

On the basis of Articles 20, 21, 22, 23, 41, 42, 43, 44, 45, 49 and 50 of the Plant Health Act (Official Gazette of the Republic of Slovenia, No 23/05, official consolidated version) the Minister of Agriculture, Forestry and Food hereby issues these

REGULATIONS

on conditions for registration of owners of certain plants, plant products and regulated articles for the purposes of plant health, and on conditions for issuing plant passports

I. GENERAL PROVISIONS

Article 1

(content of Regulations)

These Regulations shall provide for:

- in accordance with Commission Directive No. 92/90/EC establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration (OJ L No No 344 of 26.11.1992, p. 38), and Commission Directive No 93/50/EEC specifying certain plants not listed in Annex V, part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register (OJ L No 205 of 17.08.1993, p. 22), the conditions for entry in the register of producers, processors, importers and distributors of plants, plant products and regulated articles (furtheron as: the register) for the purposes of plant health; the forms and the content of application for entry in the register; establishment, the content and the manner of keeping the register; criteria concerning exemptions in respect of entry in the register; and obligations of registered owners;
- in accordance with Commission Directive No 92/105/EEC establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement (OJ L No 4 of 08.01.1993, p. 22), as last amended by Commission Directive 2005/17/EC amending certain provisions of Directive 92/105/EEC concerning plant passports (OJ L No 57 of 03.03.2005, p. 23), the conditions, the forms and the content of application for obtaining authorisation for the issue of plant passports; the format, the content and types of plant passports and the procedure and conditions for their issue and placement; obligations of purchasers of plants, plant products and regulated articles, which are accompanied by a plant passport and the method of inspections and measures carried out at registered owners and at issuing plant passports.

Article 2

(meaning of terms)

The terms used in these Regulations shall have the following meaning:

- (1) **Processors** shall mean processors of plants and plant products (in particular wood) included in Lists IV.A and V.A in Annex IV, part A and Annex V, part A of Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L No 169 of 10.07.2000) as amended (furtheron as: Council Directive No 2000/29/EC).
- (2) **Marketing producers and processors** shall be natural or legal persons, professionally engaged in the production or processing of plants and plant products included in Lists IV.A and V.A, intended for marketing.
- (3) **Small producers or processors** shall be natural persons:
 - whose production or processing of plants and plant products, included in Lists IV.A and V.A, comes from land of less than 100 m² for covered or 1000 m² for uncovered surfaces, or whose income from the activity, registered under these Regulations, does in a crop year not exceed 1/3 of annual average salary per employee in the Republic of Slovenia, and
 - who do not move plants and plant products, included in Lists IV.A and V.A, to marketing producers or processors.
- (4) **Local market** shall mean sale of plants, plant products and regulated articles at a place of production, at retail public market or at other retail market place in the Republic of Slovenia.

Article 3

(register)

- (1) Owners, who perform the activity referred to in Article 6 of these Regulations at a certain place of production, shall be liable for entry in the register.
- (2) In the register data shall be kept on the owner, on the person responsible for plant health, on the place of production and on the type of production or other activity, obtained from forms 1 and 2 provided in Annex 1 and from forms 4 and 5 provided in Annex 2 and from the annual production declaration. Annexes 1 and 2 form an integral part of these Regulations.
- (3) The register referred to in the first paragraph of this Article shall be connected with databases of the ministry responsible for agriculture (furtheron as: the ministry) pursuant to regulations governing such databases.
- (4) A six-digit identification number allocated to the owner at the entry in the register shall be the owner's registration number.

Article 4

(place of production)

- (1) Place of production shall be:
 - an agricultural entity, allocated a KMG-MID identification number of agricultural entity pursuant to regulations governing databases of the ministry, or
 - a unit of agricultural entity, allocated a FITO-MID identification number by the Phytosanitary Administration of the Republic of Slovenia (furtheron as: the Administration), or
 - other locations where owners as legal or natural persons, entered in the register, perform at least one of the activities indicated in Article 6 of these Regulations and have been allocated a FITO-MID identification number by the Administration.
- (2) Place of production may consist of more separated production units. Production unit shall be a closed holding or a group of lands, which represent a single production whole.
- (3) When an agricultural entity registers the activity referred to in Article 6 of these Regulations in cooperation, such agricultural entity shall be registered as a subordinated production unit of the cooperation place of production.

Article 5 (responsible person)

- (1) Responsible person shall be a natural person who represents the owner as his legal representative and who is considered to be the holder of activity under these Regulations.
- (2) Person responsible for plant health shall be a natural person, possessing technical experience in the production and plant health, who meets the conditions laid down in Article 8 of these Regulations.
- (3) The natural person referred to in the previous two paragraphs may be at the same time the responsible person and the person responsible for plant health.

II. REGISTER

Article 6 (activities to be entered in the register)

- (1) Persons bound by entry in the register shall be owners, carrying out at least one of the following activities:
 1. production, processing, storage and distribution of plants, plant products and regulated articles from List V.A.I, if these are intended to be moved,
 2. production, processing, storage and distribution of plants, plant products and regulated articles from List V.A.II, if these are intended to be moved into a protected zone, recognised for a certain harmful organism,
 3. import of plants, plant products and regulated articles from Lists:
 - V.B.I.,

- V.B.II., if these are imported from third countries into a protected zone, recognised for a certain harmful organism;
4. production, purchase and collection in a storehouse within the production area with the intention of distribution of:
- tubers of ware potato *Solanum tuberosum* L.;
 - fruits of plants from genres *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf. and hybrids thereof.
- (2) The Administration may enter any other owner in the register, who expresses interest for a certain activity or arrangement, provided for with regulations governing plant health.

Article 7

(exceptions concerning entry in the register)

- (1) Owners engaged in distribution or in retail trade or storing, referred to in points 1 and 2 of the first paragraph of the previous Article, may be exempted from entry in the register, if forwarding plants, plant products and regulated articles, the equipment of which with plant passports enables the sale thereof to the final user and are therefore not necessary to be issued plant passports.
- (2) Owners engaged in the production or processing referred to in point 1 and in the production referred to in point 4 of the first paragraph of the previous Article shall be exempted from the entry in the register, under the following conditions:
1. that they are small producers or processors;
 2. that the entire production or processing and sale of plants, plant products and regulated articles is intended for their own supply or for final use to natural persons, which are not marketing producers, on the local market.
- (3) Owners engaged in the production or processing referred to in point 4 of the first paragraph of the previous Article and who are not small producers, may be exempted from entry in the register, provided to pack and move only their own products.
- (4) Notwithstanding provisions of the second paragraph of this Article, due to the risk of the spread of harmful organisms, entry in the register shall be compulsory for all producers of seed potato and of plants intended for planting from the genres: *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Humulus* L., *Malus* Mill., *Mespilus* L., *Prunus* L., *Pyracantha* Roem., *Pyrus* L., *Sorbus* L., *Stranvaesia* Lindl. and *Vitis* L.

Article 8

(conditions for entry in the register)

- (1) An owner may be entered in the register if:
- he may ensure a person responsible for plant health; such person may be the owner himself or a person being in regular or contractual working relationship with the owner and performing and meeting the obligations on his behalf, provided for in Articles 13 and 17 of these Regulations,

- filling-in and signing a statement on form 3 from Annex 1, which represents a part of the application for entry in the register referred to in Article 9 of these Regulations, stating to be willing to and capable of performing the obligations arising from the registration, in compliance with the act governing plant health (furtheron referred to as: “the act”) and with these Regulations.
- (2) As regards professional capability, the person responsible for plant health shall meet at least the following conditions:
1. If the owner produces, processes, distributes or imports only plants, plant products and regulated articles for which plant passport is not necessary:
 - secondary-school education in agriculture and one-year working experiences in production, processing, distribution or import of subject plants, plant products and regulated articles, or
 - three-year working experiences in production, processing, distribution or import of subject plants;
 2. If the owner produces, processes, distributes or imports plants, plant products and regulated articles for which a plant passport is required, and also issues plant passports for his own products:
 - high-school or higher education in agriculture, and one-year working experiences in production, processing, distribution or import of subject plants, plant products and regulated articles, or
 - secondary-school education in agriculture and three-year working experiences in production, processing, distribution or import of subject plants, plant products and regulated articles, or
 - five-year working experiences in production, processing, distribution or import of subject plants, plant products and regulated articles;
 3. If a person responsible for plant health represents the owner and issues plant passports on his account:
 - high-school or higher education in agriculture, one-year working experiences in production, processing, distribution or import of subject plants, plant products and regulated articles.
- (3) If a person responsible for plant health is responsible for health of forest plants or wood, such person shall have the same education level as provided for in the previous paragraph, however from the field of forestry or wood industry.
- (4) The responsible person for plant health referred to in this Article shall obtain a certificate on basic knowledge in plant health by participating in training courses, providers and training program of which shall be confirmed by the Administration.

Article 9

(application for entry in the register)

- (1) An owner shall lodge an application for entry into the register with the Administration. The application shall be lodged on forms 1, 2 and 3 from Annex I.

- (2) The application for entry in the register shall be attached by:
1. evidences on education and on working experiences of the person responsible for plant health:
 - the copy of diploma or school certificate,
 - the copy of workbook, stating working period and previous employments, or the certification for farmer status;
 2. the copy of agreement if the person responsible for plant health is in contractual relationship with the owner; the agreement shall specify obligations of the person responsible for plant health;
 3. the copy of lease agreement for land, if the owner holds a tenancy on agricultural land.

Article 10

(decision on entry in the register)

- (1) The Administration shall record the application and check the data stated therein.
- (2) The Ministry shall assign a non-repeatable registration number to the owner liable for entry in the register, in compliance with regulations governing databases of the Ministry.
- (3) If it is established during the procedure for entry in the register that the owner does not carry out at least one of the activities laid down in Article 6 of these Regulations or to be an exception pursuant to Article 7 of these Regulations, the Administration shall issue a resolution on rejection of the application for entry in the register and inform the owner to be keeping him in the record for eventual inspections.
- (4) If it is established during the procedure for entry in the register that the owner is liable for entry in the register in compliance with Article 6 of these Regulations and that he meets the conditions for entry in the register as laid down in Article 8 of these Regulations, he shall be issued a decision by the Administration on entry in the register within at least 3 months after having received the complete application.
- (5) If within the term of at least 3 months after having received the application this is not complete or is indicating that the conditions set out in Article 8 of these Regulations are not met or this is found by a competent inspector, the Administration shall refuse entry in the register with a decision and the owner shall not be registered until satisfying the prescribed conditions and lodging a new application.

Article 11

(deletion from the register)

- (1) A registered owner shall lodge an application with the Administration on deletion from the register within 30 days after having terminated to carry out the registered activity.
- (2) An already registered owner shall be deleted from the register ex officio by the Administration, if he is found during a plant health check or an inspection to have ceased to meet the conditions laid down in Article 8 of these Regulations or to not meet the

obligations prescribed by the act and in Article 13 of these Regulations, until these are met again.

- (3) When the conditions and obligations referred to in the previous paragraph are met again, the owner shall present evidence thereof or lodge an application for entry in the register referred to in Article 9 of these Regulations, however at the earliest in 3 months after the decision on deletion from the register has become final.

Article 12

(content and manner of keeping the register)

- (1) Data to be entered in the register shall be those in particular, which are contained in forms 1 and 2 from Annex 1, and in forms 4, 5 and 6 from Annex 2, as well as any other data on agricultural entity pursuant to regulations governing carrying out the measures of agricultural policy.
- (2) The register shall be established and kept by the Administration. It shall be managed as a computer database, for the needs of information system called FITO-register. The manner of keeping and maintaining of the FITO-register shall also be provided for with regulations governing databases of the ministry.
- (3) If a registered owner, besides or instead of the activities for which he has been primarily registered, wishes to be registered for other activities under these Regulations, he shall lodge an application with the Administration on supplementing the entry into the register, on forms 1 and 2 from Annex 1, marked as “application for supplementing the registration”. The owner shall be issued a decision by the Administration on supplementing the registration within the time limit of at least three months after having received the complete application.

Article 13

(obligations of registered owners)

- (1) A registered owner or his person responsible for plant health shall, besides the obligations laid down in the act, also do the following:
 1. inform the Administration on all changes of data kept in the register within 30 days following their occurrence, in particular those concerning:
 - species of plants, plant products and regulated articles (and their cultivation levels),
 - person responsible for plant health,
 - place of production,
 - status, name, headquarters or address of a legal or natural person;
 2. during a plant health check, accompany the competent inspector or another official upon his request and provide him with all necessary information;
 3. carry out regular visual health examinations of plants, plant products and regulated articles, which have been subject of registration in compliance with Article 6 of these

Regulations, including their registered places of production. Health examinations are considered to be regular when performed at an appropriate time and when they are so frequent as to enable in-time detection of harmful organisms and the related effective prevention of their spread, depending on plant species, closeness of potential sources of infection and other factors affecting an increased phytosanitary risk. The owner shall keep a record thereof, containing in respect of each species of plants, plant products and regulated article at least data on their origin, extent and time of examination, on the health status established and on the use of plant protection products;

4. inform phytosanitary inspector on the location of production pursuant to regulations governing plant health measures or marketing of seeds and propagating material;
 5. inform the competent inspector or, in the case of production of certified seed and propagating material also any other official, each year until 30 April or, for plants with more growing seasons in a year at least one month prior to starting the production, on data concerning the foreseen annual production by type of plants, plant products and regulated articles, with a view to ensuring carrying out plant health checks.
- (2) The owner shall lodge an annual production declaration by species of plants for planting at a certain place of production by production units and intended production and moving, on a form, which is available at the Administration and on its website.
- (3) Notwithstanding the provision of the previous paragraph, the owner may declare herbaceous plants for planting referred to in the second and third point of List V.A.I by plant species or genres or groups, as indicated in this List.

III. PLANT PASSPORT

Article 14

(conditions for obtaining authorisation for the issue of plant passports)

- (1) Plant passports may be issued in respect of produced or processed plants, plant products and regulated articles from List V.A, which have been subjected to plant health check, by persons liable to be entered in the register, if having been issued authorisation by the Administration, or by the Administration if liable persons do not or may not be issued authorisation for issuing plant passports, as well as by authorised performers of public services under the law, authorised by the Administration.
- (2) Authorisation for issuing plant passports shall be granted only to an owner (furtheron as: “entitled person”), who meets the following conditions:
 - if possessing a valid decision on entry in the FITO-register and having been assigned a non-repeatable registration number,
 - if assuring a person responsible for plant health, who meets the conditions set out in Article 8 of these Regulations,
 - that the person responsible for plant health had acquired a certificate on basic knowledge of harmful organisms, on their control and on regulations governing plant health (furtheron as: “certificate on basic knowledge of plant health”), pursuant to the regulation governing professional training and assessment of knowledge of plant health,

- if possessing a record of a competent inspector on meeting the obligations arising from registration pursuant to the act, and on meeting the conditions in relation to species, form and content of plant passports, referred to in Articles 20, 22, 23, 24 and 25 of these Regulations, the samples of which shall be presented to the competent inspector,
 - if signing a statement printed on the application form for obtaining the authorisation for issuing plant passports referred to in Article 15 of these Regulations, stating to be willing to and capable of meeting the obligations associated with issuing plant passports pursuant to the act and these Regulations.
- (3) The Administration or legal and natural persons authorised by the Administration may print plant passports in advance.
 - (4) Regardless the third indent of the second paragraph of this Article also an owner may be issued the authorisation for issuing plant passports, who does not present the certificate on basic knowledge for a person responsible for plant health, providing to meet other conditions laid down in the second paragraph of this Article.
 - (5) The owner referred to in the previous paragraph shall present the certificate on basic knowledge for a person responsible for plant health within one year after having been issued the authorisation for issuing plant passports.

Article 15

(application for obtaining authorisation for the issue of plant passports)

- (1) An entitled person shall lodge the application for obtaining authorisation for the issue of plant passports with the Administration on forms 4 and 5 from Annex 2.
- (2) The application shall be attached by the certificate on basic knowledge of plant health, referred to in the third indent of the second paragraph of the previous Article, and the record of competent inspector, referred to in the fourth indent of the second paragraph of the previous Article.

Article 16

(authorisation for the issue of plant passports)

- (1) Authorisation shall be issued by the Administration not later than three months after having received the complete application, if the conditions provided for in Article 14 of these Regulations are met.
- (2) If it is established on the basis of a plant health check or an inspection that the entitled person has ceased to meet the conditions provided for in Article 14 of these Regulations or has ceased to meet the obligations provided for in the act and Article 17 of these Regulations, the authorisation shall be cancelled by official duty.
- (3) The authorisation may also be cancelled upon request of the entitled person if he ceases to produce, process or distribute plants, plant products and regulated articles which are required to be issued plant passport.
- (4) If the entitled person wishes to extend the authorisation to other plant species, he shall

lodge an additional application with the Administration on forms 4 and 5 from Annex 2, marked as additional application. The Administration shall issue a decision on supplementing the authorisation for the issue of plant passports to the entitled person, within three months at the latest after having received the complete application.

Article 17

(obligations of entitled persons at issuing plant passports)

In addition to obligations provided for in the act and in Article 13 of these Regulations, the entitled person or his persons responsible for plant health shall, when issuing plant passports, meet also the following obligations:

- inform the competent inspector within the term of at least 14 days prior to the intended change, on all changes with regard to the kind, form and content of plant passports;
- keep documents for at least three years and keep record on issued plant passports of all kinds;
- in the case of absence of the person responsible for plant health ensure another person responsible for plant health. In the case of absence longer than one week, the responsible person shall authorise another person with a written authorisation to perform tasks on his/her behalf. In the case of absence longer than one month, the entitled person shall ensure another person responsible for plant health, who should meet all prescribed conditions, and inform the competent inspector thereof.

Article 18

(issue of plant passports)

- (1) Plant passport shall be issued for plants, plant products and regulated articles from List V.A., when these are moved, as follows:
 1. consignments shall be accompanied by a plant passport until final receiver, in the case of consignments of plants, plant products and regulated articles from Lists:
 - V.A.I./1 and
 - V.A.II./1, if the consignment is intended into a protected zone recognised for a certain harmful organism;
 2. consignments shall be accompanied by a plant passport until marketing producers, in the case of consignments of plants, plant products and regulated articles moved with the intention of further cultivation, from Lists:
 - V.A.I./2 and V.A.I/3, and
 - V.A.II./2, if the consignment is intended into a protected zone recognised for a certain harmful organism.
- (2) Plant passport shall be issued also for plants, plant products and regulated articles from List V.A, when these are imported from third countries and moved pursuant to the previous paragraph and Article 26 of these Regulations.

- (3) Plants, plant products and regulated articles, which are not classified in List V.A, shall not be issued plant passports, except when otherwise provided for by other regulations governing plant health.

Article 19

(conditions for issuing plant passports)

- (1) Plant passport may be issued prior to moving plants, plant products, regulated articles in cases referred to in the previous Article, providing that plants, plant products, regulated articles and their growing medium:
- are free from harmful organisms from Lists I.A and II.A, and
 - meet special phytosanitary requirements from List IV.A.II.
- (2) Plants, plant products and regulated articles referred to in the previous paragraph, intended to be moved into a protected zone, and their growing medium shall meet, in addition to conditions laid down in the previous paragraph, also the following conditions:
- to be free from harmful organisms from Lists I.B and II.B, for which certain protected zones have been recognised, and
 - to meet special phytosanitary requirements from List IV.B, for which certain protected zones have been recognised.
- (3) To ensure the conditions provided in the previous two paragraphs of this Article plants, plant products and regulated articles shall be subjected to regular plant health checks, carried out by:
- registered owners or their responsible persons for plant health in compliance with the third point of the first paragraph of Article 13 of these Regulations, and
 - competent inspector or another official by law in compliance with Article 31 of these Regulations.

Article 20

(types of plant passports)

- (1) Types of plant passports are the following:
1. plant passport issued:
 - prior to moving plants, plant products and regulated articles from List V.A from the place of production, or
 - for an imported consignment of plants, plant products and regulated articles from List V.A in compliance with the provisions of the act and Article 26 of these Regulations, or
 - in the case of a consignment already accompanied by a plant passport, which is kept at the place of production of the receiver of the consignment for so long that change of the cultivation level of plants may have occurred, or this shall be considered further growing or change of the place of production;

2. replacement plant passport, marked as RP, issued for moving a consignment already accompanied by a plant passport:
 - if such consignment is divided into or composed of a number of different individual consignments, or
 - if the health status of plants, plant products and regulated articles has changed, providing that health examination has been carried out in compliance with Article 33 of these Regulations;
 3. plant passport for protected zones, marked as ZP, issued in respect of a consignment moved into or within a protected zone, recognized for a particular harmful organism.
- (2) Plant passport referred to in the first point of the previous paragraph shall also be issued when moving a consignment:
 - through protected zones, if there is no danger of spread of harmful organisms, or
 - from protected zones.
 - (3) Plant passport referred to in point 1 of the first paragraph of this Article shall be issued prior to moving plants, plant products, regulated articles from:
 - point 1 of List V.A.I and
 - points 2 and 3 of List V.A.I, which are moved by registered producers or processors, if moving these to legal persons or marketing producers or receivers outside local market: plant passport shall be issued only if it is provided that the production of plants and plant products referred to in the second and third point of List V.A.I is clearly separated from production of other products, which may cause spread of the same harmful organisms. Production is considered clearly separated when a production unit of plants for planting is separated from the production of ware products in terms of physical contact or time.
 - (4) Notwithstanding provisions of the first indent of point 2 of the first paragraph of this Article, aiming at protecting the business secret, the replacement passport may also be issued for a consignment which is already accompanied by a plant passport, when moved further unchanged.
 - (5) In cases referred to in the second indent of point 2 of the first paragraph of this Article, replacement passport shall be issued after a plant health check by an official by law.
 - (6) Plant passport may bear both marks, RP and ZP, when appropriate.

Article 21

(exceptions at issuing plant passports)

- (1) Plants, plant products and regulated articles from Lists IV.A and V.A may be moved without a plant passport, if moved by producers or processors, which are not liable for entry in the register pursuant to Article 7 of these Regulations.
- (2) Fruits of *Poncirus* L., *Fortunella* L. and *Citrus* with leaves and peduncles, referred to in the first point of List V.A.I, and plants, plant products and regulated articles referred to in points 2 and 3 of List V.A.I, moved by registered producers or processors of plants for planting, may be moved without a plant passport, provided that:

- these are moved to producers, which are not marketing producers, on the local market, or
 - plants are prepared for sale to a final user (packed and marked for final use), if these are moved to legal persons or marketing producers or to persons who are not on the local market.
- (3) For registered owners, involved in distribution or retail sale or storing referred to in points 1 and 2 of the first paragraph of Article 6 of these Regulations and who move further plants, plant products and regulated articles from Lists IV.A and V.A, which are already accompanied by plant passports and prepared for sale to a final user, replacement plant passports need not be issued, when these are moved to producers, who are not marketing producers, on the local market.

Article 22

(form and placement of a plant passport)

- (1) Plant passport shall consist of an official label or of an official label and accompanying document.
- (2) Official label shall be attached to an individual plant, plant product or regulated article or to their packaging or means of conveyance, in a manner so as it may not be re-used.
- (3) Official label shall not have previously been used and shall be made of a suitable material regarding durability, waterproof and other environmental effects.
- (4) The use of adhesive official labels shall be previously authorised by the Administration, by specifying conditions for their use in the authorisation for the issue of plant passports, referred to in Article 16 of these Regulations.
- (5) Accompanying document may be any document, which is normally used for trade purposes and which is attached to the means of conveyance, providing to state data prescribed in Article 24 of these Regulations.

Article 23

(special form and placement of a plant passport for certain plants)

- (1) For certain groups of plants, the Administration may prescribe the use of compulsory uniform placement and layout of a plant passport, as to the form, size and colour, pursuant to regulations governing the trade in seeds and propagating material of agricultural plants and of forestry reproduction material.
- (2) Irrespective of the provisions of the second paragraph of the previous Article, official label issued for plants from List V.A.I/1 shall be attached to each individual plant or bunch, or to the smallest possible unit of packaging intended for retail trade.

Article 24

(content of a plant passport)

- (1) With regard to the type of plant passport or to the origin of consignment of plants, plant products and regulated articles, plant passport shall contain the following data:
 1. indication "Plant passport of the EC";
 2. indication of country code "SI";
 3. indication "Ministrstvo za kmetijstvo, gozdarstvo in prehrano-Fitosanitarna uprava" or "MKGP-Fitosanitarna uprava" or a distinctive code "MKGP-FURS" ("Ministry of Agriculture, Forestry and Food-Phytosanitary Administration" or "MAFF-Phytosanitary Administration" or "MAFF-PARS");
 4. registration number of the owner;
 5. individual serial or week or batch number;
 6. botanical name;
 7. quantity;
 8. if the consignment is intended for a particular protected zone: a distinctive marking "ZP" for a plant passport, valid for the intended protected zone, and the name or code of the intended protected zone, or names or codes of all protected zones, for which the consignment meets the conditions, or serial numbers of harmful organisms from Lists of protected zones for which the consignment meets the conditions;
 9. if the consignment must be issued a replacement plant passport: a distinctive marking "RP" for a replacement plant passport, and registration number of the issuer of the original plant passport; for protecting the business secret, instead of registration number of the issuer of the original plant passport the issuer may use his code marks of suppliers for which he keeps record and which shall be subjected to a prior approval of the Administration in the authorisation for the issue of plant passports referred to in Article 16 of these Regulations;
 10. if plants, plant products and regulated articles originate in another country: name of the country of origin.
- (2) If the plant passport consists only of an official label, it shall provide all particulars required in the previous paragraph; in such case the accompanying document shall not be necessary.
- (3) If the plant passport consists of an official label and accompanying document, the official label shall provide at least data laid down in points 1 to 5 in the first paragraph of this Article, and the accompanying document shall provide all data laid down in the first paragraph of this Article.
- (4) In the case of a plant passport for officially certified seeds and propagating material, the mark specified in point 3 of the first paragraph of this Article shall be replaced by the approved certification body, authorised for issuing plant passports.
- (5) In the case of a plant passport, which replaces phytosanitary certificate, the mark specified in point 3 of the first paragraph of this Article shall be replaced by the inspection body, authorised for issuing plant passports.
- (6) Information pursuant to regulations governing marketing of seeds and propagating material of agricultural plants and forestry reproduction material, as well as other information for the purpose of marketing, may be stated in the plant passport, provided to be clearly separated from the information referred to in the first paragraph of this Article.

Article 25

(entry of information in the plant passport)

- (1) The whole information may be entered in the plant passport by printing. If the official label is pre-printed, the missing data shall either be printed or entered manually in capital letters.
- (2) Botanical names of plants and plant products shall be printed or written down with Latin (scientific) names.
- (3) Each subsequent alteration or erasure of data shall make the plant passport invalid.

Article 26

(replacement of phytosanitary certificate)

- (1) When plants, plant products and regulated articles from List V.A are imported from third countries and are subjected to a plant health check at the point of entry, phytosanitary inspector shall keep phytosanitary certificate and issue plant passport for the consignment in accordance with the form contained in Annex 3, which forms an integral part of these Regulations.
- (2) When a place of destination is located in the Republic of Slovenia and the consignment is not to be divided or composed, phytosanitary inspector may permit the consignment referred to in the previous paragraph to be moved within the country with a phytosanitary certificate, stating to be replacing plant passport.
- (3) When plants, plant products and regulated articles from List V.A are imported from third countries and not the complete plant health check is carried out at the point of entry, phytosanitary inspector shall keep a copy of phytosanitary certificate and permit movement to a place of destination, which shall be stated on the phytosanitary referral form, pursuant to regulations governing minimum conditions which shall be satisfied for carrying out identity checks and plant health checks of consignments of plants imported from third countries, at places other than points of entry.

Article 27

(special conditions for plant passport for seed potato and hop plants)

- (1) In the case of a plant passport for seed potato the official labels shall be used, which may be issued only by an appointed body and the form and the content as well as the procedure for issuing and printing of which, and the appointment of the body, are provided for by regulations governing the certification of health status and quality of, and trade in, seed potato.
- (2) In the case of introduction or movement of a consignment of seed potatoes into or within a protected zone recognised for a certain harmful organism in relation with seed potatoes,

compliance with the conditions for the introduction of seed potatoes into, and their movement into or within, a protected zone in compliance with point 8 of the first paragraph of Article 24 of these Regulations, shall be indicated on the plant passport or the accompanying document.

- (3) In the case of a plant passport for hop plants official labels shall be used, which may be issued only by an appointed body, the form and the content as well as the procedure for the issuing and printing of which, and the appointment of the body, are provided for by regulations governing the certification of health status and quality of, and trade in, hops planting material.

Article 28

(obligations of buyers)

Buyers or receivers involved in marketing production or processing, or in further distribution of received plants, plant products and regulated articles accompanied by plant passports, shall keep all types of plant passports for at least one year. If the plant passport consists of an official label and accompanying document, only the accompanying document shall be kept, if indicating information as laid down in Article 24 of these Rules.

IV. PHYTOSANITARY CONTROL

Article 29

(plant health checks)

- (1) Plant health checks shall be carried out at registered owners regularly, at least once a year.
- (2) Notwithstanding the provision of the previous paragraph, plant health checks in respect of registered owners referred to in point 4 of the first paragraph of Article 6 of these Regulations shall be carried out if necessary, however at least once in three years.
- (3) Plant health checks shall be carried out in particular at places of production, in cooperation with the owner or his person responsible for plant health, and shall consist of examination of documentation and of identity checks, plant health check and assessment of conformity with phytosanitary regulations. Competent inspector or other official by law shall draft a record on the performed check.
- (4) A registered owner shall, for the purpose of plant health checks, declare plant production pursuant to the second paragraph of Article 13 of these Regulations, indicating whether to be issuing plant passports.
- (5) Phytosanitary inspector or, when so provided for, another official by law, shall carry out the prescribed checks pursuant to laws governing plant health and seeds and propagating material of agricultural plants in accordance with these Regulations.

Article 30

(inspection of documents and of identity)

- (1) A competent inspector or other official by law shall examine documents and check the identity at a registered owner at least once a year.
- (2) Examination of documents by the competent inspector or another official by law is aiming at checking meeting the obligations of registered owners pursuant to the law and these Regulations, in particular if they are provided with:
 - valid documents on entry in the register and on issuing plant passports,
 - records on the origin and on the method of obtaining seed, mother plants or other plants for planting,
 - reports on the results of laboratory checking of health status, if these are necessary,
 - notes on the start, performance and termination of production, processing or distribution,
 - notes on measures taken for preventing the occurrence and spread of harmful organisms, and
 - prepared plant passports in accordance with the valid authorisation.
- (3) By checking identity the competent inspector or another official by law is aiming at checking if the owner:
 - produces plants or plant products in accordance with the valid registration,
 - produces plants or plant products in accordance with the quantities declared by annual production, and
 - labels propagating material or the packaging thereof in such a manner that labels cannot be removed without showing signs of tampering.

Article 31

(plant health check)

- (1) Health checks of plants, plant products and regulated articles shall be carried out by a competent inspector or other official by law at least visually and, notwithstanding the provisions of the first paragraph of Article 29 of these Regulations, at least as often as provided for in List IV.A.II of Council Directive No 2000/29/EC or for the following types of production at least as often as follows:
 - production of seeds and seed material: two times a year during the cycle of vegetation;
 - production of planting material of perennial plants in fruit growing, vine growing, hop growing and forestry and of perennial ornamental plants: two times a year during the cycle of vegetation;
 - production of planting material of vegetables and annual ornamental plants, including ornamental bulbs and tubers: once during the production cycle.
- (2) Health check of plants, plant products and regulated articles referred to in the third indent of the previous paragraph shall be carried out at producers, the production and sale of which may be performed by persons professionally involved in plant production or who

have been granted authorisation for issuing plant passports referred to in Article 16 of these Regulations.

- (3) Health check of plants, plant products and regulated articles referred to in the third indent of the first paragraph of this Article shall be carried out at reduced frequency, however at least once a year, at producers, the production and sale of which is permitted on the local market to a final user, under condition that their production is clearly separated from production of other products.

Article 32

(certificate of health quality)

- (1) Phytosanitary inspector or other official by law shall issue a certificate of health quality if plants for planting or plant products are free from harmful organisms from Lists I.A and II.A, if they meet special plant health requirements from List IV.A, provided for with Council Directive 2000/29/EC and with these Regulations, and if they are not significantly contaminated by other regulated pests.
- (2) Certificate of health quality of plants for planting shall be prepared in accordance with the form, which is available at the Administration and on its website.
- (3) Notwithstanding the previous paragraph, report on regulatory inspection at the registered owner, issued by phytosanitary inspector after the last regulatory inspection, shall be considered as the certificate of health quality of plants for planting, provided to include the list and quantity by groups of plants from List V.A of Council Directive 2000/29/EC.

Article 33

(issue of plant passport for non-infected plants)

- (1) If it is found during the plant health check referred to in Article 31 of these Regulations that a part of plants, plant products and regulated articles, as well as the used growth substrate, is infected with harmful organisms from Lists I.A and II.A, or in the case of plants, plant products and regulated articles intended for a certain protected zone also from Lists I.B and II.B of Council Directive 2000/29/EC, plant passports shall be issued for the remaining plants, plant products and regulated articles, if there is no suspicion that these are infected and if there is no risk of the spread of harmful organisms.
- (2) For infected plants, plant products and regulated articles a competent inspector shall ban movement until conditions are met and order corresponding measures in compliance with regulations governing measures for suppression and prevention of the spread of harmful organisms, and inform the Administration thereof.

Article 34

(phytosanitary measures)

- (1) If it is established by a phytosanitary inspector or other official by law during carrying out official checks referred to in Article 29 of these Regulations that a registered owner does not meet the prescribed obligations, he shall warn the owner of irregularities and set the time limit for their elimination.
- (2) If the owner referred to in the previous paragraph does not eliminate the irregularities within the set time limit, the phytosanitary inspector or other official by law may propose to the Administration to delete the owner from the register or to withdraw the authorisation for the issue of plant passports.
- (3) If the phytosanitary inspector or other official by law carrying out official examinations, referred to in Articles 29 or 33 of these Regulations, finds out that plants, plant products and regulated articles present a risk for the spread of harmful organisms, or that the prescribed conditions for moving plants, plant products and regulated articles are not complied with, the phytosanitary inspector shall:
 - determine the manner of protection of plants, plant products and regulated objects and prevention of contact with other plants, plant products and regulated articles,
 - record the findings and the form of action referred to in the previous indent,
 - inform the owner of irregularities,
 - inform the Administration and the competent phytosanitary or forestry inspector, who may order measures pursuant to the law.

Article 35

(supervision of production of forestry plants and of officially certified agricultural seeds and propagating material)

- (1) Provisions of Articles 29 to 34 of these Regulations for forestry plants shall be carried out by the Forestry institute of Slovenia in accordance with provisions of regulations governing forests, forest reproductive material, and in accordance with these Regulations.
- (2) Provisions of Articles 29 to 34 of these Regulations, as well as issue of plant passports for officially certified seeds and propagating material, shall be carried out by an appointed body in accordance with provisions of regulations, governing agricultural seeds and propagating material, and in accordance with these Regulations, in respect of:
 - tubers of potato *Solanum tuberosum* L. for planting,
 - plants and mother plants of hops *Humulus lupulus* L.,
 - seeds of sunflowers *Helianthus annuus* L.,
 - seeds of tomato *Lycopersicon lycopersicum* (L.) Karsten ex Farw.,
 - bean seed *Phaseolus* L.,
 - lucerne seed *Medicago sativa* L.

IV. INSPECTION CONTROL

Article 36
(inspections)

- (1) Control over the carrying out of provisions of these Regulations shall be carried out by a phytosanitary or for forest plants forestry inspector.
- (2) Detailed extent of inspections referred to in this Article shall be determined by the head of the Inspectorate of the Republic of Slovenia for Agriculture, Forestry, Hunting and Fisheries in the form of a manual.

Article 36
(inspection monitoring of health status)

- (1) In order to ensure plant health, the competent inspector shall perform regular monitoring of the health status of plants, plant products and regulated articles, notwithstanding the provisions of Articles 29, 30, 31, 32, 33, 34 and 35 of these Regulations. For such purposes, inspections shall be carried out at random and irrespective of the origin of plants, plant products and regulated articles, at any time and at any place where these are produced, processed, stored, moved or at sales points, as well as at the final purchasers.
- (2) Competent inspector shall also carry out control over the meeting of conditions concerning exceptions at entry into the register, referred to in Article 7 of these Regulations, as well as exceptions at issuing plant passports referred to in Article 21 of these Regulations.
- (3) If it is found during an inspection that plants, plant products and regulated articles present risk for the spread of harmful organisms or that the conditions laid down in respect of moving plants, plant products and regulated articles are not met, the competent inspector shall order measures pursuant to the act.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 38
(termination)

With the effective date of these Regulations, the Regulations on conditions for registration of owners of certain plants, plant products and regulated articles for the purposes of plant health, and on conditions for issuing plant passports, Official Gazette RS, No 93/01, 117/02, 131/03 and 48/04 shall cease to apply.

Article 39
(certificate of basic knowledge)

Owners, having been granted authorisation for the issue of plants passports until 31 December 2005, may present a certificate on basic knowledge for their responsible person for plant health in accordance with the fifth paragraph of Article 14 of these Rules until 31 December 2006 at the latest.

Article 40

(authorised holders of activity)

Pending appointment of officials pursuant to the law, tasks referred to in Articles 29 to 34 of these Regulations shall be performed by authorised providers of the tasks of public service for plant health and public forestry service, provided for in the act governing forest protection.

Article 41

(effective date of Regulations)

These Regulations shall take effect the following day after publication in the Official Gazette of the Republic of Slovenia.

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Marija Lukačič

Minister of Agriculture,

Forestry and Food