

REPUBLIC OF LITHUANIA

LAW ON SEED CULTIVATION

November 15, 2001. No. IX – 602

Vilnius

CHAPTER ONE

GENERAL PROVISIONS

Article 1. Purpose of the Law

This Law shall regulate the certification of crop, fruit and vegetable plant seed, planting and other propagating material, supply to the market of certified and non-certifiable propagating material and also, the import requirements of this material.

Article 2. Basic Definitions of the Law

1. **“Plant seed”** means the plant part obtained through generative way (all botanical forms of seed and fruit), intended for the production and propagation of the plants of the same variety.

2. **“Planting material”** means the vegetative part of a plant or an entire plant, intended for the propagation of the same variety of plants.

3. **“Other propagating material of the plant”** means a plant part (graftwoods, rootstocks, shoots, stem – root parts) or plant (plants or their parts in vitro, and other.), intended for the reproduction of planting material of a certain variety of plants.

4. **“Propagating material”** means crop, fruit and vegetable plant seed, planting and other propagating material.

5. **“Categories of propagating material”** means the quality groups of the propagating material of the individual species of plants, established according to the

propagation generations - reproductions, of the propagating material. They must comply to the mandatory requirements applied to the propagating material.

6. **“Certificate of the propagating material ”** means a document issued by the State Seed and Grain Service under the Ministry of Agriculture, confirming the botanical species of plant, variety of the certified propagating material, category and compliance to the mandatory requirements set forth in legal acts.

7. **“Certification of the propagating material”** means a procedure set by legal acts whereby the State Seed and Grain Service under the Ministry of Agriculture confirms the botanical species of a plant, variety and category of the propagating material as well as the compliance of the propagating material to the mandatory requirements.

8. **“Lot of the propagating material”** means the amount of propagating material of a homogenous variety and category established by the legal acts approved by the Minister of Agriculture.

9. **“Supplier of propagating material”** means a natural or legal person supplying propagating material to the market who:

1) is a breeder, his representative or a maintainer of variety;

2) propagates the propagating material of a certain variety in accordance with the license agreement or multiplication agreement;

3) imports propagating material into Republic of Lithuania according to the order approved by Minister of Agriculture.

10. **“ Supply of propagating material to the market”** means the marketing of propagating material, storing with the intent of marketing, offering to sale or otherwise transfer to third parties.

11. **“ Multiplication agreement”** means a written agreement of the breeder or his representative with a natural or legal person, granting the person a right to propagate and distribute the propagating material of a certain variety within a specified area according to conditions which have been agreed upon.

12. **“Phytosanitary certificate”** means an official document, issued by the State Plant Protection Service according to the procedure set forth by the Law on Phytosanitary, which certifies that the phytosanitary condition of the plants, plant products and other objects meets the requirements set by the state which is importing them.

13. **“License agreement”** means a written agreement between a breeder and a natural or legal person, granting that person the right to propagate and distribute in a specified area and under conditions which have been agreed upon, the propagating material of a variety to which the grant of breeder’s right is applied.

14. **“List of Most Suitable Plant Varieties for Lithuania”** means the list of plant varieties, which according to the test results of the value of cultivation and use, have been acknowledged to be of good economic value and to be the most suitable for the cultivation under Lithuania’s agro-climatic conditions.

15. **“Non-certifiable propagating material”** means the propagating material off non-certifiable species of plants or the non-certifiable categories of certifiable plant species approved by the Minister of Agriculture, indicated in the mandatory requirements.

16. **“Mandatory requirements of propagating material”** means requirements approved by the Minister of Agriculture, which define the procedure of propagation and to the market the propagating material of certain plant species and established quality indexes.

17. **“Certified propagating material”** means the propagating material of certifiable plant species, which conforms to the requirements set forth by certain legal acts. Its quality shall confirm the certificate of propagating material. 1

8. **“Breeder”** means:

1) one or several natural persons who bred or discovered and developed a new plant variety;

2) a legal person who is the employer of one or several natural persons who, working under employment contract or implementing the assigned task, have bred or discovered and developed a new plant variety;

3) a person who has acquired the property rights to the variety from persons pursuant to subparagraphs 1 or 2 of this paragraph.

19. **“Seed Cultivation”** means the area of agricultural science and production, ensuring the supply of propagating material of suitable quality to crop users.

20. **“Seed crop”** means a crop, which complies to the requirements set by the Minister of Agriculture to seed crops the harvest obtained whereof is used for the preparation of seed or planting material.

21. **“Maintainer”** means a natural or legal person, who ensures the maintenance of appropriate characteristics of the variety entered in the List of Most Suitable Plant Varieties for Lithuania.

22. **“ Granting the legal protection to the variety”** means granting legal protection to the variety in accordance with the Law on the Protection of Plant Varieties.

23. **“ Fruit and berry nursery”** means an area corresponding to the requirements for nursery, set forth by the Minister of Agriculture and intended for the propagation of planting material of fruit and berry plants, graftwoods, shoots and rootstocks.

24. **Distinctness, uniformity and stability tests** means tests, during which is determined whether the plant variety meets the requirements of distinctness, uniformity and stability.

25. **“Value of Cultivation and Use tests** - means tests, during which are determined the value of cultivation and use and suitability of the variety to the Lithuanian agro-climatic conditions.

CHAPTER TWO

STATE MANAGEMENT OF SEED CULTIVATION

Article 3. State Management of Seed Cultivation

The Ministry of Agriculture and its authorised institutions shall implement the national policy on the development of seed cultivation and the state management of seed cultivation in the Republic of Lithuania.

Article 4. State Board on Evaluation of Plant Varieties

The State Board on Evaluation of Plant Varieties shall be formed in order to examine and evaluate the tests results on value of cultivation and use of plant varieties and their suitability to the Lithuanian agro-climatic conditions, to lay proposals concerning the entering of new plant varieties in the List of Most Suitable Plant

Varieties for Lithuania or deletion of such therefrom. The Minister of Agriculture shall approve the composition and regulations of the Board.

CHAPTER THREE

LIST OF MOST SUITABLE PLANT VARIETIES FOR LITHUANIA

Article 5. Entering the Variety in the List of Most Suitable Plant Varieties for Lithuania

1. The breeder or his authorised representative seeking to enter variety in the List of Most Suitable Plant Varieties for Lithuania (hereinafter - List of Plant Varieties), shall submit a written application, a description of the variety to the State Plant Varieties Testing Center and other documents specified by this institution,

2. A plant variety shall be included in the List of Plant Varieties if:

1) the tests on the distinctness, uniformity and stability of the variety have been performed;

2) the tests specified by the Minister of Agriculture on the value of cultivation and use of plant genera and species have been performed;

3) the State Board on Evaluation of Plant Varieties shall propose that a variety can be entered in the List of Plant Varieties;

3. The State Plant Varieties Testing Center shall organize and manage a List of Plant Varieties according to the procedure established by the Minister of Agriculture.

CHAPTER FOUR

CERTIFICATION OF PROPAGATING MATERIAL

Article 6. Certification of Propagating Material

1. The Minister of Agriculture shall approve plant species and the categories of the propagating material thereof, which shall be certified according to the requirements set forth in legal acts.

2. The State Seed and Grain Service under the Ministry of Agriculture (hereinafter - State Seed and Grain Service) shall certify the propagating material.

3. A certificate shall be issued for the propagating material of a certain plant species, if:

1) the plant variety has been entered in the List of Plant Varieties except in the cases when the propagating material of the variety is imported into Lithuania on the contract basis to propagate it and to take it abroad again;

2) a seed crop or a fruit and berry nursery meets the requirements set for it;

3) propagating material complies to the mandatory requirements;

4) a natural or legal person, who produces and (or) supplies propagating material and has a licence agreement or - the multiplication agreement according to Article 14 of this Law.

4. A certificate for propagating material of plant varieties, propagated by the maintainer of the variety, shall be issued even in the absence of multiplication agreement.

Article 7. Quality Requirements for Non-certifiable Propagating Material

1. The Minister of Agriculture shall set the quality requirements for non-certifiable propagating material.

2. Non-certifiable propagating material shall be supplied into the market under the supplier's label.

. The supplier, who supplies non-certifiable propagating material into the market, must have a document, issued by a competent institution., which approves the variety and quality of the lot.

Article 8. Inspection of Certified Propagating Material by the Post – control Tests

1. The certified propagating material of the plant species and generations approved by the Minister of Agriculture shall be controlled by post – control tests.

2. According to the set forth by the Minister of Agriculture, the identity of the variety, purity of the variety and other crop characteristics shall be controlled during the plant vegetation period.

3. Should it be determined through post – control tests that, propagating material does not comply to the requirements approved by legal acts, the State Seed and Grain Service shall discontinue the propagation of the propagating material obtained from this lot and its seller shall compensate the buyer's loss.

CHAPTER FIVE

PACKAGING AND SUPPLY OF THE PROPAGATING MATERIAL TO THE MARKET

Article 9. Suppliers' Attestation

The State Seed and Grain Service shall attest natural and legal persons who supply propagating material to the market according to the approved by the Minister of Agriculture.

Article 10. Packing and Marking of Propagating Material

1. The Minister of Agriculture shall set the procedure on the packaging and marking of the propagating material.

2. The supplier shall be responsible for the compliance of the quality indexes to those indicated on the labels of the lot packages and documents in supplying the propagating material to the market.

3. Should the propagating material be chemically or otherwise treated, an indication of this must appear on the package labels of the lot.

4. The indication GMO (genetically modified organism) must be present on the package labels of genetically modified plant varieties propagating material.

Article 11. Supply of Propagating Material to the Market

1. The Minister of Agriculture shall approve provisions on the conditions and requirements for the supply of propagating material to the market.

2. Certified propagating material shall be supplied to the market only when its quality complies to the mandatory requirements and this is confirmed by a certificate.

3. Non-certifiable propagating material may only be supplied to the market when it complies with the established requirements.

4. The suppliers of the propagating material shall be responsible for the quality of the propagating material supplied to the market.

5. The State Seed and Grain Service shall control that the propagating material supplied to the market shall conform to the requirements set forth by the legal acts.

CHAPTER SIX

IMPORT AND EXPORT OF PROPAGATING MATERIAL

Article 12. Requirements for Import

1. Only the certified propagating material of the varieties entered in the List of Plant Varieties and accompanied with a certificate confirming the quality of the propagating material and also a Phytosanitary Certificate, may be imported into the Republic of Lithuania for the purpose of further propagation.

2. Non-certifiable propagating material may be imported into the Republic of Lithuania only by having a document confirming its quality and a phytosanitary certificate.

3. In the event, a seed lot intended for supply to the market, has been imported without a certificate issued by the International Seed Testing Association, its quality shall be repeatedly rechecked in Lithuania.

4. Imported propagating material must be packed and labelled.

5. Natural and legal persons who import propagating material shall be responsible for ensuring that the quality of the propagating material meets the requirements established by the legal acts of the Republic of Lithuania.

6. The State Plant Protection Service shall control the import and export of the propagating material.

7. Should the plant propagating material be imported into Lithuania in accordance with a contract to propagate it and export it abroad again, or should the propagating material be not intended for propagation, the variety of this propagating

material may be not entered in the List of Plant Varieties. In order to import this type of propagating material, a request must be submitted in advance to the Ministry of Agriculture.

8. Should the propagating material be imported for the purpose of state research of plant varieties or plant breeding, the variety of this propagating material may be not entered in the List of Plant Varieties and a quality certificate may not be required for this propagating material.

CHAPTER SEVEN

FINAL PROVISIONS

Article 13. Liability for Violations of Law

Persons who have violated the requirements of this Law, shall be liable in accordance with the in the Laws.

Article 14. Exemptional Provisions

Plant varieties, which up to the time of the coming into force of this Law had been entered in the List of the Plant Varieties most Suitable for Lithuania, may upon the advice of the State Border on Evaluation of Plant Varieties, be entered in the List of Plant Varieties even if they do not have the information on tests of distinctness, uniformity and stability.

Article 15. Coming into Force of the Law

The Law shall enter into force from April 1, 2002.

Article 16. Repealing of Laws.

From April 1, 2002 the following shall be repealed:

- 1) The Republic of Lithuania Law on Protection of Plant Varieties and Seed Cultivation

2) The Republic of Lithuania Law on the Amendments of Articles 3, 6, 17, 18, 19, 20, 24, 25 and 27 of the Law on the Protection of Plant Varieties and Seed Cultivation.

3) The Republic of Lithuania Law on the Amendment of Article 23 of the Law on the Protection of Plant Varieties and Seed Cultivation.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS