method for the examination of varieties of poplar and willow trees at a trial field and in a laboratory and on the uniform method for the processing of the results of examination acquired at the trial field (Official Gazette of the SFRY, No. 9/89, Official Gazette of the Republic of Slovenia, No. 58/02, 85/02-corr.);
 - Rules concerning the quality norms and other conditions for marketing of forest planting stock (Official Gazette of the SFRY, No. 45/68, 47/68-amendment, Official Gazette of the Republic of Slovenia, No. 58/02, 85/02-corr.);
 - Rules on quality standards and other conditions of trade in forest seeds and the uniform method of their analysis (Official Gazette of the SFRY, No. 45/68, Official Gazette of the Republic of Slovenia, No. 58/02, 85/02-corr.);
 - Rules on the method and procedure for the approval of new indigenous and domesticated selected foreign forest reproductive material and on the procedure required for obtaining the permission of introduction of foreign forest reproductive material (Official Gazette of the SFRY, No. 45/68, Official Gazette of the Republic of Slovenia, No. 58/02, 85/02-corr.);
 - Rules on the conditions for the approval of forest reproductive material (Official Gazette of the SFRY, No. 45/68, Official Gazette of the Republic of Slovenia, No. 58/02, 85/02-corr.);
 - Rules on the procedure for the approval of new selection of forest seeds (Official Gazette of the SFRY, No. 30/67, Official Gazette of the Republic of Slovenia, No. 58/02, 85/02-corr.);

- Order on trade in forest seeds other than selected or normal seeds (Official Gazette of the SFRY, No. 3/69, Official Gazette of the Republic of Slovenia, No. 58/02, 85/02-corr.);
- Order on the amount of costs of the proceeding for the introduction of a foreign variety of agricultural and forest plants (Official Gazette of the SFRY, No. 30/91, Official Gazette of the Republic of Slovenia, No. 58/02, 85/02-corr.).

(4) With the effective date of this Act, the provisions of the Certification of New Varieties, Permits for Introduction of Foreign Varieties and Protection of Varieties of Agricultural and Forestry Plants Act (Official Gazette of the SFRY, No. 38/80 and 82/90, Official Gazette of the Republic of Slovenia, No. 4/91, 86/98, 58/02, 85/02-corr.) shall cease to apply, except for the provisions relating to the protection of new varieties of agricultural and forest plants, seeds and seedlings of agricultural plants, and forest seeds and seedlings.

Article 63

This Act shall take effect fifteen (15) days after publication in the Official Gazette of the Republic of Slovenia.

Act amending the Agricultural Seeds and Propagating Material Act– ZSMKR-B (Official Gazette of the Republic of Slovenia, No. 41/09) contains the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 40

The provisions of Article 12 of the Act that refer to fruit plant varieties shall come into force on 30 September 2012; until then, provisions of Article 12 of the Act that refer to varieties of ornamental plants shall apply *mutatis mutandis* in respect of fruit plant varieties.

Article 41

The third paragraph of Article 13 of the Act shall come into force on 30 September 2012.

Article 42

Conservation varieties entered in the national catalogue under the Agricultural Seeds and Propagating Material Act (Official Gazette of the Republic of Slovenia, No. 25/05 – official consolidated text) shall remain listed therein; however, the Administration shall, within the period of two years, determine *ex officio* the areas pursuant to the third paragraph of Article 55 of the Act where such varieties may be produced or marketed. If the Administration cannot obtain data necessary for determining the areas, it can make a request to the person maintaining the conservation variety.

Fruit plant varieties entered in the national catalogue under the Agricultural Seeds and Propagating Material Act (Official Gazette of the Republic of Slovenia, No. 25/05 – official consolidated text) shall remain listed therein.

The procedures for entry in the national catalogue of conservation varieties and fruit plant varieties initiated under the Agricultural Seeds and Propagating Material Act (Official Gazette of the Republic of Slovenia, No. 25/05 – official consolidated text) and have not yet been finally concluded shall be concluded under this Act.

Article 43

This Act shall take effect fifteen (15) days after publication in the Official Gazette of the Republic of Slovenia.