

REGULATION No. 21 OF 10.12.2007 ON THE MARKETING OF CEREAL SEED WITHIN THE EUROPEAN UNION

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Issued by the Minister of Agriculture and Food

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Chapte One GENERAL PROVISIONS

Article 1. (1) This Regulation shall lay down the rules concerning:

1. the categories of cereal seed placed on the market of the European Union (EU);
2. the control of seed by the official authorities for the purposes of certification; the activities carried out under the supervision of the official authorities – field inspection carried out by the inspectors referred to in Article 6 of the Seed and Propagating Material Act (SPMA) and laboratory testing of seed usefulness carried out in laboratories referred to in Article 7 SPMA;
3. the conditions under which the seed is placed on the market;
4. the conditions to be satisfied by the seed for certification – field inspection (including the requirements for spatial isolation) and laboratory testing of its usefulness, the size (weight) of lots and the size (weight) of seed samples of the species concerned; packaging and labelling; seed germination testing;
5. the conditions and procedure for approval of mixtures and germination testing of mixtures;
6. small packages;
7. the conditions and procedure for post-control; the number of lots subject to post-control;
8. the marketing of seed that is not finally certified;
9. the importation of seed from third countries;
10. the marketing of seed produced under particular conditions; seed of particular designation;
11. the control of the seed placed on the market.

(2) This Regulation shall also apply to the categories of seed of other cereals which are produced and marketed only within the country, the conditions to be satisfied by seed for approval ('certification' at the national level), packaging and labelling.

(3) This Regulation shall apply to cereal seed of the species listed in Annex No. 1 which are intended for seed production and/or production of agricultural crops, except for the production for ornamental purposes.

Article 2. This Regulation shall not apply to cereal seed for export to third countries.

Chapter Two CATEGORIES OF SEED

Article 3. Cereal seed, depending on the crop, shall be produced and certified in the following categories:

1. basic seed;
2. certified seed;
3. certified seed, first generation;
4. certified seed, second generation.

Article 4. (1) Basic seed of oats, barley, canary grass, rye, xTriticosecale (triticale), wheat, durum wheat and spelt wheat other than hybrids is the seed which:

1. has been produced under the responsibility and supervision of the persons under Article 26(1)(1) of the Seed and Propagating Material Act (SPMA) (breeders) according to accepted methods and practices for the maintenance of the variety;
2. is intended for production of seed from the categories ‘certified seed’ or ‘certified seed, first generation’ or ‘certified seed, second generation’;
3. complies with the requirements to basic seed laid down in Annexes Nos. 2 and 3 and to which the requirements laid down in Article 19 may be applicable;
4. has been found on examination by the official authorities referred to in Article 9 that it satisfies the conditions laid down in subparagraphs 1 to 3; the compliance with the requirements laid down in Annex No. 3, which is established by laboratory testing, may be checked also in laboratories referred to in Article 10(2) under the supervision of the official authorities.

(2) Basic seed of oats, barley, rice, canary grass, rye, xTriticosecale, wheat, durum wheat, spelt wheat and self-pollinating xTriticosecale as a component of a hybrid is the seed which:

1. is intended for the production of hybrids;
2. complies with the requirements to basic seed laid down in Annexes Nos. 2 and 3 and to which the requirements laid down in Article 19 may be applicable;
3. has been found on examination by the official authorities referred to in Article 9 that it satisfies the conditions laid down in subparagraphs 1 and 2; the compliance with the requirements laid down in Annex No. 3, which is established by laboratory testing, may be checked also in laboratories referred to in Article 10(2) under the supervision of the official authorities.

(3) Basic seed of *Zea mays* (maize) and *Sorghum* spp. (sorghum, Sudan grass) is the seed divided into the following groups:

1. basic seed of open-pollinating varieties:

(a) which has been produced under the responsibility and supervision of the persons under Article 26(1)(1) SPMA (breeders) according to accepted methods and practices for the maintenance of the variety;

(b) which is intended for the production of certified seed or hybrids (top-cross hybrids or other complex hybrids);

(c) which complies with the requirements to basic seed laid down in Annexes Nos. 2 and 3 and to which the requirements under Article 19 may be applicable;

(d) which has been found on examination by the official authorities referred to in Article 9 that it satisfies the conditions laid down in subparagraphs (a) to (c); the compliance with the requirements laid down in Annex No. 3, which is established by laboratory testing, may be checked also in laboratories referred to in Article 10(2) under the supervision of the official authorities.

2. basic seed of inbred lines:

(a) which is intended for the production of hybrids;

(b) which complies with the requirements to basic seed laid down in Annexes Nos. 2 and 3 and to which the requirements under Article 19 may be applicable;

(c) which has been found on examination by the official authorities referred to in Article 9 that it satisfies the conditions laid down in subparagraphs (a) and (b); the compliance with the requirements laid down in Annex No. 3, which is established by laboratory testing, may be checked also in laboratories referred to in Article 10(2) under the supervision of the official authorities;

3. basic seed of simple hybrids:

(a) which is intended for the production of double hybrids, triple-cross hybrids or top-cross hybrids;

(b) which complies with the requirements to basic seed laid down in Annexes Nos. 2 and 3 and to which the requirements under Article 19 may be applicable;

(c) which has been found on examination by the official authorities referred to in Article 9 that it satisfies the conditions laid down in subparagraphs (a) and (b); the compliance with the requirements laid down in Annex No. 3, which is established by laboratory testing, may be checked also in laboratories referred to in Article 10(2) under the supervision of the official authorities.

Article 5. (1) Certified seed of canary grass other than hybrids, rye, sorghum, Sudan grass and maize (direct varieties or hybrids), oats, barley, rice, wheat, durum wheat, spelt wheat and self-pollinating xTriticosecale (hybrids) is the seed which:

1. is of direct descent from basic seed or, on request of the breeder applying for certification pursuant to Article 7, from pre-basic seed, which has been found on examination by the official authorities referred to in Article 9 to satisfy the conditions laid down for basic seed in Annexes Nos. 2 and 3;

2. is intended for purposes other than the production of cereal seed;

3. complies with the requirements to certified seed laid down in Annexes Nos. 2 and 3 and to which the requirements under Article 19(1)(2) may be applicable;

4. has been found on examination by the official authorities referred to in Article 9 or by natural persons (inspectors) and/or the laboratories referred to in Article 10 under the supervision of the official authorities that it satisfies the conditions laid down in subparagraphs 1 to 3.

(2) Certified seed of the first generation of oats, barley, rice, xTriticosecale, wheat, durum wheat and spelt wheat other than hybrids is the seed which:

1. is of direct descent from basic seed or, on request of the breeder applying for certification pursuant to Article 7, from pre-basic seed, which has been found on examination by the official authorities referred to in Article 9 to satisfy the conditions laid down for basic seed in Annexes Nos. 2 and 3;

2. is intended for the production of certified seed of the second generation or for purposes other than the production of cereal seed;

3. satisfies the conditions laid down in Annexes Nos. 2 and 3 for certified seed;

4. has been found on examination by the official authorities referred to in Article 9 or by natural persons (inspectors) and/or the laboratories referred to in Article 10 under the supervision of the official authorities that it satisfies the conditions laid down in subparagraphs 1 to 3.

(3) Certified seed of the second generation of oats, barley, rice, xTriticosecale, wheat, durum wheat and spelt wheat other than hybrids is the seed which:

1. is of direct descent from basic seed or from certified seed of the first generation or, on request of the breeder applying for certification pursuant to Article 7, from pre-basic seed, which has been found on examination by the official authorities referred to in Article 9 to satisfy the conditions laid down for basic seed in Annexes Nos. 2 and 3;

2. is intended for purposes other than the production of cereal seed;

3. satisfies the conditions laid down in Annexes Nos. 2 and 3 for certified seed;

4. has been found on examination by the official authorities referred to in Article 9 or by natural persons (inspectors) and/or the laboratories referred to in Article 10 under the supervision of the official authorities that it satisfies the conditions laid down in subparagraphs 1 to 3.

Article 6. Seed of canary grass and xTriticosecale may also be marketed as hybrids (certified seed referred to in Article 5(1)), including hybrid components (basic seed referred to in Article 4(2)) in accordance with the EU legislation.

Article 7. The seed of a generation prior to basic seed of the breeder of the variety shall be certified in the category of pre-basic seed in accordance with the conditions for basic seed in the cases referred to in Articles 5 and 17.

Article 8. (1) Seed of the legumes chickpeas and lentils shall be produced and approved ('certified' at the national level) in categories equivalent to the categories of certified seed:

1. basic seed;
2. seed, first generation;
3. seed, second generation.

(2) The seed referred to in paragraph 1 shall be approved by the Executive Agency for Variety Testing, Field Inspection and Seed Control (IASAS) provided that it satisfies the conditions laid down for the categories of certified seed referred to in Article 4(1), (2) and (3).

(3) Seed of legumes may be approved in the category of pre-basic seed in accordance with Article 7.

Chapter Three

SEED CONTROL BY THE OFFICIAL AUTHORITIES FOR CERTIFICATION PURPOSES ACTIVITIES UNDER THE SUPERVISION OF THE OFFICIAL AUTHORITIES AND REQUIREMENTS FOR THEIR IMPLEMENTATION

Article 9. (1) (Amended, SG No. 58/2016, effective date 26.07.2016) In the Republic of Bulgaria, seed control shall be carried out through the official measures taken by the IASAS in accordance with Article 4 SPMA and by the Bulgarian Food Safety Agency (BFSA) in accordance with Article 5 SPMA.

(2) The Executive Agency for Plant Variety Testing, Field Inspection and Seed Control shall certify cereal seed in the categories of basic seed, certified seed, certified seed of the first generation and certified seed of the second generation through field inspections and laboratory testing to check the usefulness of seed and its compliance with the requirements laid down in Annexes Nos. 2 and 3.

(3) (Amended, SG No. 58/2016, effective date 26.07.2016) The Bulgarian Food Safety Agency shall perform phytosanitary control of cereal seed in accordance with Regulation No. 8 of 2015 on phytosanitary control (SG No. 19/2015) and provide the results to the IASAS.

Article 10. (1) Field inspections under the IASAS supervision may also be carried out by natural persons (inspectors) licensed by the Executive Director of the IASAS pursuant to Article 6 SPMA as regards the categories of certified seed, certified seed of the first generation and certified seed of the second generation.

(2) (Amended, SG No. 30/2019, effective date 9.04.2019) Laboratory testing of the usefulness of seed under the supervision of the IASAS may also be carried out by laboratories approved by the Minister of Agriculture, Food and Forestry in accordance with Article 7(1) SPMA.

Article 11. The persons referred to in Article 10 shall comply with the requirements laid down in Articles 12 and 13 in the implementation of the activities under the supervision of the IASAS provided for in Article 4(1)(4), Article 4(2)(3), Article 4(3)(1)(d), Article 4(3)(2)(c), Article 4(3)(3)(c), Article 5(1)(4), Article 5(2)(4) and Article 5(3)(4).

Article 12. (1) The following requirements shall apply to field inspections carried out under the supervision of the IASAS:

1. Inspectors shall:

- (a) have the requisite qualifications obtained in an exam passed successfully for the conduct of field inspections, which is organised by the IASAS in accordance with Article 6(2) SPMA;
- (b) be authorised by the Executive Director of the IASAS to carry out field inspections in accordance with Article 6 SPMA and have signed a declaration on the observance of inspection rules, deriving no private gain in connection with the carrying out of the inspections;
- (c) conduct inspections in accordance with the rules of official inspections laid down in Annex No. 2 and in the method to carry out field inspection of cereal, fodder, oil and fibre plants,

beetroot, tobacco, potatoes, ornamental plants, medicinal plants and aromatic plants in accordance with Article 31(6) SPMA.

2. Seed crops to be inspected by the inspectors referred to in subparagraph 1 shall be grown from seed, which has undergone official post-control and has been approved;

3. IASAS inspectors shall check at least 5% of the seed crops;

4. A proportion of the lots of seed harvested from the seed crops which have been inspected by the field inspectors referred to in subparagraph 1 shall be subject to post-control (growing trials) and, if necessary, laboratory testing of crops to which such methods are applicable.

5. The IASAS control by the inspectors referred to in subparagraph 1 shall include the measures provided for in subparagraphs 3 and 4, including sudden verification checks of the inspections.

(2) Where the non-compliance with the field inspection rules has led to infringements by the inspectors referred to in paragraph 1, subparagraph 1, the certification shall be annulled by order of the Executive Director of the IASAS, unless it can be shown that, after the appropriate treatment of crops, such seed still meets all relevant requirements.

Article 13. (1) (Amended, SG No. 49/2009, effective date 30.06.2009) The following requirements shall apply to the laboratory testing of seed under the supervision of the IASAS:

(1) (Amended, SG No. 30/2019, effective date 9.04.2019) seed shall be tested in laboratories which have been approved to carry out laboratory testing for certification purposes by the Minister of Agriculture, Food and Forestry in accordance with Article 7(1), Article 9 and Article 10 SPMA;

2. the seed testing laboratory has staff that is qualified to perform the requisite laboratory tests in accordance with the job descriptions, including a laboratory manager, laboratory premises and laboratory equipment; the laboratory tests seed in accordance with international methods which are specified in the methodology of sampling and testing the purity, germination and absolute weight of the seed crops in accordance with Article 31(8) SPMA;

3. the seed-testing laboratory shall be an independent laboratory (within the meaning of Article 7(2) SPMA);

4. (Amended, SG No. 49/2009, effective date 30.06.2009, SG No. 38/2010, effective date 21.05.2010, amended, SG No. 30/2019, effective date 09.04.2019) a laboratory belonging to a cereal seed producer shall test only seed lots produced by the owner of the laboratory or, in specific cases laid down in an order of the Minister of Agriculture, Food and Forestry at the proposal of the IASAS, seed which has not been produced by such person.

(2) (Supplemented, SG No. 38/2010, effective date 21.05.2010) Laboratories under paragraph 1, subparagraphs 1 and 2 shall be subject to supervision by the IASAS.

(3) For the purposes of the supervision referred to in paragraph 2, at least 5% of the samples of the seed lots declared and sent to the laboratory to examine the seed for certification purposes shall be subject to verification of the tests at an IASAS laboratory in accordance with Article 11, paragraphs 1 and 2 of the SPMA.

(4) The samples referred to in paragraph 3 shall be distributed proportionately to the number of samples and the number of species owned by the persons who have submitted an application for certification of the seed to the relevant territorial unit (TU) of the IASAS and own the seed tested in a laboratory referred to in paragraph 1, subparagraph 1. The samples subject to verification may include also samples drawn in case of doubt in the performance of the laboratory or alerts of infringements.

(5) Where the seed testing rules and methods are violated by a laboratory referred to in paragraph 1, subparagraph 1, the measures provided for in Articles 11(3) and 12(2) SPMA shall apply.

(6) The certificate of the seed in the cases under paragraph 5 shall be annulled pursuant to Article 11(4) SPMA, unless the seed continues to satisfy the certification conditions, regardless of the difference between the results obtained at the laboratory referred to in paragraph 1, subparagraph 1 and the results obtained in an IASAS laboratory in the verification process.

Article 14. (1) For the examination of seed for certification and for checking the varietal identity and purity of the seed through post-control, samples shall be drawn from the handled homogeneous lots. For the testing of seed germination and for verification purposes, samples shall be drawn from the remaining available seed.

(2) Samples shall be taken by IASAS officials authorised by the Executive Director of the IASAS or persons who have been licensed by the Executive Director of the IASAS and are under the supervision of the IASAS.

(3) The license referred in paragraph 2 shall be issued to persons with the necessary qualifications obtained in a specialised training course for samplers at the IASAS, who have passed the exam successfully.

(4) The persons referred to in paragraph 2 may be:

1. independent persons who are not employed pursuant to subparagraphs 2 and 3; or
2. persons who are employed by a natural or legal person whose activity is not related to seed production and/or marketing; or
3. persons who are employed by a natural or legal person whose activity is related to seed production and/or marketing.

(5) The Executive Director of the IASAS shall issue a license to a sampler pursuant to paragraph 3 in the format he or she has approved or shall give a refusal with reasons in cases of failure at the exam. Any such refusal shall be subject to appeal in accordance with the Administrative Procedure Code (APC).

(6) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) Licensed samplers shall sign a declaration that they will be unbiased and disinterested in the discharge of their duties, abiding by the sampling rules and methods approved by the Minister of Agriculture, Food and Forestry and by the provisions of this Regulation.

(7) The license referred to in paragraph 6 shall specify the status of the sampler and the scope of his or her sampling activities for the relevant crops and categories.

(8) The samplers referred to in paragraph 4, subparagraph 3 shall draw samples only from seed lots produced and/or marketed by their employers, unless agreed otherwise between the employer, the applicant for certification and the IASAS.

Article 15. (1) Licensed samplers shall operate under the supervision of the IASAS.

(2) For the purposes of the supervision under paragraph 1, the IASAS shall perform annual verification checks of at least 5% of the lots from which samples were drawn.

(3) The lots included in the checks referred to in paragraph 2 shall be distributed proportionately to the number of lots and the number of species belonging to the applicants for certification. Lots for which doubt or alerts of infringements in the sampling process exist shall also be covered by the checks. This check of samples shall not apply to the cases of automatic sampling.

(4) The portion of the lots of any applicant, which has been included in the 5 percent for the verification check, shall be proportionate to the number of lots which the applicant has included in the application for certification and to the number of species.

(5) Where it is established by the verification check referred to in paragraph 2 that the samples do not characterise the seed lot (they are not representative of the lot) and this may lead or has led to laboratory test results which are not reliable for the lot and the actual indicators deviate from the allowable levels laid down in Annex No. 3:

1. the certification process shall be suspended or the certificate issued for the lot shall be annulled;
2. the seed lot shall be withdrawn from the market.

(6) Seed may be marketed where the verification checks referred to in paragraph 2 establish that the actual indicators of the lot are different from those of the tested samples drawn by a licensed sampler but they satisfy the conditions laid down in this Regulation.

Chapter Four

CONDITIONS UNDER WHICH SEED IS PLACED ON THE MARKET

Article 16. Depending on the plant species, cereal seed shall be marketed only if certified in the categories of basic seed, certified seed, certified seed of the first generation, and certified seed of the second generation.

Article 17. (1) Seed of the pre-basic seed category may also be placed on the market if it is certified under the conditions for basic seed.

(2) mixtures of cereal seed may be marketed in accordance with the requirements laid down in Chapter Seven.

Article 18. (1) Seed may be marketed provided that it has been approved by field inspection and traded to be handled and finally certified.

(2) The persons who have produced the seed referred to in paragraph 1 shall guarantee its identity and shall have concluded a contract with the persons buying the seed for handling. The contract shall be made available to the IASAS for the purposes of seed certification and control.

Article 19. (1) By way of derogation from the provisions of Articles 4 and 5 for seed produced in the country:

1. The Executive Director of the IASAS may authorise the certification and marketing of basic seed of lower germination rate than the germination rate laid down in Annex No. 3 for the relevant crop in any of the following cases:

(a) (Amended, SG No. 49/2009, effective date 30.06.2009) laboratory testing has established germination of at least 60%; where climatic conditions are unfavourable for seed production or after changes in the seed during its storage it is established that its germination is lower than the rate provided for in this subparagraph, the use of such basic seed may be allowed by way of derogation;

(b) the actual germination of the seed is indicated on an adhesive sticker affixed on the official label referred to in Article 31 without covering the particulars thereon and bearing the name and address of the producer and/or trader and the identification number of the seed lot;

(c) The Executive Agency for Plant Variety Testing, Field Inspection and Seed Control (IASAS) shall monitor the compliance with the conditions laid down in items (a) and (b);

2. Seed may be certified and marketed to the level of first buyer of seed of the categories of basic seed or certified seed, notwithstanding the fact that the official testing of the seed germination for the purposes of checking the compliance with the requirements laid down in Annex No. 3 has not been finalised, so as to ensure urgent placement of seed on the market or prevention of delays in the supply of seed, where the following conditions are satisfied:

(a) the applicant submits a letter to the IASAS on the need for urgent placement of the seed on the market and the name and address of the first buyer;

(b) the seed is in the process of certification on the basis of a provisional document on the laboratory testing of the seed, which the applicant makes available with the letter referred to in item (a);

(c) for the purposes of marketing the seed pursuant to item (b), the seed germination established in the laboratory tests is declared on the special label, bearing the name and address of the applicant and the identification number of the lot.

(2) The certificate provided for in Article 26(2) shall be issued after the completion of the official testing of the usefulness of the seed to ensure the final certification.

(3) The provisions of paragraph 1 shall not apply to seed imported from third countries, save as otherwise provided in Article 52 in respect of seed multiplication outside the Community.

(4) The Executive Agency for Plant Variety Testing, Field Inspection and Seed Control shall provide administrative assistance to the competent authorities of the Member States making use

of the derogations referred to in paragraph 1, which transposes Article 4 of Council Directive 66/402/EEC.

(5) Seed of the categories of certified seed, certified seed of the first generation and certified seed of the second generation with lower germination than the rate provided for in Annex No. 3 may be marketed in accordance with Commission Regulation (EC) 217/2006 and the relevant EC decision for the country.

Article 20. (1) Seed other than the seed authorised for marketing under Articles 16, 17, 18 and 19 may be marketed within the territory of the Republic of Bulgaria for the following purposes:

1. scientific purposes or selection work, or

2. trials – demonstration and/or production – of varieties for which an application for inclusion has been submitted pending its inclusion in the Official Variety List of the Republic of Bulgaria.

(2) Genetically modified seed under paragraph 1, subparagraph 2 shall comply with the Genetically Modified Organisms Act with a view to avoiding adverse effects on human health, animal and plant health, and the environment.

(3) The provisions of Article 7(4) of Regulation No. 77 of 2006 on the procedure for acceptance for inclusion of new varieties of agricultural plant species in the Official Variety List of the Republic of Bulgaria and the Common Catalogue of the EU Member States (SG No. 51/2006) transposing the provisions of Article 7(4) of Council Directive 2002/53/EC shall apply to the environmental impact assessment of genetically modified seed.

(4) The authorisation of the marketing of the seed referred to in paragraph 1, subparagraph 2 in terms of designation, packaging, marking and quantities shall be established in accordance with EC Decision 2004/842.

(5) (Amended, SG No. 30/2019, effective date 9.04.2019) Persons registered within the territory of the country as producers and traders of seed and propagating material shall be issued authorisation for marketing the seed referred to in paragraph 1 in accordance with the requirements laid down in paragraph 4 by the Executive Director of the IASAS upon the submission of an application in the format approved by the Executive Director of the IASAS in accordance with the Regulation under paragraph 4. Refusals to issue authorisation shall be subject to appeal in accordance with the Administrative Procedure Code (APC).

Chapter Five

REQUIREMENTS TO SEED FOR THE PURPOSES OF CERTIFICATION, PACKAGING AND LABELLING

Section I

Requirements to seed for certification

Article 21. The Executive Agency for Plant Variety Testing, Field Inspection and Seed Control shall certify seed to establish:

1. the varietal identity, varietal purity and health of the crop by field inspection and/or laboratory testing for which such methods exist; and

2. the usefulness of the seed – analytical purity, germination and moisture content, and health by laboratory testing.

Article 22. (1) The persons under Article 28 SPMA shall submit an application for certification in the format approved by the Executive Director of the IASAS.

(2) The description of the genealogical (parent) components shall be kept confidential on request of the applicant (breeder).

Article 23. (1) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) Field inspections shall be carried out to establish the compliance of the seed crop with the requirements for the relevant crop in accordance with the

requirements laid down in Annex No. 2 on the basis of methods approved by the Minister of Agriculture, Food and Forestry pursuant to Article 31(6) SPMA.

(2) The requirements for spatial isolation of seed producing crops, depending on the species, for the purposes of field inspection are listed in Annex No. 2.

(3) The results of the field inspection shall be recorded in a field inspection statement in the format approved by the Executive Director of the IASAS.

Article 24. (1) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) Laboratory tests shall be carried out to establish the compliance of the seed with the requirements laid down in Annex No. 3 on the basis of methods approved by the Minister of Agriculture, Food and Forestry pursuant to Article 31(8) SPMA in accordance with the existing international methods of the International Seed Testing Association (ISTA).

(2) The laboratory which has made the tests shall issue a document with the laboratory test results in the format approved by the Executive Director of the IASAS.

Article 25. (1) For the laboratory testing of seed for certification and for checking the varietal identity and purity of the seed through post-control, samples shall be drawn from the handled homogeneous lots.

(2) The maximum lot weight and the minimum sample weight, depending on the species, are laid down in Annex No. 4.

(3) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) Sampling pursuant to paragraph 1 shall be carried out on the basis of methods approved by the Minister of Agriculture, Food and Forestry pursuant to Article 31(6) SPMA and in accordance with the existing ISTA methods.

(4) Samplers shall draw up a sampling statement in the format approved by the Executive Director of the IASAS.

Article 26. (1) The Executive Agency for Variety Testing, Field Inspections and Seed Control shall certify the seed which complies with the requirements laid down in Annexes Nos. 2 and 3.

(2) (Supplemented, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) The IASAS shall issue a certificate in the format approved by the Executive Director of the IASAS for the purposes of marketing the certified seed referred to in paragraph 1 in the categories referred to in Articles 4 and 5.

(3) Where special conditions are established for the presence of wild oat (*Avena fatua*) by an EC act in accordance with the EU legislation, these conditions shall be indicated in the certificate. In accordance with Commission Directive 2006/47/EC of 23 May 2006 laying down special conditions concerning the presence of *Avena fatua* in cereal seed, which is transposed with this Regulation, seed shall be certified in accordance with Article 11 of Directive 66/402/EEC which is transposed with Article 34 of this Regulation if:

1. if the crop is free of *Avena fatua* at the time of the field inspection officially carried out in conformity with the provisions of Annex No. 2 and if a sample of a least 1 kg, drawn in accordance with the provisions of Article 7 of Directive 66/402/EEC, introduced in Articles 14 and 25 herein, is free of *Avena fatua* at the time of official examination by laboratory testing of the seed; or

2. if a sample of at least 3 kg, drawn in accordance with the provisions of Article 7 of Directive 66/402/EEC, introduced in Articles 14 and 25 herein, is free of *Avena fatua* at the time of official examination by laboratory testing of the seed.

Certification shall be completed only if the conditions of one of the two cases – either subparagraph 1 or subparagraph 2 – are satisfied.

(4) (Amended, SG No. 49/2009, effective date 30.06.2009, repealed, SG No. 30/2019, effective date 9.04.2019).

(5) (New, SG No. 49/2009, effective date 30.06.2009, repealed, SG No. 30/2019, effective date 9.04.2019).

(6) (New, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019). Where the packages and seeds of a lot to be tested for germination are damaged or unsuitable for marketing, the lot may be repackaged pursuant to Article 30, paragraphs 5 to 7 and 10.

(7) (New, SG No. 49/2009, effective date 30.06.2009, repealed, SG No. 30/2019, effective date 9.04.2019).

(8) (New, SG No. 49/2009, effective date 30.06.2009, repealed, SG No. 30/2019, effective date 9.04.2019).

Article 27. Certification of seed from self-pollinating lines and hybrids of maize, wheat seed, durum wheat seed, barley seed, and the categories of pre-basic seed, basic seed and certified seed of the first generation shall be carried out after the results of electrophoresis are obtained.

Article 28. The persons referred to in Article 28 SPMA, who have applied for certification, shall pay fees for the field inspections, sampling, and laboratory testing and for the documents issued by the IASAS in accordance with the rates set out in Decree No. 310 of the Council of Ministers of 2004 on the approval of the Rates of the fees charged by the IASAS pursuant to the New Plant Variety and Animal Breed Protection Act and the Seed and Propagating Material Act. (SG No. 104/2004).

Section II

Packaging and labelling of seed

Article 29. (1) Basic seed and certified seed of all categories shall be marketed only in sufficiently homogeneous lots and in sealed packages bearing, as prescribed in Articles 30 and 31, a sealing device and markings.

(2) (Amended, SG No. 30/2019, effective date 9.04.2019) Derogations from the provisions of paragraph 1 concerning the packaging, sealing and/or sealing and marking may be provided for the sale of seed to final consumers for own needs in written instructions approved by the Executive Director of the IASAS and made available to the producers eligible pursuant to Article 28(2) SPMA and to registered traders.

(3) By way of derogation, certified seed of all categories intended for purposes other than seed production and for final consumers may be kept in bulk on appropriate premises.

(4) The provisions of paragraph 3 shall be specified by an EC act in accordance with the EU legislation.

Article 30. (1) Packages of basic seed and certified seed shall be sealed officially in the presence of a person authorised by the Executive Director of IASAS or by the persons referred to in Article 28 SPMA under the supervision of the IASAS.

(2) Packages shall be sealed in such a manner that they cannot be opened without damaging the system of sealing or leaving evidence of tampering on either the official label provided for in Article 31 or the package.

(3) To ensure the sealing of the packages, each sealing system shall include at least the official label provided for in Article 31 or a seal, except for the packages equipped with a single-use sealing system.

(4) Specific package sealing systems guaranteeing compliance with the conditions laid down in paragraphs 2 and 3 may be used in the country at decisions taken by the EC in accordance with the relevant procedure.

(5) Sealed packages shall not be opened and re-sealed, unless a permission is given by the IASAS, without prejudice to the provisions of paragraph 1.

(6) (Amended, SG No. 49/2009, effective date 30.06.2009) If packages are resealed, the date of resealing/the date of re-sampling and the name of the authority responsible therefor – IASAS – shall be stated on the label referred to in Article 31.

(7) (Supplemented, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) The provisions of paragraphs 5 and 6 shall apply to the cases of repackaging of seed into packages of smaller net weight (other than the weight of ‘small packages’) than the initial weight. At the time of sealing of the new packages, an official authorised by the Executive Director of the IASAS shall check the sealing of the new packages on the spot and draw samples for laboratory testing, including, if appropriate, electrophoresis, whereby the costs for the presence of the official shall be borne by applicant. A new certificate shall be issued for the repackaged seed.

(8) Derogations from the requirements laid down in paragraphs 1 to 3 shall be allowed as regards small packages sealed and marketed within the country.

(9) (New, SG No. 49/2009, effective date 30.06.2009) Repackaging of seed harvested in Member States of the European Union (EU) or third countries and marketed within the country shall be carried out upon authorisation by the IASAS and the requirements laid down in paragraphs 5 to 7 shall apply, whereby the requisite documents shall be issued: a document on packaged EU seed or a document for the marketing of seed imported from third countries.

(10) (New, SG No. 49/2009, effective date 30.06.2009) In the cases of repackaging pursuant to paragraphs 7 and 9, the official labels issued by the IASAS for the new packages in accordance with Annex No. 5, Section IA, point 2 shall indicate the certification authority in the country (IASAS) which has authorised the repackaging.

Article 31. (1) (Amended, SG No. 25/2017, effective date 1.04.2017) Packages of basic seed and certified seed of all categories shall be labelled on the outside with a new label that is used for the first time, which fulfils the conditions laid down in Annex No. 5I(A). The particulars of the label shall be provided in one of the official languages of the European Community and the particulars of the seed produced and marketed within the territory of the country shall be provided in the Bulgarian language.

(2) When a label with a string-hole is used, its attachment shall be ensured in all cases with an official seal to guarantee the sealing system.

(3) The colour of the label shall be:

1. white for basic seed;
2. blue for certified seed and certified seed of the first generation;
3. red for certified seed of the second generation.

(4) In the cases under Article 19(1) in which basic seed does not satisfy the conditions for germination laid down in Annex No. 3, this fact shall be indicated on an adhesive sticker that does not cover the particulars on the label.

(5) The use of official adhesive labels on paper packages or packages of another suitable material shall be allowed.

(6) The particulars of the label may also be printed indelibly on the packages, depending on the layout of the label, under the supervision of the IASAS and under conditions laid down in an EC act.

(7) (New, SG No. 57/2020, effective date 26.06.2020) The official label shall contain the plant passport affixed clearly on the common label immediately above the official label and of the same width as the official label for the species for which regulated non-quarantine pests (RNQPs) have been provided for. The plant passport shall be issued by the BFSA or by the authorised operator(s).

Article 32. Derogations from Article 31 may be allowed for small packages sealed within the country.

Article 33. (1) Packages of basic seed and certified seed shall be accompanied by an official document of a colour corresponding to the colour of the label for the relevant category and containing at least the mandatory particulars laid down in Annex No. 5I(A), points 4, 5 and 6. This document shall be drawn up in such a manner that it cannot be confused with the official label referred to in Article 31.

(2) The document provided for in paragraph 1 shall not be required if the particulars are printed indelibly on the package or if an adhesive label or a label of tear resistant material is used.

Article 34. (1) Packages of basic seed and certified seed of all categories may bear a producer's and/or trader's label other than the official label, which shall contain the particulars of the producer and/or trader or the particulars are printed on the packaging. If seed lots are subject to special conditions concerning the presence of *Avena fatua* in accordance with Commission Directive 2006/47/EC transposed with this Regulation, these seed lots shall be accompanied by an official certificate attesting compliance with those conditions.

(2) The provisions of paragraph 1 shall be specified in EC acts.

Article 35. In the case of a variety which has been genetically modified, any label or document, which accompanies the seed lot, shall indicate that the variety has been genetically modified.

Article 36. Chemical treatments of basic seed and certified seed of all categories with pest control products that are disseminated with the seed and deteriorate its quality shall be indicated on the official label or the producer's/trader's label or on the packaging itself.

Chapter Six

CERTIFICATION, PACKAGING AND LABELLING OF SEED OF GENERATION PRIOR TO BASIC SEED ('PRE-BASIC SEED') FOR MARKETING PURPOSES

Article 37. (1) Seed of generations prior to basic seed (pre-basic seed) shall be certified, packaged and labelled in the cases referred to in Article 7 provided that it satisfies the following conditions:

1. the seed has been inspected by the IASAS in accordance with the provisions on basic seed certification pursuant to Article 4;
2. the seed is packaged in accordance with the requirements laid down in this Regulation;
3. the seed bears an official label with the particulars provided for in Annex No. 6.

(2) Labels under paragraph 1, subparagraph 3 shall be white in colour with a single diagonal violet line.

Chapter Seven

MIXTURES

Article 38. (1) Cereal seed may be marketed in the form of specific mixtures.

(2) Depending on their composition and use, mixtures may be:

1. mixtures of seeds of various varieties of the same species provided that it is proven that these mixtures are such as to be particularly effective against the propagation of certain harmful organisms; these mixtures may be used for seed production or for fodder;
2. mixtures of seeds of various varieties of various species; these mixtures may be used for seed production or for fodder.

(3) Varieties belonging to the relevant one or more species and included as mixture components, the proportion of each component and the use of the mixture shall be described by the mixture producer in a document issued by the producer.

(4) Mixture components shall be certified before blending.

(5) Mixtures shall be handled in homogeneous lots of maximum weight indicated in Annex No. 4, depending on the species of the largest proportion in the mixture.

- (6) Mixtures shall be packaged and labelled in accordance with Chapter Five, Section II.
- (7) The label for mixtures shall be green in colour and bearing the particulars listed in Annex No. 5I(B).
- (8) Mixture producers shall apply in writing for approval of the mixtures to the TU of the IASAS, within the territory of which mixtures will be produced, and for labels. The application shall be submitted in the format approved by the Executive Director of the IASAS.
- (9) The following shall be attached to any such application:
1. documents on the initial seed (components), depending on the origin - certificates, labels, etc.;
 2. documents on the post-control of certified seed (components of the mixture) if there are any such documents issued by the IASAS as of the date of the application;
 3. a producer's/trader's document on the composition and use of the mixture.
- (10) The applicant shall return the labels of the packages, the seeds from which has been used as components of the mixture, to the TU of the IASAS.
- (11) The applicant shall notify the date of packaging and labelling of the mixtures to the TU of the IASAS.
- (12) An official authorised by the Executive Director of the IASAS shall check the packaging and labelling of the mixtures on the spot; the costs for the presence of the official shall be borne by applicant.
- (13) (Supplemented, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) A document on the approval of the mixtures which satisfy the conditions listed in paragraphs 2 to 12 shall be issued in the format approved by the Executive Director of the IASAS.
- (14) (Amended and supplemented, SG No. 49/2009, effective date 30.06.2009, repealed, SG No. 30/2019, effective date 9.04.2019).
- (15) (New, SG No. 49/2009, effective date 30.06.2009). The provisions of Article 30, paragraphs 5, 6, 7, 9 and 10 shall apply to the cases of repackaging of seed mixtures into packages of smaller net weight (other than the weight of small packages) than the initial weight.
- (16) (Ex Paragraph 15, SG No. 49/2009, effective date 30.06.2009) Any specific conditions other than those provided for in paragraphs 2 to 7 for the production and marketing within the country and on the EU market shall be laid down in accordance with the relevant procedure provided for in the EU legislation.

Chapter Eight

SMALL PACKAGES

Article 39. (1) Cereal seed of the categories of certified seed, including hybrids, certified seed of the first generation and certified seed of the second generation and mixtures may be marketed within the country in small packaged of net weight of up to 10 kg to final consumers for uses other than seed production.

(2) (New, SG No. 49/2009, effective date 30.06.2009) The packaging of quantities of seed from lots of certified seed of the relevant categories and mixtures into small packages shall be carried out with the permission of the IASAS, where the conditions laid down in paragraphs 3 to 9 are satisfied.

(3) (Ex Paragraph 2, SG No. 49/2009, effective date 30.06.2009) The particulars listed in Annex No. 7 shall be indicated on a producer's or handler's label affixed on the small packages of seed or printed indelibly on the small packages of seed in the Bulgarian language. The colour of the label shall be blue for certified seed and certified seed of the first generation, red for certified seed of the second generation, and green for mixtures.

(4) (Ex Paragraph 3, SG No. 49/2009, effective date 30.06.2009) Seed shall be packaged in small packages by the persons authorised pursuant to Article 28 SPMA.

(5) (Ex Paragraph 4, SG No. 49/2009, effective date 30.06.2009) The persons who carry out the packaging shall be responsible for the identity of the seed in the small packages to that of the packages it has been taken from.

(6) (Ex Paragraph 5, SG No. 49/2009, effective date 30.06.2009) For the purposes of packaging into small packages and laboratory testing of the usefulness (germination) of the seed in the small packages, the person referred to in paragraph 3 shall submit to the TU of the IASAS an application in the format approved by the Executive Director of the IASAS.

(7) (Ex Paragraph 6, SG No. 49/2009, effective date 30.06.2009) An official of the IASAS/territorial unit (TU) shall draw samples for laboratory testing of the usefulness (germination) of seed in small packages. Where the seed complies with the requirements for usefulness (germination), depending on the species, pursuant to Annex No. 3, an official of the IASAS/TU shall issue (depending on the lots of certified seed of the relevant categories, including mixtures, produced within the country and packages in small packages) a certificate/approval document for the seed in small packages in the format approved by the Executive Director of the IASAS.

(8) (Ex Paragraph 7, SG No. 49/2009, effective date 30.06.2009) IASAS officials shall carry out on the spot checks at the time of packaging into small packages.

(9) (New, SG No. 49/2009, effective date 30.06.2009, repealed, SG No. 30/2019, effective date 9.04.2019).

(10) (New, SG No. 49/2009, effective date 30.06.2009, repealed, SG No. 30/2019, effective date 9.04.2019).

(11) (New, SG No. 49/2009, effective date 30.06.2009, repealed, SG No. 30/2019, effective date 9.04.2019).

(12) (New, SG No. 49/2009, effective date 30.06.2009, repealed, SG No. 30/2019, effective date 9.04.2019).

Chapter Nine POST-CONTROL

Article 40. (1) The IASAS shall carry out post-control of cereal seed to check the varietal identity and varietal purity of the seed.

(2) For the purposes of the post-control referred to in paragraph 1, samples shall be drawn from handled seed lots prior to the finalisation of the seed certification. Samples for post-control purposes may be drawn also from seed placed on the market, for verification checks and in cases of doubt in the varietal identity and purity of the seed.

(3) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) Post-control shall be carried out through growing trials and/or laboratory methods which have been approved by the Minister of Agriculture, Food and Forestry in accordance with Article 37(4) SPMA.

(4) Post-control shall apply to:

1. all lots of pre-basic seed, basic seed, certified seed and certified hybrid seed;
2. a proportion of the lots of certified seed, certified seed of the first generation and certified seed of the second generation, which shall be established annually by an order of the Executive Director of the IASAS;
3. seed of all categories checked by the IASAS after placement on the market.

Article 41. (1) All categories of certified seed other than maize, wheat, durum wheat and barley shall be subject only to growing trials.

(2) The laboratory method of electrophoresis shall apply to maize hybrids and self-pollinated lines and to pre-basic seed, basic seed and certified seed of the first generation of wheat, durum wheat and barley.

Article 42. The TU shall send the samples drawn from seed lots for post-control by electrophoresis to the Central Laboratory of the IASAS.

Article 43. Variety breeders shall declare to the TU the strengthening or restoration capacity of self-pollinated lines of maize and simple hybrids (female line hybrid cross) or the sterility of self-pollinated lines and the sterility of simple hybrids (female line hybrid cross) in cases of sterile hybrids (female line hybrid cross). This declaration shall be sent to the Central Laboratory of the IASAS.

Article 44. Where the electrophoresis results indicate that the seed of self-pollinated lines and hybrids of maize, wheat, durum wheat and barley satisfies the conditions for identity and varietal purity, an official authorised by the Executive Director of the IASAS shall issue a varietal purity certificate.

Article 45. Where the electrophoresis results indicate that the seed of self-pollinated lines and hybrids of maize, wheat, durum wheat and barley does not satisfy the conditions for identity and varietal purity, the applicant shall be notified in writing thereof. In such cases, growing trials shall be carried out and the seed shall not be marketed pending the results of the growing trial.

Article 46. The samples drawn for growing trials shall be sent to the TU to carry out the growing trials.

Article 47. Where the growing trial results indicate that the seed crop satisfies the conditions for varietal purity and identity, an official from the TU for growing trials, who is authorised by the Executive Director of the IASAS, shall issue a varietal purity certificate.

Article 48. In the case of aberrations of the crop from the requirements for identity and varietal purity, the official shall notify the seed owner within three days of the finding and provide access to the crop. Such seed shall not be marketed.

Article 49. Where the growing trial results indicate that pre-basic seed, basic seed, certified seed and certified seed of the first generation does not satisfy the conditions for identity and varietal purity but it satisfies the conditions provided for a lower category, the official shall approve the seed in the category the conditions of which such seed satisfies.

Article 50. (1) Basic seed of sterile self-pollinated lines which do not satisfy the condition for sterility may be used, after detasselling and upon the breeder's consent, for the production of hybrids. These circumstances shall be indicated in the varietal purity certificate.

(2) Basic seed of self-pollinated maize lines which are found in growing trials to deviate from the condition for 'other varieties and drastic aberrations' shall be approved for use by the certificate holder to produce, upon permission by the IASAS, hybrids at the sole expense and responsibility of the certificate holder.

Article 51. Where it is found in growing trials that the seed does not satisfy the conditions for identity and varietal purity, the certificate of the seed shall be annulled by the IASAS and the seed shall be withdrawn from the market.

Chapter Ten

CONDITIONS FOR THE PRODUCTION AND MARKETING OF SEED THAT IS NOT FINALLY CERTIFIED FOR THE PURPOSES OF ITS FINAL CERTIFICATION

Article 52. (1) This country may produce cereal seed that is not finally certified or provide final certification to seed harvested and not finally certified in another Member State or a third country in accordance with the provisions of paragraphs 2, 3, 4, 5 to 6.

(2) Where the harvesting and non-final certification of seed take place in an EU Member State (or the Republic of Bulgaria respectively), the following conditions shall be satisfied:

1. the seed has been produced:

- (a) from initial seed of the categories of basic seed or certified seed of the first generation, which has been officially certified in one or more EU Member States or a third country with its equivalence for this purpose by the EU Council at the proposal of the EC; or
 - (b) through cross breeding of basic seed officially certified in an EU Member State with basic seed officially certified in a third country with recognised equivalence;
2. the harvesting and non-final certification of the seed shall be carried out in an EU Member State other than the Member State referred to in subparagraph 1(a) or (b) which has produced and certified the initial seed;
 3. seed that is not finally certified from varieties (hybrids) in accordance with Directive 2002/53/EC transposed with Regulation No. 77 of 2006 on the procedure for acceptance for inclusion of new varieties of agricultural plant species in the Official Variety List of the Republic of Bulgaria and the Common Catalogue of the EU Member States may:
 - (a) be officially certified in any requesting Member State;
 - (b) be certified as ‘certified seed’ of the relevant category provided that:
 - (ba) the seed crop has been examined in a field inspection and has been found compliant with the requirements laid down in Annex No. 2 for the relevant category; and
 - (bb) the results of the official laboratory testing (conducted in the Member State referred to in subparagraph 3(a)) indicate compliance of the seed with the requirements laid down in Annex No. 3 for the relevant category.
 - (3) Where seed not finally certified is produced from initial seed officially certified from propagated seed prior to basic seed (pre-basic seed), the provisions of paragraph 2 shall apply and the seed not finally certified may be officially certified in the category of basic seed provided that it satisfies the conditions for that category.
 - (4) Cereal seed harvested in the Republic of Bulgaria as not finally certified seed and designated for final certification in accordance with paragraphs 2 and 3 shall be:
 1. packaged and labelled with an official label containing the particulars provided for in Annex No. 8 (A) and (B); and
 2. accompanied by an official document containing the particulars provided for in Annex No. 8(B).
 - (5) Paragraph 4 shall also apply to non-finally certified seed which has been harvested in another Member State in accordance with Directive 66/402/EEC transposed with this Regulation and will be finally certified in the Republic of Bulgaria. The official label and the official document of such seed shall comply with the requirements listed in Annex No. 5 to Directive 66/402/EEC transposed in Annex No. 8 of this Regulation.
 - (6) The provisions of paragraph 4, subparagraph 1 on packaging and labelling may be waived if the authorities responsible for field inspections, those drawing up the documents for the certification of seeds which have not been finally certified and those responsible for certification are the same, or if they agree on exemption.
 - (7) The harvesting and non-final certification of seed shall take place in a third country, when:
 1. the seed has been produced:
 - (a) from initial seed of the categories of basic seed, which has been officially certified in one or more EU Member States or a third country with its equivalence for this purpose by the EU Council at the proposal of the EC; or
 - (b) through cross breeding of basic seed officially certified in an EU Member State with basic seed officially certified in a third country with recognised equivalence;
 2. non-finally certified seed, upon request, may be:
 - (a) officially certified in any Member State;
 - (b) be certified as ‘certified seed’ provided that:
 - (ba) the seed crop has been examined in an equivalent field inspection in the third country and has been found compliant with the requirements laid down in Annex No. 2 for the relevant category;

(bb) the results of the official laboratory testing (carried out in the Member State) indicate compliance of the seed with the requirements laid down in Annex No. 3 for the relevant category.

Chapter Eleven

CONDITIONS TO BE SATISFIED BY LEGUMINOUS SEED FOR THE PURPOSES OF APPROVAL, PACKAGING AND LABELLING

Article 53. (1) The IASAS shall approve ('certify' at the national level) leguminous seed where it satisfies conditions equivalent to those applicable to certified cereal seed in accordance with this Regulation.

(2) The seed referred to in paragraph 1 shall be packaged and labelled in accordance with Chapter Five, Section II.

(3) Labels shall be official and bearing the particulars listed in Annex No. 5I(A), except for subparagraph 1.

(4) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall approve ('certify' at the national level) leguminous seed which satisfies the conditions listed in Annexes No. 2 and 3 and which is packaged and labelled pursuant to paragraphs 2 and 3.

(5) The IASAS shall issue a document ('certificate') in the format approved by the Executive Director of the IASAS for the purposes of marketing the approved leguminous seed in the categories referred to in Article 8(1).

(6) The document ('certificate') may also be issued for leguminous seed of lower germination without prejudice to the provisions of Article 19(1)(1).

(7) Approved ('certified' at the national level) leguminous seed shall be subject to post-control (growing trials only) in accordance with Articles 40, 46, 47, 48, 49 and 51.

(8) Leguminous seed may also be marketed in small packages in accordance with the provisions of Chapter Eight.

(9) The IASAS shall control the leguminous seed placed on the market in accordance with Article 57.

Chapter Twelve

IMPORTATION OF SEED FROM THIRD COUNTRIES

Article 54. (1) (Ex Article 54, SG No. 49/2009, effective date 30.06.2009) Where seed of the species listed in Directive 66/402/EEC is imported from third countries to this country in accordance with the SPMA and the quantity exceeds two kilograms, the label and/or the document accompanying the seed and/or another official document or the contract on the importation of the seed shall contain the following particulars:

1. species – botanical name of the species;
2. variety;
3. (Amended, SG No. 25/2017, effective date 1.04.2017) category equivalent to the category of seed produced in the European Union;
4. country of production and official inspection authority;
5. country of dispatch;
6. importer – business name, company;
7. quantity of seed.

(2) (New, SG No. 49/2009, effective date 30.06.2009) Cereal seed shall be imported from a third country, where the European Commission (EC) has taken a decision on the equivalence of the seed of the relevant plants produced there with regard to field inspections and affording the same assurances for identity, for marking and for control as those of the seed harvested within the Community.

Chapter Thirteen
SEED PRODUCED UNDER PARTICULAR CONDITIONS;
SEED FOR PARTICULAR PURPOSES

Article 55. Seed of cereal varieties or hybrids may be produced organically and marketed in accordance with the national legislation and the requirements laid down in this Regulation for the seed categories concerned.

Article 56. Cereal seed may be treated chemically to protect it against pest.

Article 57. (1) The production and marketing of seed of varieties or hybrids of cereal species listed in Directive 66/402/EEC to be used as plant genetic resources in regions of natural and semi-natural plant habitats subject to genetic erosion shall be allowed.

(2) For the purposes of paragraph 1, the production and marketing also of mixtures of cereal seed in combination with other plant species included in the EU Common Catalogue and the Official Variety List of the Republic of Bulgaria respectively shall be allowed.

Article 57a. (New, SG No. 49/2009, effective date 30.06.2009) (1) Derogations shall be permitted from the provisions of this Regulation in respect of the production, certification and marketing of seed of local varieties and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion for conservation in situ and the sustainable use of plant genetic resources, which are included in the Official Variety List (OVL) of the Republic of Bulgaria as ‘conservation varieties’ and belong to the agricultural plant species listed in Annex No. 1, point 1.

(2) All other requirements to the production, certification and marketing of seed of conservation varieties, other than those provided for in Articles 57b through 57m, shall comply with the provisions of this Regulation.

Article 57b. (New, SG No. 49/2009, effective date 30.06.2009) (1) Derogations from the conditions for certification applicable to the species laid down in Article 16 for cereal seed of conservation varieties which may be marketed in accordance with the requirements laid down the paragraphs 2 and 3.

(2) The variety of seed of conservation varieties shall be maintained in accordance with the accepted practices (methods) and schemes for the maintenance of the variety by the persons referred to in Article 26 SPMA, without prejudice to Article 27(1) SPMA.

(3) Seed of conservation varieties of the cereal species concerned shall be certified by seed producers provided it satisfies the following conditions:

1. the seed has satisfactory varietal purity which is established during field inspections (examinations); official field inspections (examinations) by IASAS inspectors or inspectors referred to in Article 10(1) under the supervision of the IASAS shall not be mandatory;

2. the seed satisfies the conditions for usefulness of cereal seed in the categories of certified seed and certified seed of the first generation or of the second generation (depending on the agricultural plant species) as established through laboratory testing of the compliance with the requirements listed in Annex No. 3, Section I, points 2 to 5 of this Regulation; seed of conservation varieties belonging to rice (*Oryza sativa* L.) satisfies the conditions for certified seed of the second generation in accordance with Annex No. 3, Section I, points 2 to 5 of this Regulation.

(4) The laboratory testing referred to in paragraph 3, subparagraph 2 may be carried out at IASAS laboratories, laboratories referred to in Article 10(2), or producer’s laboratories.

(5) Field inspections may be performed by IASAS inspectors or inspectors referred to in Article 10(1) on request by the producer.

Article 57c. (New, SG No. 49/2009, effective date 30.06.2009) (1) Seed of conservation varieties may be produced and certified only in the region of origin identified in accordance with

Article 25 of Regulation No. 77 of 2006 on the procedures for acceptance for inclusion of new varieties of agricultural crops in the Official Variety List of the Republic of Bulgaria and the Common Catalogue of EU Member States (SG No. 51/2006).

(2) (Amended, SG No. 30/2019, effective date 9.04.2019) Where the conditions for production and certification of seed of conservation varieties under Article 57b cannot be satisfied in the region of origin due to specific environmental problems, additional regions of seed production may be approved, taking into account the information in this respect from the Ministry of Agriculture, Food and Forestry (MAFF) (the national plant genetic resource authority within the meaning of this Regulation). Seed produced and certified in these regions may be marketed only in the identified regions of origin.

(3) (Amended, SG No. 30/2019, effective date 9.04.2019) The Ministry of Agriculture, Food and Forestry shall notify to the Commission and to the other Member States the additional regions which are intended for approval for seed production pursuant to paragraph 1.

(4) If the Commission and the other Member States, within 20 working days from receipt of those notifications under paragraph 3, do not request the matter to be referred to the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry which may lay down restrictions or conditions for the designation of such regions, the additional regions under paragraph 2 may be approved.

Article 57d. (New, SG No. 49/2009, effective date 30.06.2009) (1) Tests shall be carried out to check that seed of conservation varieties complies with the certification requirements provided for in Article 57b.

(2) The tests under paragraph 1 shall be under the responsibility of the producer and shall be carried out through field inspections, sampling and laboratory testing of the usefulness of seed.

(3) Such tests shall be carried out in accordance with current international methods, or, where such methods do not exist, in accordance with any appropriate methods applicable to the relevant local variety.

(4) In the cases of application of paragraph 3:

1. (Amended, SG No. 30/2019, effective date 9.04.2019) field inspections shall be carried out in accordance with methods approved by the Minister of Agriculture, Food and Forestry pursuant to Article 31(6) SPMA;

2. (Amended, SG No. 30/2019, effective date 9.04.2019) sampling and laboratory testing shall be carried out in accordance with methods approved by the Minister of Agriculture, Food and Forestry pursuant to Article 31(8) SPMA.

(5) The field inspections referred to in paragraph 2 shall be carried out to check that the seed crop complies with the certification requirements provided for in Article 57b(3)(1). Producers shall draw up field inspection statements, indicating the varietal purity of the seed crop.

(6) For the purposes of laboratory testing, samples shall be drawn from seed handled in homogeneous lots pursuant to Article 57e.

(7) The maximum lot weight and the minimum sample weight, depending on the species, are laid down in Annex No. 4.

(8) Laboratory testing of seed shall be carried out to check its compliance with the requirements laid down in Article 57b(3)(2). The laboratory referred to in Article 57b(4), which has carried out the testing, shall issue a document on the laboratory testing of seed of conservation varieties.

(9) Where the seed complies with the requirements provided for in Article 57b(3)(1) and (2), producers of seed of conservation varieties shall issue a document on the seed of conservation varieties, stating the varietal purity and the results of the laboratory testing of the seed usefulness.

Article 57e. (New, SG No. 49/2009, effective date 30.06.2009) (1) Seed of conservation varieties may be marketed only in homogeneous lots in sealed packages or containers bearing a sealing device pursuant to paragraph 3.

(2) Packages and containers shall be sealed in such a manner that they cannot be opened without damaging the system of sealing or leaving evidence of tampering on either the producer's label provided for in Article 57f of the package and/or the container.

(3) Any sealing system shall include at least the label under Article 57f and a stamp or a seal may be affixed to ensure the sealing of the packages and containers referred to in paragraph 2.

Article 57f. (New, SG No. 49/2009, effective date 30.06.2009) Packages and containers of seed of conservation varieties shall be labelled on the outside with the label of the producer or a stamp shall be printed or affixed in the packaging with the particulars laid down in Annex No. 5a.

Article 57g. (New, SG No. 49/2009, effective date 30.06.2009) (1) Seed of a conservation variety may only be marketed subject to the following conditions:

1. it has been produced in its region of origin or in an additional region approved in accordance with Article 57c, paragraphs 2 to 4;

2. marketing takes place in its region of origin.

(2) (Amended, SG No. 30/2019, effective date 9.04.2019) By way of derogation from paragraph 1, subparagraph 2, the MAFF may approve additional regions within the territory of the country for the marketing of seed of a conservation variety provided that those regions are comparable to the region of origin of the relevant conservation variety as regards the natural and semi-natural habitats (areas) of that variety.

(3) In the cases of approved regions under paragraph 2, the amount of seed necessary for the production of at least the quantity of seed referred to in Article 57h shall be reserved (guaranteed) through control by the IASAS to conserve the variety in its region of origin.

(4) (Amended, SG No. 30/2019, effective date 9.04.2019) The Ministry of Agriculture, Food and Forestry shall inform the EC and to the Member States of approved regions under paragraph 2.

(5) Where additional regions for seed production have been approved in accordance with Article 57c, paragraphs 2 to 4, the derogation provided for in paragraph 2 for additional regions shall not be used.

Article 57h. (New, SG No. 49/2009, effective date 30.06.2009) (1) The quantity of seed of a conservation variety, which is marketed within the territory of the country, shall not exceed:

1. 0.5% of the total quantity of seed of the relevant species (to which the conservation variety belongs) used per harvesting year (farming year); for conservation varieties belonging to the species *Triticum spp.*, *Hordeum vulgare* *Zea mays*, the quantity of seed shall not exceed 0.3% of the total quantity of seed for the species; or

2. a quantity necessary to sow 100 ha.

(2) The greater quantity of either paragraph 1, subparagraph 1 or subparagraph 2 shall be accepted for marketing.

(3) The total quantity of seed of all conservation varieties marketed within the territory of the country shall not exceed 10% of the seed of the species concerned used yearly in the country.

(4) In cases where this leads to a quantity calculated under paragraph 1, subparagraph 1 or paragraph 3, which is lower than necessary to sow 100 ha, the quantity necessary to sow 100 ha shall be reached, regardless of the maximum amount of seed of the species concerned used yearly in the country.

Article 57i. (New, SG No. 49/2009, effective date 30.06.2009) (1) (Amended, SG No. 30/2019, effective date 9.04.2019) Producers of seed of conservation varieties shall notify to the MAFF, before the beginning of each production season, the size and the location of the area for the seed production in the declared region of origin (area of production).

(2) (Amended, SG No. 30/2019, effective date 9.04.2019) If the declared size of the areas under paragraph 1 proves to be larger and the quantities that can be produced are likely to exceed the quantities allowed for marketing pursuant to Article 57h, the MAFF shall allocate to each producer concerned the quantity it may market in the respective production season (farming year).

Article 57j. (New, SG No. 49/2009, effective date 30.06.2009) (1) (Amended, SG No. 30/2019, effective date 9.04.2019) The Ministry of Agriculture, Food and Forestry and the IASAS shall ensure by official control (monitoring) that the seed crops of a conservation variety, the regions of origin (areas of production) and the quantities of seed marketed comply with the provisions of Article 57h.

(2) The Executive Agency for Plant Variety Testing, Field Inspection and Seed Control shall carry out official post-control of seed lots of conservation varieties intended for marketing by random inspections to verify the compliance of its varietal identity and varietal purity with the requirements provided for in Article 57b(3)(1).

Article 57k. (New, SG No. 49/2009, effective date 30.06.2009) (1) Producers of seed of conservation varieties, who are registered in the territory of the country, shall declare in writing to the IASAS the seed production for the relevant year, the location and size of the areas in the region of origin (area of production) and the origin of the initial seed to be used for seed production.

(2) (Amended, SG No. 30/2019, effective date 9.04.2019) Producers/traders of seed of conservation varieties, who are registered in the territory of the country, shall provide the MAFF with information of the quantities of seed produced and marketed in each production season (farming year).

(3) Information shall be provided at the request of the EC or other Member States on the quantities of seed of each conservation variety marketed in the country.

Chapter Fourteen

CONTROL OF SEED PLACED ON THE MARKET

Article 58. (1) The IASAS and the BFSAs shall carry out the control of the seed placed on the market in accordance with Chapter Eight of the SPMA.

(2) The control of the seed placed on the market shall be carried out through random (sudden) checks to ensure the compliance of the seed with the requirements laid down in this Regulation.

Article 59. (1) (Amended, SG No. 25/2017, effective date 1.04.2017) Where temporary experiments are organised by the European Commission in relation to the implementation of specific provisions of Directive 66/402/EEC within the European Union, the Republic of Bulgaria may be released from certain obligations laid down in this Directive, whereby the extent of that release shall be defined by the EC with reference to the provisions which apply to the temporary experiments the duration of which shall not exceed 7 years.

(2) (Amended, SG No. 25/2017, effective date 1.04.2017) The Executive Agency for Plant Variety Testing, Field Inspection and Seed Control shall take part in comparative tests and trials of samples taken for post-control of cereal seed marketed in accordance with Directive 66/402/EEC transposed with this Regulation, which are organised by the EC.

(3) The comparative tests and trials may include also seed:

1. produced in third countries;
2. suitable for organic farming;
3. marketed in relation to its conservation in its natural environment and to its sustainable use and genetic plant resources.

Article 60. (1) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) In order to remove any temporary difficulties in the general supply of cereal seed, the Minister of Agriculture, Food and Forestry may permit, for a specified period and in accordance with the relevant EC act, the marketing of certain quantities of seed:

1. deviating from the requirements of this Regulation, or

2. seed of varieties not included in the Common Catalogue of Varieties of Agricultural Plant Species or in the Official Variety List of the Republic of Bulgaria.

(2) The label of the seed referred to in paragraph 1, subparagraph 1 shall bear the colour of the seed category for which the application for certification has been submitted and the real characteristics of the seed shall be exhibited in the label or on an adhesive sticker that does not cover the particulars on the label.

(3) The colour of the label of the seed referred to in paragraph 1, subparagraph 2 shall be brown.

Article 61. (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) The Minister of Agriculture, Food and Forestry, at the proposal of the IASAS, may request in writing full or partial release from the obligations under this Regulation by the EC in relation to species that are not typical and generally not produced and marketed within the territory of the country.

Article 62. The introduction of any additional restrictions with regard to the characteristics, conditions for testing, packaging and labelling of cereal seed placed on the market other than those provided for in Directive 66/402/EEC shall not be allowed.

SUPPLEMENTARY PROVISIONS

§ 1. For the purposes of this Regulation:

1. ‘Official label’ means a label issued by the IASAS or a certifying/supervisory authority of a seed exporting country.

2. ‘Growing trials’ means a basic method of verification of the varietal identity and varietal purity through field testing of the seed crop on the parcel.

3. (Repealed, SG No. 49/2009, effective date 30.06.2009).

4. ‘Electrophoresis’ means a laboratory method to check the varietal purity, which is based on the physical separation of protein compounds in the seed structure under the impact of an electric field.

5. ‘Detasselling’ (emasculation) means removal of the male inflorescences (tassels) of maize crops which is intended for the production of hybrid seed so as to avoid undesired self-pollination.

6. ‘Open-pollinating variety’ means a uniform and stable variety.

7. ‘Inbred line’ means a component of a hybrid variety which is a uniform and stable line, obtained either by artificial self-fertilization accompanied by selection over several successive generations or by equivalent operations.

8. ‘Simple hybrid’ means the first generation of a cross, defined by the breeder, between two inbred lines; where the cross is between two closely related (female) self-pollinated lines, the simple hybrid is referred to as ‘female line hybrid cross’.

9. ‘Double hybrid (quadruple hybrid cross)’ means the first generation of a cross, defined by the breeder, between two simple hybrids.

10. ‘Triple-cross hybrid’ means the first generation of a cross, defined by the breeder, between an inbred line and a simple hybrid.

11. ‘Top cross hybrid’ means the first generation of a cross, defined by the breeder, between an inbred line or a simple hybrid and an open-pollinated variety.

12. ‘Intervarietal hybrid’ means the first generation of a cross, defined by the breeder, between plants grown from basic seed of two open-pollinated varieties.

13. ‘Pre-basic seed’ means the seed of generations prior to basic seed.

14. ‘Pre-basic seed generations’ means seed obtained in the process of maintaining the variety from each re-propagation of the initial seed.

§ 2. The supply of cereal seed by natural or legal persons on the basis of a contract for the production of agricultural raw materials intended for industrial use or re-propagation of seed for

the same purpose, except for the cases under § 2 of the Additional Provisions of the SPMA, shall not be considered to be marketing of seed provided that the persons providing these services/performing these activities do not become holders/owners of the seed supplied or of the products/yield of such seed. Seed suppliers shall submit a copy of the contract to the IASAS. The conditions for the implementation of this provision shall be laid down in EC acts.

§ 3. The particular conditions for marketing seed produced organically from the species listed in Directive 66/402/EEC in accordance with Article 55 and chemically treated seed from the same species in accordance with Article 56 shall be laid down in EC acts.

§ 4. The particular conditions for the production and marketing of seed from the species listed in Directive 66/402/EEC in accordance with Article 57(1) and (2) and the allowed quantities shall be laid down in EC acts.

§ 5. (Amended, SG No. 58/2016, effective date 26.07.2016, supplemented, SG No. 25/2017, effective date 1.04.2017, supplemented, SG No. 6/2019, effective date 18.01.2019, supplemented, SG No. 57/2020, effective date 26.06.2020) This Regulation transposes Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ L 125, 11.07.1966); Commission Directive 2006/47/EC of 23 May 2006 laying down special conditions concerning the presence of *Avena fatua* in cereal seed (OJ L 136, 24.05.2006); certain requirements laid down in 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 162, 21.06.2008); certain requirements laid down in Commission Directive 2009/74/EC of 26 June 2009 amending Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives 66/401/EEC, 66/402/EEC and 2002/57/EC in the light of developments of scientific and technical knowledge (OJ L 166, 27.06.2009); Commission Implementing Directive 2012/1/EU of 6 January 2012 amending Annex I to Council Directive 66/402/EEC as regards the conditions to be satisfied by the crop *Oryza sativa* (OJ L 4, 7.1.2012); Commission Implementing Directive 2012/37/EU of 22 November 2012 amending certain Annexes of Council Directives 66/401/EEC and 66/402/EEC as regards the conditions to be satisfied by the seed of *Galega orientalis* Lam., the maximum weight of a seed lot of certain fodder plant species and the sample size of *Sorghum spp.* (OJ, L 325, 23.11.2012 r.); Commission Implementing Directive (EU) 2015/1955 of 29 October 2015 amending Annexes I and II to Council Directive 66/402/EEC on the marketing of cereal seed (OJ L 284, 30.10.2015) and certain requirements laid down in Commission Implementing Directive (EU) 2016/317 of 3 March 2016 amending Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC and 2002/57/EC as regards the official label of seed packages (OJ L 60, 5.3.2016); Commission Implementing Directive (EU) 2018/1027 of 19 July 2018 amending Council Directive 66/402/EEC as regards isolation distances for *Sorghum spp.* (OJ L 184, 20.07.2018) and Commission Implementing Directive (EU) 2020/177 of 11 February 2020 amending Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC and 2002/57/EC, Commission Directives 93/49/EEC and 93/61/EEC and Implementing Directives 2014/21/EU and 2014/98/EU as regards pests of plants on seeds and other plant reproductive material (OJ L 41, 13.2.2020).

FINAL PROVISIONS

§ 6. This Regulation is issued pursuant to Article 29(6)(1) of the Seed and Propagating Material Act.

§ 7. This Regulation shall repeal Regulation No. 45 of 2003 on the production and marketing of cereal seed (SG No. 102/2003; Amended and supplemented, SG No. 48/2006, SG No. 94/2006 and SG No. 10/2007).

§ 8. This Regulation shall enter into force on the day of its promulgation in The State Gazette.

Supplementary Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED WITHIN THE EUROPEAN UNION**

(PROMULGATED, SG No. 49/2009, EFFECTIVE DATE 30.06.2009)

§ 10. This Regulation transposes 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 162/13), Articles 10 to 20.

Transitional and Final Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED WITHIN THE EUROPEAN UNION**

(PROMULGATED, SG No. 49/2009, EFFECTIVE DATE 30.06.2009)

§ 11. The words ‘Ministry of Agriculture and Forestry’, ‘Ministry of Agriculture and Foods’, ‘Minister of Agriculture and Forestry’ and ‘Minister of Agriculture and Foods’ shall be replaced by the words ‘Ministry of Agriculture and Food’ and ‘Minister of Agriculture and Food’ respectively everywhere in the text. § 12. This Regulation shall enter into force on the day of its publication in the State Gazette.

Supplementary Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED WITHIN THE EUROPEAN UNION**

(PROMULGATED, SG No. 38/2010, EFFECTIVE DATE 21.05.2010)

§ 6. This Regulation transposes Article 2 of Commission Directive 2009/74/EC of 26 June 2009 amending Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC and 2002/57/EC as regards the botanical names of plants, the scientific names of other organisms and certain Annexes to Directives 66/401/EEC, 66/402/EEC and 2002/57/EC in the light of developments of scientific and technical knowledge (OJ L 166, 27.06.2009).

Final Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED WITHIN THE EUROPEAN UNION**

(PROMULGATED, SG No. 38/2010, EFFECTIVE DATE 21.05.2010)

§ 7. This Regulation shall enter into force on the day of its publication in the State Gazette.

Supplementary Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED WITHIN THE EUROPEAN UNION**

(PROMULGATED, SG No. 40/2012, EFFECTIVE DATE 29.05.2012)

§ 2. Commission Implementing Directive 2012/1/EU of 6 January 2012 amending Annex I to Council Directive 66/402/EEC as regards the conditions to be satisfied by the crop *Oryza sativa*.

Final Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED WITHIN THE EUROPEAN UNION**

(PROMULGATED, SG No. 40/2012, EFFECTIVE DATE 29.05.2012)

§ 3. This Regulation shall enter into force on the day of its publication in the State Gazette.

Supplementary Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED WITHIN THE EUROPEAN UNION**

(PROMULGATED, SG No. 74/2013, EFFECTIVE DATE 23.08.2013)

§ 2. This Regulation transposes Commission Implementing Directive 2012/37/EU of 22 November 2012 amending certain Annexes of Council Directives 66/401/EEC and 66/402/EEC as regards the conditions to be satisfied by the seed of *Galega orientalis* Lam., the maximum weight of a seed lot of certain fodder plant species and the sample size of *Sorghum* spp.

Final Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED WITHIN THE EUROPEAN UNION**

(PROMULGATED, SG No. 74/2013, EFFECTIVE DATE 23.08.2013)

§ 3. This Regulation shall enter into force on the day of its publication in the State Gazette.

Supplementary Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED WITHIN THE EUROPEAN UNION**

(PROMULGATED, SG No. 58/2016, EFFECTIVE DATE 26.07.2016)

§ 4. The words ‘the National Plant Protection Service’ shall be replaced by the words ‘the Bulgarian Food Safety Agency’, the acronym ‘NPPS’ shall be replaced by the acronym ‘BFSA’, the words ‘Regulation No. 1 of 1998 on phytosanitary control (SG No. 82/1998)’ shall be replaced by the words ‘Regulation No. 8 of 2015 on phytosanitary control (SG No. 19/2015)’ respectively everywhere in the text.

Final Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED IN THE EUROPEAN UNION**

(PROMULGATED, SG No. 58/2016, EFFECTIVE DATE 26.07.2016)

§5. This Regulation shall enter into force on the day of its publication in the State Gazette.

Supplementary Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED ON THE MARKET OF THE EUROPEAN UNION**

(PROMULGATED, SG No. 25/2017, EFFECTIVE DATE 01.04.2017)

§ 4. The words ‘(the) National Plant Protection Service’ shall be replaced by the words ‘(the) Bulgarian Food Safety Agency’, the words ‘Regulation No. 1 of 1998 on phytosanitary control (SG No. 82/1998)’ shall be replaced by the words ‘Regulation No. 8 of 2015 on phytosanitary control (SG No. 19/2015)’, the words ‘Community’ and ‘European Community’ shall be replaced by the words ‘Union’ and ‘European Union’, and the acronym ‘NPPS’ shall be replaced by the acronym ‘BFSA’ respectively everywhere in the text.

Final Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED ON THE MARKET OF THE EUROPEAN UNION**

(PROMULGATED, SG No. 25/2017, EFFECTIVE DATE 01.04.2017)

§ 9. The Regulation shall enter into force on 1 April 2017.

Final Provisions

**AMENDING REGULATION TO REGULATION No. 21 OF 2007 ON THE
MARKETING OF CEREAL SEED WITHIN THE EUROPEAN UNION**

(PROMULGATED, SG No. 6/2019, EFFECTIVE DATE 18.01.2019)

§ 3. This Regulation shall enter into force on the day of its publication in the State Gazette.

Transitional and Final Provisions

**REGULATION No. 3 OF 28 MARCH 2019 SETTING OUT THE CONDITIONS AND
PROCEDURES FOR ISSUING AUTHORISATION TO PERSONS MARKETING SEED
FOR RESEARCH OR SELECTION WORK AND SEED FOR DEMONSTRATION
AND/OR PRODUCTION TRIALS, THE ALLOWED QUANTITIES THEREOF
DEPENDING ON THE PLANT SPECIES, AND THE PACKAGING
AND LABELLING OF SEED**

(PROMULGATED, SG No. 30/2019, EFFECTIVE DATE 9.04.2019)

§ 9. Regulation No. 21 of 2007 on the marketing of cereal seed within the European Union (Promulgated, SG No. 1/2008; Amended, Nos. 49/2009 and 38/2010, 40/2012, 74/2013, 58/2016, 25/2017 and 6/2019) shall be amended as follows:

.....
8. The words ‘(the) Minister of Agriculture and Food’ and ‘the Ministry of Agriculture and Forestry’ shall be replaced by the words ‘(the Minister of Agriculture, Food and Forestry’ and ‘the Ministry of Agriculture, Food and Forestry’ respectively and the acronym ‘MAF’ shall be replaced by the acronym ‘MAFF’ everywhere in the text.
.....

§ 15. This Regulation shall enter into force on the day of its publication in the State Gazette.

Final Provisions

**AMENDING REGULATION TO REGULATION No. 99 OF 2006 ON THE
MARKETING OF FODDER PLANT SEED WITHIN THE EUROPEAN UNION**

(PROMULGATED, SG No. 57/2020, EFFECTIVE DATE 26.06.2020)

§ 15. This Regulation shall enter into force on the day of its publication in the State Gazette.

Annex No. 1 to Article 1(3)
(Amended, SG No. 38/2010, effective date 21.05.2010)

1. (Amended, SG No. 38/2010, effective date 21.05.2010) Cereal species listed in Directive 66/402/EEC

<i>Avena nuda</i> L.	Small naked oat, Hulless oat
<i>Avena sativa</i> L. (including <i>A. byzantina</i> K. Koch)	Oats and Red oat
<i>Avena strigosa</i> Schreb.	Black oat, Bristle oat
<i>Hordeum vulgare</i> L.	Barley
<i>Oryza sativa</i> L.	Rice
<i>Phalaris canariensis</i> L.	Canary grass
<i>Secale cereale</i> L.	Rye
<i>Sorghum bicolor</i> (L.) Moench	Sorghum
<i>Sorghum sudanense</i> (Piper) Stapf	Sudan grass
<i>xTriticosecale</i> Wittm. ex A. Camus	hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>
<i>Triticum aestivum</i> L.	Wheat
<i>Triticum durum</i> Desf.	Durum wheat
<i>Triticum spelta</i> L.	Spelt wheat
<i>Zea mays</i> L. (partim)	Maize (except popcorn and sweet corn)

Note. This Regulation shall also apply to *Sorghum bicolor* (L.) Moench x *Sorghum sudanense* (Piper) Stapf. – Hybrids resulting from the crossing of *Sorghum bicolor* and *Sorghum sudanense*. Seed of hybrids shall be subject to the standards or other conditions applicable to seed of each of the species from which they are derived in accordance with this Regulation.

2. List of legumes in accordance with the national legislation

<i>Cicer arietinum</i> L.	Chickpeas
<i>Lens culinaris</i> Medic.	Lentils

Annex No. 2 to Article 4(1)(3)

(Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 38/2010, effective date 21.05.2010, amended, SG No. 40/2012, effective date 29.05.2012, amended and supplemented, SG No. 58/2016, effective date 26.07.2016, amended, SG No. 6/2019, effective date 18.01.2019, amended, SG No. 30/2019, effective date 9.04.2019, amended, SG No. 57/2020, effective date 26.06.2020)

I. Conditions to be satisfied by cereal crop of the categories referred to in Article 3 at the time of the field inspection

1. Requirements to the previous cropping and to the field used for seed production:

Previous cropping/field	Requirements
1. The previous cropping of the field used for seed production	shall not have been incompatible with the production of seeds of the species and variety of the crop (shall be suitable for crop rotation)
2. The field used for seed production	shall be sufficiently free from such plants which are volunteers from previous cropping.

Note. (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) The requirements to the previous cropping, depending on the species and/or category, are laid down in the field inspection methods approved by the Minister of Agriculture, Food and Forestry.

2. The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination:

2.1. (Amended, SG No. 6/2019, effective date 18.01.2019) Spatial isolation in the production of seed of canary grass, rye (other than hybrids), sorghum, *xTriticosecale* (self-pollinating varieties), and maize:

Crop	Minimum distance, m
<i>Phalaris canariensis</i> (canary grass)	
<i>Secale cereale</i> (rye) (other than hybrids)	
– for the production of basic seed	300
– for the production of certified seed	250
<i>Sorghum</i> spp.	
– for the production of basic seed (*)	400
– for the production of certified seed (*)	200
<i>xTriticosecale</i> (triticale), self-pollinating varieties	
– for the production of basic seed	50
– for the production of certified seed	20
<i>Zea mays</i> (maize)	200

(*) In the areas where the presence of *S. halepense* or *S. sudanense* is a particular cross-pollination issue, the following shall apply:

- crops to produce basic seed of *Sorghum bicolor* or its hybrids must be isolated not less than 800 m from any source of such contaminating pollen;
- crops to produce certified seed of *Sorghum bicolor* or its hybrids must be isolated not less than 400 m from any source of such contaminating pollen.

Note. The minimum distances may be disregarded if there is sufficient protection (natural isolation) and measures have been taken against any undesirable foreign pollination.

2.2. Spatial isolation in the production of rye hybrids for genealogical components and for hybrids:

Rye (hybrids)	Minimum distance, m
1. Basic seed, hybrid components:	
– where male sterility is used	1,000
– where male sterility is not used	600
2. Certified seed – hybrids	500

2.3. (Amended, SG No. 58/2016, effective date 26.07.2016) Spatial isolation on fields used to produce certified seed of hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Oryza sativa*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta* and self-pollinating *xTriticosecale* and crops to produce certified seed of hybrids of *Hordeum vulgare* by means of a technique other than Cytoplasmic Male Sterility (CMS):

- the minimum distance of the female component shall be 25 m from any other variety of the same species except from a crop of the male component.

Note. The minimum distances may be disregarded if there is sufficient protection (natural isolation) and measures have been taken against any undesirable foreign pollination.

2.4. (New, SG No. 58/2016, effective date 26.07.2016) Spatial isolation from neighbouring pollen sources which may lead to undesirable foreign pollination in the fields used to produce basic and certified seed of hybrids of *Hordeum vulgare* by means of the technique of CMS:

- for the production of basic seed – 100 m;
- for the production of certified seed – 50 m.

3. Requirements to seed crops as regards varietal identity and varietal purity:

Crop	Requirements
1. Variety	Sufficient varietal identity and varietal purity
2. Inbred lines	Sufficient identity and purity as regards its characteristics.
3. Hybrid	Sufficient identity and purity as regards the characteristics of the components, including male sterility or fertility restoration

4. In terms of varietal purity, crops of rice (*Oryza sativa*), canary grass (*Phalaris canariensis*) and rye (*Secale cereale*) other than hybrids, sorghum (*Sorghum* spp.) and maize (*Zea mays*) shall conform to the following other standards or conditions:

4.1. Canary grass (*Phalaris canariensis*) and rye (*Secale cereale*) other than hybrids:

– the number of plant of the crop species, which are recognisable as obviously not being true to the variety shall not exceed:

for the production of basic seed	1 per 30 m ²
for the production of certified seed	1 per 10 m ²

4.2. Maize (*Zea mays*) – varieties, inbred lines and other hybrid components:

(a) the percentage by number of plants which are recognisable as obviously not being true to the variety, to the inbred line, or to the component shall not exceed:

(aa) for the production of basic seed:

1. inbred lines:	
– fertile	0.1%
– on CMS basis (total)	0.1%
2. simple hybrid (each component):	0.1%
3. open-pollinated varieties:	0.5%

(ab) for the production of certified seed – hybrids (each component):

1. inbred lines:	0.2%
2. simple hybrid:	0.2%
3. open-pollinated varieties:	1%

(ac) for the production of certified seed of self-pollinated varieties – 1%;

(b) additional conditions to be satisfied by maize hybrid seed:

(ba) sufficient pollen shall be shed by the plants of the male component while the plants of the female component are in flower;

(bb) where the female component is a fertile self-pollinated line, emasculation shall be carried out;

(bc) where 5% or more of the female component plants have receptive stigmas, the percentage of female component which have shed pollen or are shedding pollen (not emasculated, during or after flowering) shall not exceed:

– 1% at any official field inspection; and

– 2% at the total of the official field inspections;

(bd) plants are considered as having shed pollen or shedding pollen where, on 50 mm or more of the central axis or laterals of a panicle, the anthers have emerged from their glumes and have shed or are shedding pollen.

4.3. Sudan grass, sorghum (*Sorghum* spp.):

(a) inbred lines and other hybrid components:

– the percentage by number of plants other than the crop species or plants which are recognisable as obviously not being true to the inbred line or to the component shall not exceed:

(aa) for the production of basic seed:

at flowering	0.1%
at maturity	0.1%

(ab) for the production of certified seed – hybrids (each component):

Plants of the male component which have shed pollen when the plants of the female component have receptive stigmas	0.1%
Female component	
– at flowering	0.3%
– at maturity	0.1%

(b) additional conditions to be satisfied by seed of hybrids of Sudan grass and sorghum:

(ba) sufficient pollen shall be shed by the plants of the male component while the plants of the female component have receptive stigmas;

(bb) where plants of the female component have receptive stigmas, the percentage of plants of that component which have shed pollen or are shedding pollen shall not exceed 0.1%;

(c) open pollinated varieties or synthetic varieties of *Sorghum* spp:

– the number of plant of the crop species, which are recognisable as obviously not being true to the variety shall not exceed:

for the production of basic seed	1 per 30 m ²
for the production of certified seed	1 per 10 m ²

4.4. (Amended, SG No. 57/2020, effective date 26.06.2020) *Oryza sativa*:

The number of plants which are recognisable as obviously being wild or red-grain plants shall not exceed:

– 0 for the production of basic seed,

– 1 per 100 m² for the production of certified seed, first and second generation.

5. Rye (*Secale cereale*) – hybrids:

(a) sufficient identity and purity as regards the characteristics of the components, including sterility;

(b) the number of plants which are recognisable as obviously not being true to the component shall not exceed:

for the production of basic seed	1 per 30 m ²
for the production of certified seed	1 per 10 m ² (as regards the female component in the hybrid field)

(c) where male sterility is used for the production of basic seed for rye hybrid components, the level of sterility of the female-sterile component shall be at least 98%;

(d) where a female component based on male sterility is used for the production of rye hybrids, the male component shall be a fertility restorer.

6. Small naked oat (*Avena nuda*), oats (*Avena sativa*), black oat (*Avena strigosa*), barley (*Hordeum vulgare*), rice (*Oryza sativa*), wheat (*Triticum aestivum*), durum wheat (*Triticum durum*), spelt wheat (*Triticum spelta*), self-pollinating triticale (x*Triticosecale*) – hybrids:

(a) the crops of the hybrids of these species shall have sufficient identity and purity as regards the characteristics of the components.

Where seed is produced by use of a chemical hybridisation agent, the crop shall conform to the following standards or conditions:

(aa) the minimum varietal purity of each component shall be:

– small naked oat, oat, black oat, barley, rice, wheat, durum wheat and spelt wheat: 99.7%;

– self-pollinating triticale – 99%;

(ab) the minimum hybridity (varietal purity) of certified hybrid seed must be 95%.

Note. The percentage hybridity shall be assessed in accordance with current international methods, in so far as such methods exist. In cases where the hybridity is determined during seed testing prior to certification, the determination of the hybridity during field inspection need not be done.

6.1. (New, SG No. 58/2016, effective date 26.07.2016) Crops to produce basic and certified seed of hybrids of *Hordeum vulgare* by means of the technique of CMS shall have sufficient varietal identity and purity as regards the characteristics of the components and conform to the following standards:

(a) the percentage by number of plants which are obviously not being true to type shall not exceed:

(aa) for the crops used to produce basic seed, 0.1% for the maintainer (male fertile B line) and the restorer (male fertile R line) and 0.2% for the CMS female component;

(bb) for the crops used to produce certified seed, 0.3% for the restorer (male fertile R line) and the CMS female component and 0.5% in case the CMS female component is a single hybrid.

(b) the level of male sterility of the female component shall be at least: 99.7% for crops used to produce basic seed; 99.5% for crops used to produce certified seed;

(c) the requirements of points (a) and (b) shall be examined in official post-control test.

Certified seed may be produced in mixed cultivation of a female male-sterile component with a male component which restores fertility.

7. (Amended, SG No. 57/2020, effective date 26.06.2020) The crop shall be practically free from any pests which reduce the usefulness and quality of the seed.

Crops shall also comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and regulated non-quarantine pests, which are provided for in the implementing acts adopted in accordance with Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No. 228/2013, (EU) No. 652/2014 and (EU) No. 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016) and the measures referred to in Article 30(1) of Regulation (EU) 2016/2031.

The presence of RNQPs on the crops shall comply with the following requirements as set out in the table:

Fungi and oomycetes				
RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Thresholds for the production of pre-basic seed	Thresholds for the production of basic seed	Thresholds for the production of certified seed
<i>Gibberella fujikuroi</i> Sawada [GIBBFU]	<i>Oryza sativa</i> L.	Not more than 2 symptomatic plants per 200 m ² seen during field inspections at appropriate times of a representative sample of the plants in each crop.	Not more than 2 symptomatic plants per 200 m ² seen during field inspections at appropriate times of a representative sample of the plants in each crop.	Certified seed of the first generation (C1): Not more than 4 symptomatic plants per 200 m ² seen during field inspections at appropriate times of a representative sample of the plants in each crop. Certified seed of the second generation (C2): Not more than 8 symptomatic plants per 200 m ² seen during field inspections at appropriate times of a representative sample of the plants in each crop.
Nematodes				
RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Thresholds for the production of pre-basic seed	Thresholds for the production of basic seed	Thresholds for the production of certified seed
<i>Aphelenchoides besseyi</i> Christie [APLOBE]	<i>Oryza sativa</i> L.	0%	0%	0%

8. Requirements for field inspections:

(a) the condition and the stage of development of the crop shall permit an adequate examination (inspection);

(b) the number of examinations (field inspections) shall be at least:

Crop	Number of examinations (inspections)
for <i>Avena nuda</i> , <i>Avena sativa</i> , <i>Avena strigosa</i> , <i>Hordeum vulgare</i> , <i>Oryza sativa</i> , <i>Phalaris canariensis</i> , xTriticosecale, <i>Triticum aestivum</i> , <i>Triticum durum</i> , <i>Triticum spelta</i> , <i>Secale cereale</i>	1
for <i>Sorghum</i> spp. and <i>Zea mays</i> during the flowering season:	
– open-pollinated varieties	1
– inbred lines and hybrids	3

(c) conditions for additional examination (inspection) of the crop:

Conditions	Examination (inspection)
When the crop follows a sorghum, Sudan grass or maize (<i>Sorghum</i> spp. and <i>Zea mays</i>) crop in either the preceding year or current year,	one special field inspection shall be made to check the satisfaction of the provisions laid down in point 1.

(d) the size, the number and the distribution of the portions of the field to be inspected in order to examine the satisfaction of the provisions of this Annex shall be determined in accordance with the field inspection methods.

Note. The following conditions shall be satisfied by field inspections to check the compliance with the conditions provided for in points 1 to 7, depending on the seed category: for basic seed, official inspections by the IASAS; for certified seed of all categories, official inspections by the IASAS or inspections under the supervision of the IASAS.

II. Conditions to be satisfied by leguminous crops (under the national legislation) at the time of field inspection

The conditions to be satisfied by the crops of chickpeas and lentils at the relevant development stage at the time of field inspections are laid down in the field inspection methods for leguminous crops.

Annex No. 3 to Article 4(1)(3)

(Amended, SG No. 38/2010, effective date 21.05.2010, amended and supplemented, SG No. 58/2016, effective date 26.07.2016, amended, SG No. 57/2020, effective date 26.06.2020)

I. Conditions to be satisfied by the cereal seed of the categories referred to in Article 3

1. Requirements to seed crops as regards varietal identity and varietal purity:

Seed	Requirements
1. Seed belonging to the relevant variety of the crop concerned	shall have sufficient varietal identity and varietal purity
2. Seed of inbred lines	Sufficient identity and purity as regards its characteristics.
3. Hybrid seed	shall satisfy the conditions for varietal identity and varietal purity as regards the characteristics of the components.

1.1. Seed of small naked oat (*Avena nuda*), oats (*Avena sativa*), black oat (*Avena strigosa*), barley (*Hordeum vulgare*), rice (*Oryza sativa*), wheat (*Triticum aestivum*), durum wheat (*Triticum durum*), spelt wheat (*Triticum spelta*) other than hybrids shall satisfy the following conditions:

Category	Varietal purity in % at least:
Basic seed (B)	99.9
Certified seed, first generation (C1)	99.7
Certified seed, second generation (C2)	99.0

Note. The varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex No. 2.

1.2. Seed of self-pollinating varieties of triticale (*xTriticosecale*) shall satisfy the following conditions:

Category	Varietal purity in % at least:
Basic seed (B)	99.7
Certified seed, first generation (C1)	99.0
Certified seed, second generation (C2)	98.0

Note. The varietal purity shall be examined mainly in field inspections carried out in accordance with the conditions laid down in Annex No. 2.

1.3. (Amended, SG No. 58/2016, effective date 26.07.2016) Certified seed of small naked oat (*Avena nuda*), oats (*Avena sativa*), black oat (*Avena strigosa*), barley (*Hordeum vulgare*), rice (*Oryza sativa*), wheat (*Triticum aestivum*), durum wheat (*Triticum durum*), spelt wheat (*Triticum spelta*) and self-pollinating triticale (*xTriticosecale*) shall satisfy the following conditions:

Hybrids of:	Varietal purity in % at least:
small naked oat, oat, black oat, barley, rice, wheat, durum wheat, spelt wheat and self-pollinating triticale	90%
<i>Hordeum vulgare</i> produced by means of CMS	85%

Note. Impurities other than the restorer (male fertile R line) shall not exceed 2%. The minimum varietal purity shall be examined in official post-control test on the samples.

1.4. Seed of sorghum, Sudan grass and maize (*Sorghum* spp. and *Zea mays*) shall satisfy the following conditions:

A. Where for the production of certified seed of hybrid varieties a female male-sterile component and a male component which does not restore male fertility have been used, the seed shall be produced:

(a) either by blending seed lots in a proportion appropriate to the variety where, on the one hand, a female male-sterile component has been used and, on the other, a female male-fertile component has been used, or

(b) by growing the female male-sterile component and the female male-fertile component in a proportion appropriate to the variety; the proportion of these components shall be examined in field inspections carried out in accordance with the conditions laid down in Annex No. 2.

B. For the production of certified seed of hybrid varieties, a female sterile line and a male restorer component shall be used to restore fertility.

1.5. (Amended, SG No. 58/2016, effective date 26.07.2016) Seed of hybrids of rye (*Secale cereale*) and seed of hybrids of barley (*Hordeum vulgare*) produced by means of CMS as certified seed shall be certified provided that the seed satisfies the following conditions:

Crop	Conditions
1. Rye – hybrids (hybrid seed in the hybrid field)	<ol style="list-style-type: none"> the results of the official post-control (growing trial) of the basic seed which is a component of the hybrid shall be taken into account; growing trials (by means of field trials on the parcel) shall be carried out on official samples of basic seed; growing trials shall be carried out and reported at the time of vegetation of the seed producing crop for which certification of hybrid seed has been applied for; the results of the growing trials shall prove compliance of the basic

2. Barley – hybrids produced by means of CMS.	seed of the relevant component with the requirements as regards the identity and purity and the characteristics, including sterility.
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2. Cereal seed shall conform to the following standards or conditions as regards germination, analytical purity and content of seeds of other plants species laid down in Table No. 1.

Table No. 1

Species and categories	Minimum germination (% of pure seed)	Minimum analytical purity (% by weight)	Maximum content by number of seeds of other plant species including red seeds of <i>Oryza sativa</i> in a sample of the weight specified in column 4 of Annex No. 4 (total per column)						
			Other plant species (a)	red seeds of <i>Oryza sativa</i>	Other cereal species	Plant species other than cereals	<i>Avena fatua</i> , <i>Avena sterilis</i> , <i>Lolium temulentum</i>	<i>Raphanus raphanistrum</i> , <i>Agrostemma githago</i>	<i>Panicum</i> spp.
<i>Avena sativa</i> , <i>Avena strigosa</i> , <i>Hordeum vulgare</i> , <i>Triticum aestivum</i> , <i>Triticum durum</i> , <i>Triticum spelta</i> :									
– basic seed	85	99	4		1(b)	3	0(c)	1	
– certified seed, certified 1st and 2nd generation	85(d)	98	10		7	7	0(c)	3	
<i>Avena nuda</i> :									
– basic seed	75	99	4		1(b)	3	0(c)	1	
– certified seed, 1st and 2nd generation	75(d)	98	10		7	7	0(c)	3	
<i>Phalaris canariensis</i> :									
– basic seed	75	98	4		1(b)		0(c)		
– certified seed	75	98	10		5		0(c)		
<i>Oryza sativa</i> :									
– basic seed	80	98	4	1					1
– certified seed, certified 1st generation	80	98	10	3					3
– certified seed, 2nd generation	80	98	15	5					3
<i>Secale cereale</i> :									
– basic seeds	85	98	4		1(b)	3	0(c)	1	
– certified seed	85	98	10		7	7	0(c)	3	
<i>Sorghum</i> spp.	80	98	0						
<i>xTriticosecale</i> :									
– basic seed	80	98	4		1(b)	3	0(c)	1	
– certified seed, 1st and 2nd generation	80	98	10		7	7	0(c)	3	
<i>Zea mays</i>	90	98	0						

3. Letters used in Table No. 1 and their meaning:

(a) the maximum contents of seeds laid down in column 4 include also the seeds of the species in columns 5 to 10;

(b) a second seed shall not be regarded as an impurity if a second sample of same weight is free from any seeds of other cereals species;

(c) the presence of one seed of *Avena fatua*, *Avena sterilis* or *Lolium temulentum* in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of these species;

(d) in the case of varieties of *Hordeum vulgare* officially classified as ‘naked barley’ the required minimum germination capacity may be reduced to 75% of pure seed; in such cases, the official label shall include the words ‘Minimum germination capacity 75%’.

4. The maximum moisture content of the cereal seed by species (% by weight) shall be as follows:

– barley (spring), oat – 13%;

– barley (winter), wheat, durum wheat, spelt wheat, triticale, rye, canary grass, Sudan grass, sorghum, maize – 14%;

– rice – 16%.

5. (Amended, SG No. 57/2020, effective date 26.06.2020) The seed shall be practically free from any pests which reduce the usefulness and quality of the seed.

The seed shall also comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to Regulation (EU) 2016/2031, as well as with the measures adopted pursuant to Article 30(1) of that Regulation.

The presence of RNQPs on the seeds and the respective categories shall comply with the following requirements as set out in the table:

Nematodes				
RNQPs or symptoms caused by RNQPs	Plants for planting (genus or species)	Thresholds for pre-basic seed	Thresholds for basic seed	Thresholds for certified seed
<i>Aphelenchoides besseyi</i> Christie [APLOBE]	<i>Oryza sativa</i> L.	0%	0%	0%
Fungi				
<i>Gibberella fujikuroi</i> Sawada [GIBBFU]	<i>Oryza sativa</i> L.	Practically free	Practically free	Practically free

6. (New, SG No. 57/2020, effective date 26.06.2020) The presence of fungus bodies on the seeds and the respective categories shall comply with the following requirements as set out in the table:

Category	Maximum number of fungus bodies, such as sclerotia, or ergots, in a sample of the weight specified in column 3 of Annex No. 4
Cereals other than hybrids of <i>Secale cereale</i> :	
– Basic seed	1
– Certified seed	3
Hybrids of <i>Secale cereale</i> :	
– Basic seed	1
– Certified seed	4 (*)

(*) The presence of five fungus bodies such as sclerotia or fragments of sclerotia, or ergots in a sample of the prescribed weight shall be deemed to be in conformity with the standards, where a second sample of the same weight contains no more than four fungus bodies.

II. Conditions to be satisfied by leguminous crops at the time of field inspection

1. Varietal purity of leguminous seed:

Crop	Varietal purity in % at least:		
	Basic seed	seed, 1st generation	seed, 2nd generation
1. Chickpeas	100	99	98.5
2. Lentils	100	99	98.5

2. Leguminous seed shall satisfy the following conditions as regards germination and analytical purity:

Crop/category	Minimum germination (% of pure seed)	Minimum analytical purity (% by weight)
Chickpeas:		
– Basic seed	90	99
– certified seed, 1st and 2nd generation	85	98
Lentils:		
– Basic seed	85	98
– certified seed, 1st and 2nd generation	80	98

3. The maximum moisture content of the leguminous seed by species (% by weight) shall be as follows: chickpeas – 14%; lentils – 13%.

4. The other conditions to be satisfied in laboratory testing of leguminous seed as regards usefulness and quality are laid down in the Methodology for sampling, testing, purity, germination and absolute weight of seed.

Annex No. 4 to Article 25(2)

(Amended, SG No. 38/2010, effective date 21.05.2010, amended and supplemented, SG No. 74/2013, effective date 23.08.2013)

I. Lot and sample weight of cereal seed of the categories referred to in Article 3

Crop	Maximum weight of a seed lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for determinations by number provided for in columns 4 to 10 of Table No. 1 of Annex No. 3 (grams)
<i>Avena nuda</i> , <i>Avena sativa</i> , <i>Avena strigosa</i> , <i>Hordeum vulgare</i> <i>Triticum aestivum</i> , <i>Triticum durum</i> , <i>Triticum spelta</i> , <i>Secale cereale</i> , x <i>Triticosecale</i>	30	1,000	500
<i>Phalaris canariensis</i>	10	400	200
<i>Oryza sativa</i>	30	500	500
<i>Sorghum bicolor</i> (L.) Moench	30	900	900
<i>Sorghum sudanense</i> (Piper) Stapf	10	250	250
<i>Sorghum bicolor</i> (L.) hybrids Moensch x <i>Sorghum sudanense</i> (Piper) Stapf	30	300	300
<i>Zea mays</i> , basic seed of inbred lines	40	250	250
<i>Zea mays</i> , basic seed other than seed of inbred lines; certified seed	40	1,000	1,000

Note. The maximum lot weight shall not be exceeded by more than 5%.

II. Lot and sample weight of leguminous seed (under the national legislation)

Crop	Maximum weight of a seed lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Minimum sample weight to determine the number of seed of other species (grams)
<i>Cicer arietinum</i>	25	700	700
<i>Lens culinaris</i>	20	600	

Note. The maximum lot weight shall not be exceeded by more than 5%.

Annex No. 5 to Article 31(1)

(Supplemented, SG No. 25/2017, effective date 1.04.2017, SG No. 57/2020, effective date 26.06.2020)

Label

I. Mandatory Information

(A) for basic and certified seed of all categories

1. 'EC rules and regulations';
2. Certification (controlling) authority and Member State or their initials (acronyms) – IASAS, Republic of Bulgaria (for the seed produced within the country);

- 2a. (New, SG No. 25/2017, effective date 1.04.2017) officially assigned serial number;
3. Month and year of sealing expressed thus: ‘sealed (month and year)’, or month and year of the last official sampling for the purposes of certification expressed thus: ‘sampled (month and year)’;
4. Reference number of lot;
5. Species indicated at least in Roman characters, under its botanical name, which may be given in abridged form and without the authors' names, and its common name at least in Cyrillic characters (for the seed produced within the country);
6. Variety, indicated at least in Roman characters;
7. Category;
8. Country of production;
9. declared net or gross weight;
10. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of clusters or pure seeds or total weight;
11. In the case of varieties which are hybrids or inbred lines:
 - (a) for basic seed: where the hybrid or inbred line to which the seed belongs has been officially accepted in the Common Catalogue in accordance with Directive 2002/53/EC and/or the Official Variety List of the Republic of Bulgaria in accordance with this Regulation and Regulation No. 77 of 2006 on the procedure for acceptance for entry of new varieties of agricultural plant species in the Official Variety List of the Republic of Bulgaria and the Common Catalogue of the EU:
 - (aa) the name of this component, under which it has been officially accepted, with or without reference to the final variety;
 - (ab) accompanied, in the case of hybrids or inbred lines which are intended solely as components for final varieties, by the word ‘component’;
 - (b) for basic seed in cases other than those referred to in point (a): the name of the component to which the basic seed belongs, which may be given in code form, accompanied by a reference to the final variety, with or without reference to its function (male or female), and accompanied by the word ‘component’;
 - (c) for certified seed: the name of the variety to which the seed belongs, accompanied by the word ‘hybrid’;
 12. Where at least germination has been re-tested, the words ‘germination retested (month and year)’, as well as the name of the re-testing service, shall be indicated; this information shall be indicated on a sticker affixed to the official label.
- (B) Seed mixtures:
 1. ‘Mixture of’ (species and/or varieties);
 2. Certification (controlling) authority and Member State or their initials (acronyms) – IASAS, Republic of Bulgaria (for the seed produced within the country);
 - 2a. (New, SG No. 25/2017, effective date 1.04.2017) Officially assigned serial number;
 3. Reference number of lot;
 4. Month and year of sealing expressed thus: ‘Sealed (month and year)’;
 5. Species, variety, country of production and proportion by weight of each component; the names of the species and varieties shall be indicated at least in Roman characters;
 6. Declared net or gross weight or declared number of seeds;
 7. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight;
 8. Where germination of all the components of the mixture has been retested, the words ‘Retested (month and year)’ and the service responsible for such retesting may be indicated; such information may be given on an official sticker attached to the official label;

9. The indication ‘To be traded only on the market in the country (for the Republic of Bulgaria) (the name of the relevant Member State) shall be added’. (C) (New, SG No. 57/2020, effective date 26.06.2020) The plant passport shall contain the following indications:

1. for movement within the Union territory:

(a) the words ‘plant passport’ written in Bulgarian and in English divided by a slash in the upper-right corner of the common label;

(b) the Union logo printed in colour or in black-and-white in the upper-left corner of the common label;

2. for introduction and movement within protected zones:

(a) the words ‘plant passport – PZ’ written in Bulgarian and in English divided by a slash in the upper-right corner of the common label;

(b) the scientific name or code of the relevant quarantine pest(s) of significance for the protected zone immediately below these words;

(c) the Union logo printed in colour or in black-and-white in the upper-left corner of the common label.

II. Minimum dimensions of labels:

110 mm x 67 mm.

Annex No. 5a to Article 57f

(New, SG No. 49/2009, effective date 30.06.2009)

Label of the producer of seed of a ‘conservation variety’

1. ‘EC rules and regulations’;

2. name and address of the person (producer of seed of a conservation variety) who is responsible for the packaging and labelling, or identification/registration number;

3. Year of sealing of the seed (packaging and labelling) expressed thus: ‘Sealed... (month and year)’; or year of the last sampling for the purposes of testing the usefulness of seed (last germination testing) expressed thus: ‘Sampled.... (month and year)’;

4. Species;

5. Name of the conservation variety;

6. The words ‘conservation variety’;

7. Region of origin;

8. Identification of the region of production where it is different from the region of origin;

9. Identification (reference) number of the lot, which is assigned by the person under point 2 who is responsible for the packaging and labelling;

10. Declared net or gross weight or declared number of seeds;

11. Where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of clusters or pure seeds or total weight.

Annex No. 6 to Article 37(1)(3)

Label for pre-basic seed (seed of generations prior to basic seed)

(A) Mandatory Information

1) State – Republic of Bulgaria (for seed produced within the country);

2. Controlling/certification authority – IASAS (for seed produced within the country);

3. Species, under its botanical name, indicated in Roman characters and in Cyrillic characters (for seed produced within the country);

4. Variety, indicated in Roman characters and in Cyrillic characters (for seed produced within the country);

5. Designation ‘pre-basic seed’;

6. Reference number of lot;

7. Date of sampling (month and year) for the purpose of certification;
8. Number of generations prior to the seed of the category of certified seed or certified seed of the first generation.

(B) Minimum dimensions of labels:

110 mm x 67 mm.

Annex No. 7 to Article 39(2)

Particulars to be indicated on the label of small packages or printed on small packages

I. Small packages of certified seed:

1. Name of the company responsible for the packaging of seed into small packages and its registration number;
2. Reference number of the lot of certified seed of the relevant category, which is used for packaging into small packages;
3. Name of the species;
4. Denomination of the variety;
5. Category;
6. Net weight or number of seeds in the small package;
7. Origin of the seed, state;
8. Validity of the document (certificate) of small packages of seed;
9. Other information:
 - (a) for certified seed (hybrids), name of the hybrid and the word 'hybrid';
 - (b) chemical treatment;
 - (c) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of clusters or pure seeds or total weight.

II. Small packages of mixtures of seed:

1. Name of the company responsible for the packaging of seed into small packages and its registration number;
2. Reference number of the lot of the mixture used to package seed in small packages;
3. 'Mixture ...', species and/or varieties;
4. Proportion by weight of each component of the mixture with the name of the species and the denomination of the variety;
5. Net weight or number of seeds in the small package;
6. Origin of the seed – state;
7. Validity of the document (certificate) of small packages of seed mixtures;
8. Other information:
 - (a) chemical treatment;
 - (b) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of clusters or pure seeds or total weight.

Annex No. 8 to Article 52(4)(1) and (2)

(Supplemented, SG No. 25/2017, effective date 1.04.2017)

Label and documents provided in the case of seed not finally certified, harvested in another Member State

(A) Mandatory information on the label:

1. Certification (controlling) authority responsible for field inspections and Member State or their initials (acronyms) – IASAS, Republic of Bulgaria (for the seed produced within the country);

- 1a. (New, SG No. 25/2017, effective date 1.04.2017) Officially assigned serial number;
2. Species indicated at least in Roman characters, under its botanical name, which may be given in abridged form and without the authors' names, and its common name at least in Cyrillic characters (for the seed produced within the country);
3. Denomination of the variety indicated at least in Roman characters; in the case of varieties which are hybrids or inbred lines, the word 'component' shall be added;
4. Category;
5. In the case of hybrids, the word 'hybrid' shall be added;
6. Reference number of lot;
7. Declared net or gross weight;
8. The words 'seed not finally certified';

(B) Colour of the label

The label shall be grey.

(C) Mandatory information in the document:

1. Controlling/certification authority – IASAS (for seed produced within the country);
 - 1a. (New, SG No. 25/2017, effective date 1.04.2017) Officially assigned serial number;
 2. Species indicated at least in Roman characters, under its botanical name, which may be given in abridged form and without the authors' names, and its common name at least in Cyrillic characters (for the seed produced within the country);
 3. Variety, indicated at least in Roman characters;
 4. Category;
 5. Reference number of the seed used to sow the field and name of the country or countries which certified that seed;
 6. Field or lot reference number of the seed not finally certified;
 7. Area cultivated for the production of the lot covered by the document;
 8. Quantity of seed harvested and number of packages;
 9. Number of generations after the basic seed in the cases of certified seed (other than hybrids);
 10. Attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled;
 11. Where appropriate, results of a preliminary seed testing.