Requirements for the production and marketing of vegetable propagating material

Passed 16.05.2012 No. 49

This Regulation is established pursuant to § 64 (5), § 65 (4, 7), § 76 (4), § 101 (4) and § 104 (4) of the Plant Propagation and Plant Variety Rights Act.

§ 1. Scope of application

1) This Act establishes requirements for the production of vegetable propagating and planting material, supplier’s own checks requirements, list of the plant pests reducing the quality of propagating and planting material and requirements for the quality and marketing of vegetable propagating and planting material.

2) Requirements laid down in the Regulation are not applied to trials, research and to the production and marketing of the vegetable propagating and planting material used in variety breeding or for the maintenance of genetic resources.

3) Requirements laid down in the Plant protection Act are also applied to the production and marketing of vegetable propagating and planting material.

4) Requirements of this Regulation are applied to the suppliers entered into the plant health register and dealing with the propagating and planting material referred to in § 31 (1, point 2) and (2) of the Plant Protection Act.

5) Requirements of this Regulation are also applied to the rootstocks or other parts of plants belonging to other genera and species or their hybrids, if they have been grafted or intended for grafting to the plants of the species referred to in this Regulation.

§ 2. List of vegetables

1) Requirements of this Regulation are applied to the following vegetable species:
1) Allium cepa L. – onion (Cepa-group) and shallot (Aggregatum-group);
2) Allium fistulosum L. – Welsh onion;
3) Allium porrum L. – leek;
4) Allium sativum L. – garlic;
5) Allium schoenoprasum L. – chive;
6) Anthriscus cerefolium (L.) Hoffm. – chervil;
7) Apium graveolens L. – celery and celeriac;
8) Asparagus officinalis L. – asparagus;
9) Beta vulgaris L. – beetroot, incl. beet Cheltenham, and leaf beet;
10) Brassica oleracea L. – curly kale, caulifower, asparagus fern, Brussels sprout, savoy cabbage, white cabbage, red cabbage, kohlrabi;
11) Brassica rapa L. – turnip;
12) Capsicum annuum L. – sweet pepper;
13) Cichorium endivia L. – curly endive and endive or escarole chicory;
14) Cichorium intybus L. – witloof chicory, large-leaved chicory or Italian chicory, industrial chicory;
15) Citrullus lanatus (Thunb.) Matsum. et Nakai – watermelon;
16) Cucumis melo L. – melon;
17) Cucumis sativus L. – cucumber and gherkin;
18) Cucurbita maxima Duchesne – large-fruited pumpkin;
19) Cucurbita pepo L. – pumpkin;
20) Cynara cardunculus L. – globe artichoke and cardoon;
21) Daucus carota L. – carrot;
22) Foeniculum vulgare Mill. – fennel;
23) Lactuca sativa L. – lettuce;
24) Lycopersicon esculentum Mill. – tomato;
25) Petroselinum crispum (Mill.) Nyman ex A.W.Hill – parsley;
26) Phaseolus coccineus L. – runner bean;
27) Phaseolus vulgaris L. – dwarf french bean;
28) Pisum sativum L. (partim) – chickpea, common pea and sweet pea;
29) Raphanus sativus L. – radish;
30) Rheum rhaponticum L. – rhubarb;
31) Scorzonera hispanica L. – scorzonera;
32) Solanum melongena L. – aubergine;
33) Spinacia oleracea L. – spinach;
34) Valerianella locusta (L.) Laterr. – corn salad;
35) Vicia faba L. (partim) – field bean;
36) Zea mays L. (partim) – sweetcorn and popcorn.

(2) For the purposes of this Regulation, a part of the plant and the whole plant material, incl. the rootstock intended for the propagation and production of vegetables, is vegetable propagating material.

(3) For the purposes of this Regulation, the plant or a part of the plant, incl. the parts of the plant grafted on plants intended for planting to produce vegetables is vegetable planting material.

(4) For the purposes of this Regulation, the quantity of the propagating and planting material of the same variety and species and of the same origin and composition is a lot of propagating and planting material.

§ 3. Requirements for the production of propagating and planting material

(1) Supplier engaged in the production of propagating and planting material:
1) shall identify critical points of production and the relevant measures applied, shall document those measures and ensure their implementation (hereinafter own checks programme);
2) shall perform visual inspections with a view to identify the existence of quality reducing pests and harmful organisms (hereinafter pests). In case of bulbs, tubers and the plant species propagated by rhizomes shall perform visual inspections of propagating and planting material plants during the growing period;
3) if necessary, shall take samples with a view to identify the existence of pests in the manner prescribed by the Agricultural Board;
4) in the course of production shall ensure the distinctive character of lots in the manner enabling to establish the intended purpose of the lot of propagating or planting material.

(2) Supplier shall nominate a person responsible for the implementation and performance of the own checks programme.

(3) Where a pest listed in Annex has been identified, pesticides shall be applied immediately or damaged plants shall be destroyed.

(4) Supplier shall immediately inform the Agricultural Board about the identification of the existence of a pest exceeding the maximum permitted level and shall apply the measures required by the Agricultural Board.

(5) Sample taken to identify the existence of a pest shall be analysed in the laboratory prescribed by the Agricultural Board.

§ 4. Own checks system of a supplier involved in the production of propagating and planting material

(1) To meet the requirement provided in point 1 of § 3 (1) supplier shall draw up an own checks plan, describing the critical points of production (caused by the method of production) and the measures applied.

(2) Particularly the following activities are regarded as critical points:
1) bringing parent propagating material to the holding and the assessment of its quality, incl. plant health status;
2) sowing or propagating, prickling, planting or transplanting of propagating material;
3) growing of propagating and planting material, considering the used technology;
4) harvesting of propagating and planting material;
5) applying measures to identify the existence of pests in propagating and planting material;
6) processing, packaging, storage and transportation of propagating and planting material.

(3) Own checks plan must include at least the following data:
1) undertaking’s name and contact data;
2) name and contact data of the person responsible for production;
3) plant health register’s entry number;
4) data on parent propagating material, incl. on bringing this material into the holding and its origin;
5) data on the propagating and planting material grown by species, varieties and lots with data on the plot of land used on the basis of the field book or the land, building or facility use plan;
6) data on stored and marketed propagating and planting material by lots;
7) data on the inspections and checks performed, incl. on samplings and their results;
8) description of the measures applied to avoid bringing pests in and to prevent their spread and of control measures and the results of those measures;
9) description of the measures applied to get rid of pests and the results of the application of those measures, incl. data on the destroyal of damaged plants and their quantity and the description of the manner of destroyal.

(4) Supplier keeps data on the results of the check of critical points and applied measures and data and documents with regard to bought, imported, produced, stored and marketed propagating material on paper or electronically at least for three years.

§ 5. Quality requirements for propagating and planting material

Suitable propagating and planting material meets the following requirements:
1) is of homogeneous quality throughout the lot, has species and varietal identity and adequate purity;
2) the number of pests listed in Annex identified by visual inspection does not exceed the maximum permitted level;
3) is normally developed, without symptoms of damage and withering and has the characteristics typical of the species or variety;
4) is well rooted and has healthy roots for marketing as pot plants.

§ 6. Requirements for the marketing of propagating and planting material

(1) Marketed propagating and planting material must meet the quality requirements provided in § 5.

(2) Marketed propagating and planting material must belong to the variety entered into the EU Common Catalogue of Varieties of Vegetable Species.

(3) Marketed propagating and planting material is kept as a lot. It must be possible to distinguish and identify different lots. Where lots of vegetable propagating and planting material of different origin are put together supplier shall keep data on the composition of the lot and on the origin of individual components.

(4) Paragraph 3 is not applied to the propagating and planting material retail marketed to the final consumer.

(5) Supplier shall furnish the propagating and planting material lot marketed to the person engaged in the production of propagating and planting material and to the supplier engaged in the marketing of propagating and planting material with a document.

(6) Supplier’s document shall be in Estonian or in some other EU official language, if necessary. The document shall indicate the following data:
1) words „EL kvaliteet“ (EU quality);
2) name of the Member State or its abbreviation;
3) name of the competent authority or its abbreviation;
4) producer’s identification number (Estonian supplier – the entry number of the plant health register);
5) supplier’s name;
6) lot number or other identifying characteristics, in case of planting material the number of the seed lot of which the seeds were used for the production of the planting material;
7) date of issue of the supplier’s document;
8) name of propagating and planting material species and in case of the species to be furnished with a plant passport the botanical name of the species in Latin;
9) variety denomination and using a rootstock also rootstock variety denomination or marking or rootstock species denomination in Estonian, if the rootstock belongs to another plant species;
10) number of plants in the lot;
11) name of the producer country if propagating and planting material has been imported to Estonia from a third country.

(7) Supplier shall furnish the propagating and planting material lot or single set retail marketed to final consumer with product specification including the name of propagating and planting material species in Estonian and Latin, variety denomination, country of origin and supplier.

(8) In case of micropropagated propagating and planting material the word „micropropagated“ shall be included in supplier’s document or product specification.

(9) Marking or the document accompanying the genetically modified propagating and planting material to be marketed must have a notation of the genetic modification of the variety and data on the genetically modified organisms contained in it.

(10) Supplier dealing exclusively with the marketing of propagating and planting material shall draw up an own checks programme, describing the critical points referred to in point 6 of § 4 (2) and containing the data listed in points 1–3 of § 4 (3) and in (6).
Supplier is responsible for the species and varietal identity and purity of marketed propagating and planting material.

§ 7. Repeal of the Regulation

Regulation No 51 of the Minister of Agriculture, 20 April 2006, Requirements for the production and marketing of vegetable propagating material (RTL 2006, 36, 628; 2009, 93, 1348) shall be repealed.


Helir-Valdor Seeder
Minister

Ants Noot
Secretary General

Annex List of the pests reducing the quality of vegetable propagating material and the permitted level of their existence