

**REGULATION No. 80 OF 22 JUNE 2006 ON THE PRODUCTION OF
AND TRADE IN ORNAMENTAL PLANT PROPAGATING MATERIAL BETWEEN
MEMBER STATES OF THE EUROPEAN UNION**

Effective date 1 January 2007

Issued by the Minister of Agriculture and Forestry

*Promulgated, SG No. 56 of 11 July 2006, amended SG No. 14 of 13 February 2007, **amended**,
SG No. 87 of 19 Oktober 2018*

**Chapter One
GENERAL PROVISIONS**

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

1. the requirements to be met by ornamental plant propagating material to be marketed in the European Union (EU);
2. the requirements to producers of propagating material;
3. the packaging and labelling of propagating material and the marketing conditions;
4. the importation of propagating material from third countries;
5. the control of the production of and trade in ornamental plant propagating material.

(2) This Regulation shall not apply to:

1. material shown to be intended for export to third countries, which is identified and marked as such and is kept sufficiently isolated;
2. material the products of which are not intended for ornamental purposes, if it is covered by other EU legislation on the marketing of such material;
3. propagating material intended for:
 - (a) trials;
 - (b) selection work;
 - (c) conservation of genetic diversity.

Article 2. Responsible official bodies for questions concerning the quality and health of ornamental plant propagating material are the authorities referred to in Articles 3, 4 and 5 of the Seed and Propagating Material Act (SPMA) and any legal person, whether governed by public or by private law, which carries out its activities under the official supervision of the State and implements official measures, provided that such person, and its members, has no personal interest in the outcome of the measures it takes.

**Chapter Two
REQUIREMENTS TO BE MET BY ORNAMENTAL PLANT
PROPAGATING MATERIAL**

Article 3. Ornamental plant propagating material shall meet, where applicable, the phytosanitary requirements laid down in Directive 2000/29/EC transposed with Regulation No. 1 of 1998 on phytosanitary control (Promulgated, SG No. 82 of 1998; Amended, No. 91/1999, No. 8/2002, No. 28/2003 and No. 7/2006).

Article 4. (1) Ornamental plant propagating material, when marketed:

1. shall on visual inspection be free from any harmful organisms impairing quality, or any signs or symptoms thereof, which reduce its usefulness;
2. shall be free of any defects likely to impair its quality as propagating material;
3. shall have satisfactory vigour and dimensions in respect of its usefulness as propagating material;

4. in the case of seeds, shall have satisfactory (good) vigour or germination capacity;
5. if marketed with reference to a variety pursuant to Article 8, shall have satisfactory varietal identity and purity.

(2) Any propagating material of ornamental plants which, on the basis of visible signs or symptoms, is not substantially free of harmful organisms, shall be properly treated chemically or, where appropriate, sick plants (material) shall be removed and recalled from the market.

(3) In the case of citrus material the following requirements shall also be met:

1. it shall be derived from initial material which has been checked and found to show no symptoms of any viruses, virus-like organisms or diseases;

2. it shall have been checked and found to be free of such viruses, virus-like organisms or disease since the beginning of the last cycle of vegetation;

3. in the case of grafting, it shall have been grafted onto virus-free rootstocks other than those susceptible to viroids (viruses and virus-like organisms).

(4) In the case of flower bulbs the following requirement shall also be met: the propagating material shall be derived directly from material which, at the stage of the growing crop, has been checked and found to be free from any harmful organisms and diseases, signs or symptoms thereof.

Chapter Three

REQUIREMENTS TO BE MET BY PRODUCERS OF ORNAMENTAL PLANT PROPAGATING MATERIAL

Article 5. (1) (Amended and supplemented, SG No. 14/2007, effective date 13.02.2007, amended, SG No. 87/2018, effective date 19.10.2018) Producers of ornamental plant propagating material shall satisfy the conditions laid down in Article 28(1) SPMA.

(2) (Amended, SG No. 14/2007 effective date 13.02.2007, effective date 13.02.2007, SG No. 87/2018, effective date 19.10.2018) Producers referred to in paragraph 1 shall register also at the regional directorates of the Bulgarian Food Safety Agency in accordance with Regulation No. 8 of 2015 on phytosanitary control (SG No. 19/2015) (Regulation No. 8 of 2015).

(3) Paragraph 1 shall not apply to persons marketing their products only to end users who are persons not professionally engaged in the production or sale of ornamental plant propagating material.

Article 6. (1) Producers of ornamental plant propagating material, including seed as propagating material, shall:

1. identify and monitor critical points in their production process which influence the quality of the propagating material;

2. (Amended, SG No. 87/2018, effective date 19.10.2018) keep information and records in a logbook on the monitoring of the critical points referred to in subparagraph 1 and make this information and the logbook available for examination on request by the IASAS or the BFSA;

3. (Amended, SG No. 87/2018, effective date 19.10.2018) take samples where necessary for testing in a laboratory of the IASAS or the BFSA or a laboratory approved by the Minister of Agriculture, Food and Forestry in accordance with the SPMA;

4. ensure that, during production, lots of propagating material remain separately identifiable.

(2) (Amended, SG No. 87/2018, effective date 19.10.2018) In the case of the appearance, on the premises of a producer, of a harmful organism listed in Regulation No. 8 of 2015, which is established by the producer or through sample testing at appropriate laboratories or a need to implement the provisions of Article 6(2), the producer shall report it to the IASAS and the BFSA and shall carry out any measures laid down by them.

(3) Producers of ornamental plant propagating material, including seed as propagating material, shall store the logbook referred to in paragraph 1, subparagraph 2 for at least two years, and the

records referred to in Article 62(1) SPMA on the quantities of ornamental plant material produced and marketed for at least one year.

Chapter Four

PACKAGING AND LABELLING OF ORNAMENTAL PLANT PROPAGATING MATERIAL AND MARKETING CONDITIONS

Article 7. (1) Ornamental plant propagating material shall be handled in lots and packaged in a way appropriate for the relevant species in closed packages, bundles, bunches, pots, containers, and others.

(2) (Amended, SG No. 14/2007, effective date 13.02.2007) Propagating material of different lots may be marketed in a single consignment, provided that the producer and/supplier keeps records of the composition and origin of the different lots in the records referred to in Article 62(1) SPMA.

(3) Ornamental plant propagating material when marketed shall be accompanied by labels and/or other document made out by the producer.

(4) Paragraphs 1 and 2 shall not apply to ornamental plant propagating material intended for persons not professionally engaged in the production or sale of such material.

(5) In the case of marketing of ornamental plant propagating material for persons not professionally engaged in the production or sale of ornamental plants or propagating material, requirements on labelling shall be confined to information indicating at least the species and/or variety of the ornamental plant propagating material.

(6) The requirements laid down in this Regulation shall apply without prejudice to the rules concerning packaging and packaging waste laid down in Directive 94/62/EC of the European Parliament and of the Council, unless they differ from the provisions of this Regulation.

Article 8. (1) Ornamental plant propagating material shall be marketed with a reference to the species. In such cases, the label shall indicate the plant species in a way that does not lead to confusion with the variety denominations.

(2) Ornamental plant propagating material may be marketed also with a reference to a variety provided that the variety satisfies the conditions laid down in Article 13(3) SPMA. Where the variety is entered on a list kept by a producer and/or supplier, Article 13(5) and (7) SPMA shall apply.

(3) As far as possible and applicable, each variety shall bear the same denomination in all the Member States, in accordance with implementing measures which may be adopted by the EC, the Council and the Parliament of the European Union in accordance with the provisions of the EU legislation or, in their absence, in accordance with accepted international guidelines.

(4) Ornamental plant propagating material may be marketed with an additional reference to a group of plants provided that the producer has indicated the reference in such a way as to avoid confusion with any varietal denomination.

Chapter Five

PROPAGATING MATERIAL MEETING LESS STRINGENT REQUIREMENTS

Article 9. (Amended, SG No. 87/2018, effective date 19.10.2018) In the event of temporary difficulties due to shortage of lack of supply of ornamental plant propagating material, the Minister of Agriculture, Food and Forestry may allow, in accordance with an EC act, the marketing of propagating material meeting that does not satisfy the conditions laid down in Chapter Two or satisfies less stringent requirements than those provided for in this Regulation.

Chapter Six

PROPAGATING MATERIAL PRODUCED IN THIRD COUNTRIES

Article 10. (1) (Amended, SG No. 14/2007, effective date 13.02.2007) Ornamental plant propagating material may be imported from third countries provided that it satisfies the conditions laid down in Articles 57 and 58 SPMA and the material affords equivalent guarantees to propagating material produced in the Community in relation to quality, identification and plant health.

(2) (Amended, SG No. 87/2018, effective date 19.10.2018) The importer shall notify the IASAS and the BFSA of material imported under paragraph 1 and shall attach documentary evidence of his contract with the producer in the third country. The importation shall take place in accordance with the SPMA.

(3) (New, SG No. 14/2007, effective date 13.02.2007) The conditions which the ornamental plant propagating material imported from third countries and the importation rules shall be established by the European Commission (EC) in accordance with the procedure laid down in Article 17 of Council Directive 98/56/EC.

Chapter Seven

CONTROL IN THE PRODUCTION OF AND TRADE IN ORNAMENTAL PLANT PROPAGATING MATERIAL

Article 11. (1) (Amended, SG No. 14/2007, effective date 13.02.2007) The Executive Agency for Variety Testing, Field Inspection and Seed Control and the National Plant Protection Service shall inspect producers and suppliers of propagating material of ornamental plants in accordance with Article 48(5) and Articles 63 through 65 of the SPMA.

(2) The authorities referred to in paragraph 1 shall carry out random checks during the production of and trade in propagating material of ornamental plants to verify compliance with the statutory requirements. Inspections shall be carried out mainly in relation to persons professionally engaged in production and/or sale of ornamental plants or propagating material.

Article 12. (1) (Amended, SG No. 14/2007, effective date 13.02.2007, SG No. 87/2018, effective date 19.10.2018) If, during official inspections referred to in Article 11, or the tests and trials referred to in Article 13, it is found that the producer and/or supplier has not reached compliance of the propagating material produced or marketed with the statutory requirements, more specifically the requirements of Council Directive 98/56/EC in the cases referred to in Article 13 and these non-compliances cannot be removed, the responsible official bodies of the EU Member States (IASAS and BFSA in the Republic of Bulgaria) shall take appropriate corrective action with respect to the producer and/or supplier, including prohibition of the marketing of that propagating material.

(2) Where it has been established in a re-performed inspection by the IASAS that the producer and/or supplier referred to in paragraph 1 has created conditions so that production will, in future, comply with the requirements of this Regulation, and conditions of this Directive, the ornamental plant propagating material may be marketed.

Article 13. (Amended, SG No. 14/2007, effective date 13.02.2007) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall carry out post-control tests and trials organised by the EC to check that propagating material complies with the requirements and conditions of Council Directive 98/56/EC, including health control of the material. Tests and trials may involve also propagating material of ornamental plants:

1. produced in third countries;
2. suitable for organic production;
3. used as genetic resource.

Article 14. (Amended, SG No. 14/2007, effective date 13.02.2007) The introduction of additional restrictions as regards quality, plant health, labelling and packaging of ornamental plant propagating material for marketing, and as regards the requirements to be met by producers and traders, other than those laid down in Council Directive 98/56/EC shall be prohibited.

Article 15. (Supplemented, SG No. 14/2007, effective date 13.02.2007, SG No. 87/2018, effective date 19.10.2018) The Minister of Agriculture, Food and Forestry acting at a proposal by the IASAS may at its request whole or partial release from certain obligations under this Regulation in respect of types of ornamental plant propagating material of certain genera or species the production of which is of minimal economic importance in the country, save where this would run counter to Article 14.

SUPPLEMENTARY PROVISIONS

§ 1. For the purposes of this Regulation:

1. 'Propagating material' or ornamental plants, including seed, means plant material intended for:

(a) the propagation of ornamental plants; or

(b) (Supplemented, SG No. 14/2007, effective date 13.02.2007) the production of ornamental plants; in the case of production from complete plants, this definition applies only to the extent that the resulting ornamental plant is intended for further marketing.

2. 'Propagation` means a technique of producing propagating material by vegetative or other means.

3. 'Supplier', referred to also as 'producer and/or trader', means any natural or legal person engaged professionally in marketing or importing of propagating material.

4. 'Ornamental purposes' means purposes other than multiplication and production for marketing.

5. (New, SG No. 14/2007, effective date 13.02.2007) 'Post-control tests' means ex post control of ornamental plant propagating material tested through growing trials or laboratory methods.

6. (New, SG No. 14/2007, effective date 13.02.2007) 'Ornamental plant propagating material of certain genera or species the production of which is of minimal economic importance in the country' means propagating material for ornamental purposes.

§ 2. The provisions of this Regulation shall be implemented without prejudice to the rules relating to the protection of wild flora species laid down in Council Regulation (EC) No 338/97.

§ 3. This Regulation transposes Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants.

FINAL PROVISIONS

§ 4. This Regulation shall repeal Regulation No. 16 of 21 April 2004 on the production and marketing of ornamental plant seed and propagating material (SG No. 51/2004).

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

§ 6. This Regulation shall enter into force on 1 January 2007.

Final Provisions

AMENDING REGULATION TO REGULATION No. 80 OF 2006 ON THE PRODUCTION OF AND TRADE IN ORNAMENTAL PLANT PROPAGATING MATERIAL BETWEEN MEMBER STATES OF THE EUROPEAN UNION

(PROMULGATED, SG No. 14/2007, EFFECTIVE DATE 13.02.2007)

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

Final Provisions

**AMENDING REGULATION TO REGULATION No. 13 OF 2004 SETTING OUT THE
CONDITIONS AND PROCEDURES FOR ISSUING AUTHORISATION TO
PRODUCERS AND HANDLERS OF SEED AND PROPAGATING MATERIAL AND
FOR REGISTRATION OF TRADERS OF SEED AND PROPAGATING MATERIAL**

(PROMULGATED, SG No. 87/2018, EFFECTIVE DATE 19.10.2018)

§ 32. Regulation No. 80 of 2006 on the production of and trade in ornamental plant propagating material between Member States of the European Union (Promulgated, SG No. 56/2006; amended, SG No. 14/2007) shall be amended as follows:

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5. The acronym 'NPPS' shall be replaced by the acronym 'BFSA' everywhere in the text.

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