

**REGULATION No. 5 OF 26 APRIL 2005 ON THE LAND AND CONDITIONS NEEDED FOR CULTIVATION OF CROPS AND THE VARIETY TESTING EQUIPMENT, THE PROCEDURE FOR GRANTING AUTHORISATIONS TO TEST THE VALUE FOR CULTIVATION AND USE, AND THE GRANTING OF BREEDER CERTIFICATES**

*Issued by the Minister of Agriculture and Forestry*

*Promulgated, SG No. 39 of 10 May 2005, amended, SG No. 30 of 9 April 2019*

**Section I  
General Provisions**

**Article 1.** This Regulation shall apply to the social relationships concerning the following:

1. the land needed;
2. the conditions for the cultivation of crops and the variety testing equipment;
3. (Amended, SG No. 30/2019, effective date 09.04.2019) the conditions and procedure for granting authorisations to natural persons and legal persons to test varieties for their value for cultivation and use (VCU) by the Minister of Agriculture, Food and Forestry;
4. the conditions and procedure for granting breeder certificates to breeders of agricultural plant species by the Executive Director of the Executive Agency for Variety Testing, Field Inspection and Seed Control (IASAS).

**Article 2.** The granting of authorisations referred to in Article 1(3) shall ensure the timely and high-quality performance of the official VCU testing of varieties of agricultural plant species in typical regions of the country, which is a precondition for inclusion of these varieties in List A of the Official Variety List of the Republic of Bulgaria.

**Article 3.** (Amended, SG No. 30/2019, effective date 09.04.2019) The Ministry of Agriculture, Food and Forestry (MAFF) shall keep a list of the persons authorised to perform VCU testing of agricultural plant species.

**Article 4.** The breeder certificates referred to in Article 1, point 4 shall be granted by the IASAS in accordance with the provisions of this Regulation. The Executive Agency for Variety Testing, Field Inspection and Seed Control shall keep a list of the persons who have been granted certificates.

**Article 5.** The VCU testing of varieties of agricultural plant species shall be carried out in accordance with the Seed and Propagating Material Act (SPMA) and Regulation No. 12 of 2004 setting out the conditions and procedures for variety testing, acceptance, entry into and deletion from the Official Variety List of the Republic of Bulgaria (SG, No. 40/2004).

**Section II  
Granting and Withdrawal of a Variety Testing Authorisation**

**Article 6.** (1) (Amended, SG No. 30/2019, effective date 09.04.2019) Natural persons and legal persons may engage in variety testing of the value for cultivation and use of agricultural plant species upon their authorisation by the Minister of Agriculture, Food and Forestry.

(2) The necessary land, the conditions for the cultivation of agricultural plant species and the variety testing equipment are set out in Annex No. 1 by groups of crops, for which the persons have been authorised.

**Article 7.** (1) Any person willing to obtain an authorisation shall submit an application to the IASAS in the format set out in Annex No. 2 and pay a fee in accordance with the rates approved by the Council of Ministers.

(2) Applications shall be submitted not later than 31 March.

**Article 8.** (1) The conditions for variety testing for the purposes of granting an authorisation shall be evaluated by a committee appointed for a fixed term with an order by the Executive Director of the IASAS.

(2) The committee shall consist of five members:

1. (Amended, SG No. 30/2019, effective date 09.04.2019) a representative of the MAFF;
2. a representative of the IASAS;
3. a person with academic habilitation in the field of selection work or variety testing, depending on the agricultural plant species;
4. an expert in the evaluation of farming equipment;
5. a legal expert.

(3) The committee members shall be appointed at the proposal of the heads of the relevant institutions and organisations.

(4) The committee shall make a proposal to the Executive Director of the IASAS with regard to:

1. the granting and withdrawal of an authorisation to carry out VCU testing of varieties of agricultural plant species;
2. the compliance with the requirements under Article 6(2), which are listed in Annex No. 1;
3. the implementation of the methodologies of official variety testing of agricultural plant species;
4. the record keeping at the variety testing station.

**Article 9.** (1) A committee member shall be discharged:

1. on request to the Executive Director of the IASAS;
2. upon termination of the official or employment relationships with the appointing authority or the employer;
3. in the case of an enforceable conviction for a felony;
4. upon the death of the person.

(2) Within a month as from the date of discharge of a committee member, the Executive Director of the IASAS, acting on the proposal by the head of the institution or organisation concerned, shall issue an order on the appointment of a new committee member for the term fixed in the order provided for in Article 8(1).

(3) The activities of the committee shall be supported by the Administrative and Financial Directorate of the IASAS.

**Article 10.** (1) The committee shall examine the applications and schedule a date for the on-the-spot check within 14 days.

(2) In case the set of documents contains no irregularities, the committee shall notify the applicant thereof within 14 days of the examination.

(3) The committee shall notify the date of the check to the applicant at least 14 days earlier.

(4) Where the set of documents contains irregularities and/or additional information is needed, the committee shall notify the applicant in writing thereof and provide the applicant with the opportunity to eliminate the irregularities and/or omissions within 14 days.

(5) The committee shall carry out the on-the-spot check to assess the variety testing conditions in the presence of the applicant and shall draw up a statement of findings.

(6) (Amended, SG No. 30/2019, effective date 09.04.2019) The Executive Director of the IASAS, acting on the proposal of the committee within seven days, shall propose that the Minister of Agriculture, Food and Forestry grant an authorisation. The whole administrative file shall be attached to the proposal.

(7) (Amended, SG No. 30/2019, effective date 09.04.2019) The Minister of Agriculture, Food and Forestry shall grant an authorisation to a natural person or a legal person to carry out VCU testing of varieties of agricultural plant species. The MAFF shall keep a list of authorised persons. The list shall contain the following details:

1. serial number of the authorisation;
  2. (Amended, SG No. 30/2019, effective date 09.04.2019) for natural persons: full name, permanent address and telephone number; for legal persons and sole proprietors: name, BULSTAT identification code, tax number, principal place of business and address, telephone number, fax, and representative;
  3. settlement and cadastral number of the variety testing field;
  4. date of granting and withdrawal of the authorisation;
  5. any modifications in the registration of the permanent address or the principal place of business and address and the objects of activity;
  6. the group of agricultural plant species for which the authorisation is granted.
- (9) (Amended, SG No. 30/2019, effective date 09.04.2019) A refusal by the Minister of Agriculture, Food and Forestry to grant an authorisation shall be subject to appeal in accordance with the Administrative Procedure Code.

**Article 11.** (1) (Amended, SG No. 30/2019, effective date 09.04.2019) Persons authorised to carry out variety testing shall be notified in writing thereof within ten days as from the date of the order by the Minister of Agriculture, Food and Forestry.

(2) The variety testing authorisation shall be granted for an indefinite period of time and it may be withdrawn only in the cases explicitly provided for in this Regulation.

**Article 12.** For the purpose of starting trials, the persons authorised to carry out variety testing shall ensure at least two years of appropriate pre-crops and pedological (agrochemical) analysis of the plot on which competitive variety trials will be carried out.

**Article 13.** (1) Variety testing shall be carried out on the basis of a contract concluded between the IASAS and the authorised person.

(2) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall provide the person referred to in paragraph 1 with a plan of the VCU tests of the agricultural plant species and the quantities of seed/propagating material needed within the time limits specified in the contract.

(3) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall also provide the person referred to in paragraph 1 with the methodologies of the competitive VCU tests.

(4) VCU tests shall be carried out on the basis of the codes of all agricultural plant species as assigned by the IASAS.

**Article 14.** (1) The person authorised to carry out variety testing shall keep and store records of the trial field.

(2) The records referred to in paragraph 1 shall contain the following:

1. soil type, land category, underground water level and altitude;
2. details of soil analysis for nitrogen, phosphorus and potassium content and acidity and, where appropriate, microelements content;
3. details (track record) of the field three years prior to the date of the authorisation - agricultural plant species, crop rotation, etc.;
4. a sketch map of the field issued by the competent municipal agricultural and forestry service or the municipal technical service;
5. the layout of the field (trials and crop rotation plots);
6. irrigation options (irrigation canals, hydrants and other equipment);
7. a logbook to monitor and record all varieties tested in the field.

**Article 15.** The authorised person shall:

1. ensure the implementation of the contract with the IASAS by a breeder certificate holder;
2. provide the committee performing the on-the-spot check with access to the trial field, the machinery, the laboratory, and the storage facilities;

3. prevent unauthorised access to the competitive variety trials without a permission by the IASAS;
4. refrain from providing seed and propagating material from the variety testing quantities to third parties.

**Article 16.** The Executive Agency for Variety Testing, Field Inspection and Seed Control shall check the compliance with Articles 6(2), 13(3) and 14 at least once a year.

**Article 17.** The compliance check committee shall comprise IASAS experts appointed with an order by the Executive Director.

**Article 18.** The compliance check committee shall notify the check to the persons concerned at least two days earlier.

**Article 19.** The committee shall carry out the on-the-spot check and draw up a statement of findings.

**Article 20.** Where the authorised person reports extreme agri-meteorological conditions which prevent the conduct of the trials, the committee shall examine the competitive variety trials and draw up a statement of findings.

**Article 21.** (1) In the cases of systematic non-compliances with Articles 6(2), 13(3), 14 and 15, the committee shall draft a proposal to the Executive Director of the IASAS on the withdrawal of the authorisation.

(2) (Amended, SG No. 30/2019, effective date 09.04.2019) The Minister of Agriculture, Food and Forestry shall issue an order on the withdrawal of the variety testing authorisation.

(3) (Amended, SG No. 30/2019, effective date 09.04.2019) The order referred to in paragraph 2 shall be subject to appeal in accordance with the Administrative Procedure Code.

**Article 22.** In the case of withdrawal of a variety testing authorisation, the person concerned may be granted a new authorisation upon submission of an application therefor and compliance with Article 6(2), without prejudice to the provisions of Articles 7 to 11.

### **Section III**

#### **Granting and Withdrawal of a Breeder Certificate**

**Article 23.** Breeder certificates shall be granted to natural persons by the Executive Director of the IASAS.

**Article 24.** (1) VCU variety testing shall be conducted by persons who satisfy the following conditions:

1. a master's degree in agronomy;
2. at least five years of professional experience;
3. successful performance at an exam before a panel appointed by the Executive Director of the IASAS;

(2) Persons shall carry out VCU variety testing of agricultural plant species in accordance with the conditions laid down in Article 6.

**Article 25.** (1) Persons willing to be granted a breeder certificate shall submit the following documents to the IASAS;

1. an application in the format laid down in Annex No. 3;
2. a copy of the diploma of the master's degree in agronomy;
3. a copy of the employment (civil service) record.

(2) The documents listed in paragraph 1 shall be submitted not later than 30 November.

**Article 26.** (1) The set of documents in the application shall be examined by a panel appointed by the Executive Director of the IASAS with the following membership: the Chief Director of

the Variety Testing Chief Directorate, the head of the VCU Department, and a representative of the Administrative and Financial Services Department.

(2) The panel provided for in paragraph 1 shall be appointed within 15 days as from the deadline for submission of the documents listed in Article 25.

(3) Where the set of documents contains irregularities and/or omissions, the panel shall notify the applicant in writing thereof and fix a time limit for their elimination.

(4) Where the set of documents contains no irregularities, the panel shall notify the applicant to pay a fee for a course of lectures in accordance with the rates approved by the Council of Ministers.

**Article 27.** (1) Applicants shall attend a course of lectures of 30 academic classes in accordance with a curriculum by groups of species, which is subject to approval by the Executive Director of the IASAS.

(2) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall notify the date and venue of the course of lectures to the applicants.

(3) The courses of lectures shall be held by groups of species, depending on the applicant's choice indicated in the application.

(4) Lectures shall be delivered by persons with academic habilitation in the field of variety testing from the IASAS and research institutes.

(5) Lecturers shall be appointed with an order by the Executive Director of the IASAS, depending on the group of species for which the course is held.

**Article 28.** (1) Applicants shall sit for an exam before an examination board within seven days after the completion of the course.

(2) The examination board shall be appointed with an order by the Executive Director of the IASAS.

(3) The membership of the examination board shall include at least three persons with academic habilitation for the relevant groups of species from the IASAS and research institutes.

(4) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall notify the date and venue of the course of lectures to the applicants.

**Article 29.** Persons who have passed the exam successfully shall be granted a breeder certificate.

**Article 30.** Breeder certificates shall be granted by the Executive Director of the IASAS and served in person.

**Article 31.** The person shall also receive a badge (sticker, etc.), together with the breeder certificate.

**Article 32.** Natural persons may be granted a breeder certificate for more than one group of species.

**Article 33.** (1) The certificate shall be granted for an indefinite period of time and it may be withdrawn only in the cases explicitly provided for in this Regulation.

(2) The certificate shall not be ceded to a third party.

**Article 34.** (1) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall keep a list of the persons who have been granted breeder certificates.

(2) The list shall contain the following details:

1. serial registration number of the certificate;
2. full name, civil registration number (EGN), details of the identity document;
3. permanent address and telephone number of the natural person;
4. date of granting of the certificate;
4. date of withdrawal of the certificate.

**Article 35.** (Amended, SG No. 30/2019, effective date 09.04.2019) Persons, who have been granted breeder certificates for VCU testing and who are employed by the IASAS or the MAFF, may work as breeders after the termination of their employment relations with these institutions or organisations.

**Article 36.** Holders of breeder certificates who have signed a variety testing contract with the IASAS shall:

1. design, conduct and report VCU competitive variety trials (CVT) for the agricultural plant species concerned in accordance with the established methodologies;
2. process the information obtained in the competitive variety trials;
3. send the results and samples from the VCU variety testing in accordance with the CVT methodologies within ten days after the completion of the trial;
4. keep and store variety testing records;
5. participate in expert committees;
6. participate in training events organised by the IASAS.

**Article 37.** The committee provided for in Article 17 shall carry out an on-the-spot check of the compliance with Article 36.

**Article 38.** (1) Where infringements of methodological nature are found in the trials, the committee shall give recommendations and fix time limits for their elimination.

(2) The committee shall re-perform the check in the cases under paragraph 1.

**Article 39.** (1) In the cases of failure to fulfill the recommendations given pursuant to Article 38 and recurrent infringements of variety testing methodologies, the committee shall draft a proposal to the Executive Director on the withdrawal of the breeder certificate concerned.

(2) A breeder certificate shall also be withdrawn in the cases of infringements of Article 18 SPMA and Regulation No. 12 of 2004 setting out the conditions and procedures for variety testing, acceptance, entry into and deletion from the Official Variety List of the Republic of Bulgaria, as established by the IASAS.

**Article 40.** (1) The Executive Director of the IASAS shall issue an order on the withdrawal of the breeder certificate concerned.

(2) The badge referred to in Article 31 shall also be withdrawn in the cases under paragraph 1.

**Article 41.** The Executive Agency for Variety Testing, Field Inspection and Seed Control shall notify the order provided for in Article 40(1) to the person concerned within seven days of its issuance.

**Article 42.** Persons whose breeder certificates have been withdrawn may appeal against the order in accordance with the Administrative Procedures Act.

## **SUPPLEMENTARY PROVISION**

**§ 1.** For the purposes of this Regulation:

1. "have at one's disposal" means that the person owns or rents from owners, on the basis of a contract, the land, farming equipment and machinery needed for variety testing of the group of agricultural plant species for which the authorisation has been granted;
2. "competitive variety trial (CVT)" means a field trial with a number of varieties of the same agricultural plant species, which have been applied for VCU testing, including the example variety/varieties, carried out under the same pedological and climatic conditions.

## **TRANSITIONAL AND FINAL PROVISIONS**

§ 2. A breeder license granted pursuant to Regulation No. 19 of 1998 setting out the conditions and procedure for licensing variety testing (SG No. 83/1998) shall have the validity of a breeder certificate for all groups of agricultural plant species.

§ 3. This Regulation is issued pursuant to Articles 18(5) and 12 of the Seed and Propagating Material Act.

§ 4. The implementation of this Regulation is assigned to the Executive Director of the IASAS.

### **Transitional and Final Provisions**

#### **AMENDING REGULATION TO REGULATION No. 3 OF 28 MARCH 2019 SETTING OUT THE CONDITIONS AND PROCEDURES FOR GRANTING AUTHORISATIONS TO PERSONS MARKETING SEED FOR SCIENTIFIC PURPOSES OR SELECTION WORK AND SEED FOR DEMONSTRATION AND/OR PRODUCTION TESTS AND TRIALS, THE ALLOWED QUANTITIES THEREOF DEPENDING ON THE PLANT SPECIES, AND THE PACKAGING AND LABELLING OF SEED**

(PROMULGATED, SG No. 30/2019, EFFECTIVE DATE 09.04.2019)

§5. Regulation No. 5 of 2005 on the land and conditions needed for the cultivation of crops and the variety testing equipment, the procedure for granting authorisations to test the value for cultivation and use of varieties, and the granting of breeder certificates (SG, No. 39/2005) shall be amended as follows:

4. The words "(the) Minister of Agriculture and Forestry" shall be replaced by the words "(the) Minister of Agriculture, Food and Forestry" 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.

## Annex No. 1 to Article 6(2)

A. Land needed for variety testing of the value for cultivation and use of agricultural plant species

I. Field agricultural plant species – 200 decares, irrigated and/or non-irrigated.

II. Vegetable plant species – 30 decares with a water source and an irrigation system.

III. Perennial agricultural plant species – 150 decares with a water source and an irrigation system.

B. Conditions to be satisfied in the design and implementation of competitive variety trials by agricultural plant species The agri-meteorological conditions in the region must be appropriate for the normal development of the agricultural plant species concerned.

C. Machinery, equipment and devices needed for the variety testing of agricultural plant species

I. Field agricultural plant species:

1. Tractor and trailer.
2. Plough, disc harrow and compacted soil cultivator for basic and pre-sowing tillage of the soil.
3. Parcel seeder, working width 1 m, adjustable to 1.2 m for the design of trials.
4. Light roller, working width 1.5 m, for flattening.
5. Inter-row cultivator, soil tiller and hand-operated implements for tillage of parcels during the vegetation of the crops and keeping the inter-row spaces free from weeds.
6. Motor or backpack sprayer for plant protection treatment.
7. Parcel combine harvester, working width 1 - 1.25 m, for harvesting the trial crops.
8. Seed cleaning machine for cleaning and sorting.
9. Laboratory airscreen separator.
10. Platform scale - 200 kg.
11. Commercial weighing scales - 10 kg.
12. Analytical balances - 0.01 g.
13. Dryer unit - 35/50/50 cm.
14. Moisture meter.
15. Desiccator.
16. Weighing glasses.
17. Chondrometer.

II. Vegetable plant species:

1. Tractor and trailer.
2. Plough, disc harrow, cultivator, levelling board and bed former (tiller) for basic and pre-sowing tillage of the soil.
3. Hothouses or polyethylene greenhouses for the production of seedlings.
4. Parcel vegetable seeder, working width 1 m, adjustable to 1.2 m for the design of trials.
5. Light roller, working width 1.5 m, for flattening.
6. Inter-row cultivator, soil tiller and hand-operated implements for tillage of parcels during the vegetation of the crops and keeping the inter-row spaces free from weeds.
7. Motor or backpack sprayer for plant protection treatment.
8. Heated steel and glass greenhouse for greenhouse production.
9. Polyethylene greenhouse for greenhouse production.
10. Crates (depending on the crop), buckets for harvesting the trial crops.
11. Platform scale - 200 kg.
12. Commercial weighing scales - 10 kg.
13. Analytical balances - 0.01 g.
14. Refrigerator for storage of samples.

III. Perennial agricultural plant species:

1. Tractor and trailer.
2. Plough, disc harrow and cultivator for deep and basic tillage of the soil.
3. Drill or planter for planting.
4. Inter-row cultivator, soil tiller and hand-operated implements for tillage of parcels during the vegetation of the crops and keeping the inter-row spaces free from weeds.
5. Tractor sprayer and backpack sprayer to provide for plant protection treatment.
6. Crates (depending on the crop), buckets for harvesting the trial crops.
7. Platform scale - 200 kg.
8. Commercial weighing scales - 10 kg.



9. Analytical balances - 0.01 g.

10. Refrigerator for storage of samples.

D. Premises to handle and store samples and to report results

The premises at the disposal of the natural person or legal person shall satisfy the following conditions: 1. lighted, well ventilated, dry, supplied with running water;

2. large enough to carry out laboratory testing during the trials, to handle the output, to take biometric measurements and records in accordance with the VCU variety testing methodology for field, vegetable and perennial agricultural plant species;

3. for perennial and vegetable agricultural plant species, a shelter shall be at the disposal of the person for primary handling and temporary storage of the harvested crops.

**To the Minister  
of Agriculture,  
Food and Forestry**

**APPLICATION**

**Re: Authorisation for variety testing of the value for cultivation and use  
of agricultural plant species**

**I. Applicant:**

1. Natural person (full name, civil registration number (EGN)):  
(address, telephone number):

.....

Identity card/passport No. .... ,  
issued on ..... by .....

2. Legal person (sole proprietor):

Name .....

Company case No. ...., Regional Court.....

BULSTAT: ....., Tax No. ....

Address (principal place of business and address):

City/town/village ....., Municipality .....,  
Region .....

Telephone No. ....; Fax .....

Representative of the company (full name):

.....

**II. Group of agricultural plant species for which I hereby apply for authorisation:**

- field crops    - vegetables    - perennials

**III. I have at my disposal:**

- the arable land and conditions needed for growing the group of agricultural plant species concerned:

Location: City/town/village ....., Municipality .....,  
Region .....

Cadastral No. ...., Soil type .....

- tilling, harvesting and plant protection machines and equipment for the agricultural plant species and growing technologies concerned;

- premises to handle and store samples and to report results;

- a breeder certificate **or**

- a contract (employment contract or services contract) with a breeder certificate holder.

\* All details in Section III are listed in Annex No. 1 of the Regulation setting out the conditions and procedure for granting and withdrawal of authorisations to test the value for cultivation and use of varieties and breeder certificates

\*\* The applicant shall notify any modifications of the details indicated in the application to the MAF forthwith.

Applicant:

Date:

*(signature and/or stamp)*

**APPLICATION**

**Re: Breeder certificate**

**I. Applicant:**

1. Natural person (full name, civil registration number (EGN)):

Identity card/passport No. .... , issued on ..... by .....

2. Permanent address:

City/town/village ....., Municipality ....., Region .....

Street No. ....

Telephone No. ....

**II. Group of agricultural plant species for which I hereby apply for a certificate:**

- field crops     - vegetables     - perennials

**III. I have:**

- a diploma of a master's degree in agronomy;

Reg. No. .... of .....

- at least five years of professional experience.

**IV. Encl.: Copies of the documents listed in Section III.**

\*\* The applicant shall notify any modifications of the details indicated in the application to the MAF forthwith.

Applicant:

Date:

(signature)