

# **/REGULATION No. 98 ON THE MARKETING OF BEET SEED WITHIN THE EUROPEAN UNION**

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*Issued by the Minister of Agriculture and Forestry*

*Promulgated, SG No. 76 of 15 September 2006, amended, SG No. 14 of 13 February 2007, amended, SG No. 49 of 30 June 2009, supplemented, SG No. 25 of 24 March 2017, amended, SG No.30 of 9 April 2019, **amended and supplemented, SG No. 57 of 26 June 2020***

## **Chapter One GENERAL PROVISIONS**

**Article 1.** (1) This Regulation shall apply to:

1. the categories of beet seed which is marketed on the market of the European Union (EU);
2. the control of seed by official authorities for certification purposes; the activities under the supervision of official authorities;
3. the conditions under which the seed is placed on the market;
4. the certification of seed by field inspection and laboratory testing of its usefulness, the size of lots and the size of seed samples; packaging and labelling;
5. small packages;
6. the conditions for post-control of seed;
7. the marketing of seed that is not finally certified;
8. the importation of seed from third countries;
9. the marketing of seed produced under particular conditions; seed for particular purposes; beet seed, including seed mixtures which are intended for particular uses;
10. the control of seed placed on the market, including seed satisfying less stringent requirements.

(2) This Regulation shall apply to beet seed from the following species: fodder beet (*Beta vulgaris* L., var. *krassa*) and sugar beet (*Beta vulgaris* spp. *altissima*).

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

## **Chapter Two CATEGORIES OF SEED**

**Article 3.** (1) Fodder beet seed and sugar beet seed shall be produced and certified in the categories of basic seed and certified seed.

(2) Sugar beet seed may be hybrid (diploid, tetraploid, and polyploid), whereas fodder beet seed may be direct varieties or hybrids (diploid, tetraploid, and polyploid).

(3) Beet seed may be monogerm seed or polygerm seed. The seed which has undergone additional surface processing shall be referred to as "precision seed".

**Article 4.** "Basic seed" means seed:

1. (Supplemented, SG, No. 14/2007, effective date 13.02.2007) which has been produced under the responsibility of the breeder pursuant to Article 26(1), subparagraphs 2 and 3 of the Seed and Propagating Material Act (SPMA) in accordance with the accepted methods and practices of maintenance of the variety;
2. which is intended for the production of certified seed;
3. which complies with the requirements to basic seed laid down in Annexes Nos. 1 and 2 and to which the requirements under Article 17 may be applicable;

4. has been found on examination by the official authorities referred to in Article 7(2) that it satisfies the conditions laid down in subparagraphs 1 to 3; the compliance with the requirements laid down in Annex No. 2, which is established by laboratory testing, may be checked also in laboratories referred to in Article 82(2) under the supervision of the official authorities.

**Article 5.** ‘Certified seed’ means seed:

1. is of direct descent from basic seed or, on request of the applicant for certification (or breeder), from pre-basic seed referred to in Article 6, which has been found on examination by the official authorities referred to in Article 7(2) to satisfy the conditions laid down for basic seed in Annexes Nos. 1 and 2;
2. is intended for purposes other than the production of beet seed;
3. which complies with the requirements to certified seed laid down in Annexes Nos. 1 and 2 and to which the requirements under Article 17(1)(2) may be applicable;
4. has been found on examination by the official authorities referred to in Article 7(2) or by natural persons (inspectors) and/or the laboratories referred to in Article 8 under the supervision of the official authorities that it satisfies the conditions laid down in subparagraphs 1 to 3.

**Article 6.** 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 15.

### **Chapter Three**

#### **SEED CONTROL BY THE OFFICIAL AUTHORITIES FOR CERTIFICATION PURPOSES ACTIVITIES OF NATURAL AND LEGAL PERSONS UNDER THE SUPERVISION OF THE OFFICIAL AUTHORITIES AND REQUIREMENTS FOR THEIR IMPLEMENTATION**

**Article 7.** (1) (Amended, SG No. 30/2019, effective date 9.04.2019) In the Republic of Bulgaria, seed control shall be performed by the Executive Agency for Plant Variety Testing, Field Inspection and Seed Control (IASAS) and by the Bulgarian Food Safety Agency (BFSA) in accordance with Articles 3, 4 and 5 SPMA.

(2) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall certify beet seed in the categories of basic seed and certified seed by field inspections and laboratory testing to check the usefulness of seed and its compliance with the requirements laid down in Annexes Nos. 1 and 2.

(3) (Amended, SG No. 30/2019, effective date 9.04.2019) The Bulgarian Food Safety Agency shall perform phytosanitary control of beet seed in accordance with Regulation No. 8 of 2015 on phytosanitary control (SG No. 19/2015) and provide the results to the IASAS.

**Article 8.** (1) Field inspections under the supervision of the IASAS may be carried out also by natural persons (inspectors) approved by the Executive Director of the IASAS in accordance with Article 6 SPMA.

(2) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) 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 9.** The persons referred to in Article 8 shall comply with the requirements laid down in Articles 10 and 11 in the implementation of the activities under the supervision of the IASAS provided for in Articles 4(4) and 5(4).

**Article 10.** (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(3) SPMA;

(b) be licensed 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;

(c) carry out inspections in accordance with the rules of official inspections laid down in Annex No. 1 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. (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) 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/or laboratory testing in accordance with the methods approved by the Minister of Agriculture, Food and Forestry pursuant to Article 37(4) SPMA;

5. Field inspections by the inspectors referred to in subparagraph 1 under the supervision of the IASAS shall be carried out through the measures provided for in subparagraphs 3 and 4, including sudden verification checks of the inspections.

(2) Article 67 SPMA shall apply to the cases of non-compliance with the field inspection rules by the inspectors referred to in paragraph 1, subparagraph 1.

(3) Where the non-compliance established during a field inspection has led to deviations from the requirements for certification of seed, an inspector who is authorised by the Executive Director of the IASAS, shall draw up a statement of findings on the specific non-compliances and fix a time limit for their elimination, where appropriate, during the same vegetative phase of the seed crops. The certification process shall be suspended with an order by the Executive Director of the IASAS, except for the cases in which, upon the application of treatment of the seed crops, it is established that they comply with the requirements.

(4) The provisions of paragraph 2 shall apply to the non-compliances which have led to the treatments of the seed crops referred to in paragraph 3, regardless of whether the seed crops continue to be compliant after the treatments or not.

**Article 11.** (1) The following requirements shall apply to the laboratory testing of seed under the supervision of the IASAS:

(1) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) seed shall be tested at 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, 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. A seed testing laboratory shall be:

(a) an independent laboratory (within the meaning of Article 7(2) SPMA); or

(b) a laboratory owned by a person engaging in seed production and/or seed handling and/or seed marketing;

4. (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) The laboratory referred to in subparagraph 3, item (b) shall test only seed lots produced by the owner of the seed 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 the person referred to in subparagraph 3, item (b).

(2) The laboratory referred to in paragraph 1, subparagraph 1 shall be subject to supervision by the IASAS.

(3) For the purposes of the supervision referred to in paragraph 2, at least 5 percent 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 applied for certification of the seed to the relevant territorial unit (TU) of the IASAS and own the seed tested at 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 violations pursuant to Article 12(2) SPMA.

(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, except for the cases in which 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.

(7) The seed referred to in paragraph 6 may be marketed provided that it continues to satisfy the certification process.

**Article 12.** (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. Samples drawn with an automatic sampler shall be taken only officially.

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

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

1. independent persons who have not been hired under a contract in accordance with 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 9.04.2019) 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 authorisation referred to in paragraph 5 shall specify the status of the sample taker and the scope of his or her sampling activities for the relevant crops and categories.

(8) The sample takers 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 13.** (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 percent of the lots from which samples were drawn. Verification checks shall be carried out by official samplers of the IASAS through parallel drawing of samples from the same lot to check the comparability of the samples drawn by official sample takers and by sample takers under official supervision.

(3) The lots included in the checks referred to in paragraph 2 shall be distributed proportionately to the number of lots belonging to the applicants for certification, and to the number of species applied for certification. Lots for which doubt or alerts of infringements in the sampling process exist shall also be covered by the checks.

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

(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. 2:

1. the certification process or the certificate issued for the lot shall be cancelled by the Executive Director of the IASAS;

2. (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) the seed from this lot shall be recalled from the market by the Minister of Agriculture, Food and Forestry.

(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 14.** (1) Beet seed shall be placed on the market only if it is certified in the categories of basic seed or certified seed.

**Article 15.** (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.

**Article 16.** (1) Seed which has been approved by field inspection carried out to ensure their varietal identity and varietal purity and which is to be handled and finally certified may be placed on the market.

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

**Article 17.** (1) By way of derogation from the provisions of Articles 4 and 5:

1. (Supplemented, SG, No. 49/2009, effective date 30.06.2009) The Executive Director of the IASAS may authorise the certification and marketing of basic seed of lower germination than the germination capacity laid down in Annex No. 2 for the crop concerned 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 50%; 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 28 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 IASAS shall supervise the compliance with the conditions laid down in items (a) and (b);

2. Seed may be certified and marketed as far as the 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. 2 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 24(2) shall be issued after the completion of the official testing of the usefulness of the seed to ensure final certification.

(3) The provisions of paragraph 1 shall not apply to seed imported from third countries, save as otherwise provided in Article 39 in respect of seed propagation outside the territory of the EU Member States.

(4) The Executive Agency for 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 5 of Council Directive 2002/54/EEC.

(5) The seed of the category of certified seed not satisfying the requirements in respect of the germination provided for in Annex No. 3 may be marketed in accordance with Commission Regulation (EC) 217/2006 and the relevant EC decision.

**Article 18.** (1) Seed other than the seed authorised for marketing under Articles 14, 15, 16 and 17 may be marketed within the territory of the Republic of Bulgaria for the following purposes:

1. scientific purposes or selection work; or

2. test or trial purposes - demonstration and/or production trials - of varieties for which an application for inclusion has been submitted pending their inclusion in the Official Variety List of the Republic of Bulgaria.

(2) In the cases referred to in paragraph 1, genetically modified seed shall satisfy the conditions laid down in the Genetically Modified Organisms Act with a view to preventing risks to the health of people, animals and plants, the harmful impact of the environment and making an assessment of these factors (in accordance with Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms).

(3) The provisions of Article 7(4) of 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 Member States (SG No. 51/2006) transposing the provisions 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 as regards packaging, marking and quantities shall be established in accordance with EC Decision 2004/842.

(5) Authorisation of the persons to place the seed referred to in paragraph 1, subparagraph 2 on the market within the country pursuant to paragraph 4 shall be granted on request by the Executive Director of the IASAS. Refusals to grant authorisation shall be subject to appeal in accordance with the Administrative Procedure Code (APC).

**Chapter Five**  
**SEED CERTIFICATION BY FIELD INSPECTION AND LABORATORY**  
**TESTING OF THE SEED USEFULNESS; LOT SIZE AND SAMPLE WEIGHT;**  
**PACKAGING AND LABELLING**

**Section I**  
**Requirements to seed for certification**

**Article 19.** The Executive Agency for Variety Testing, Field Inspection and Seed Control shall certify seed to establish:

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

**Article 20.** (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 at a request of the applicant (breeder).

**Article 21.** (1) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) Field inspections shall be carried out to establish the compliance of the seed crop with the requirements laid down in Annex No. 1 on the basis of methods approved by the Minister of Agriculture, Food and Forestry pursuant to Article 31(6) SPMA.

(2) 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 22.** (1) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) Laboratory tests shall be carried out to establish the compliance of the seed 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(8) SPMA in accordance with the existing international methods of the International Seed Testing Association (ISTA) referred to in § 1(16) SPMA.

(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 23.** (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, are laid down in Annex No. 3.

(3) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) 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 24.** (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. 1 and 2.

(2) (Supplemented, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) 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 under Articles 4 and 5.

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

(4) (New, 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) Where the packages and seeds of a lot to be tested for germination are damaged or unsuitable for marketing, the lot shall be repackaged pursuant to Article 27, paragraphs 5 to 7 and paragraph 9 and samples shall be taken for laboratory testing.

(6) (New, SG No. 49/2009, effective date 30.06.2009) Certificates under paragraphs 2 and 4 shall be deemed invalid after the expiration of their validity term.

(7) (New, SG No. 49/2009, effective date 30.06.2009) Paragraphs 3, 4, 5 and 6 shall apply to seed imported from third countries pursuant to Article 40 and the relevant documents shall be issued for its marketing.

**Article 25.** The persons under Article 28 SPMA who have applied for certification shall pay fees for the field inspections, sampling and laboratory testing in accordance with the rates referred to in Article 6(6) SPMA.

## **Section II**

### **Packaging and labelling of seed**

**Article 26.** (1) Basic seed and certified seed shall be placed on the market only in homogeneous lots and in closed and/or sealed packages which are marked and equipped with a closing/sealing system in accordance with Articles 27 and 28.

(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(1) SPMA and to registered traders of beet seed.

**Article 27.** (1) Packages of basic and certified seed potatoes shall be sealed in the presence of a person duly authorised by the Executive Director of IASAS or by the persons under under 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 28 or the package.

(3) To ensure the sealing of the packages, each sealing system shall include the official label provided for in Article 28 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.

(4) 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 /re-sampling and the name of the authority responsible therefor - IASAS - shall be stated on the label provided for in Article 28.



(7) (New, SG No. 49/2009, effective date 30.06.2009) 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. 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, whereby the costs for the presence of the official shall be borne by applicant. A new certificate shall be issued for the repackaged seed, the validity of which shall commence on the date of the laboratory retesting indicated in the new certificate.

(8) (New, SG No. 49/2009, effective date 30.06.2009) In the cases of repackaging of seed produced in Member States of the European Union (EU) or third countries and marketed within the country, the requirements laid down in paragraphs 5 to 7 shall apply, whereby the requisite documents shall be issued: a document on seed packaged in the EU or a document for the marketing of seed imported from third countries.

(9) (New, SG No. 49/2009, effective date 30.06.2009) In the cases of repackaging pursuant to paragraphs 7 and 8, the official labels issued by the IASAS for the new packages in accordance with Annex No. 4(A), Section I shall indicate the certification authority in the country (IASAS) which has authorised the repackaging.

**Article 28.** (1) (Supplemented, SG No. 14/2007, effective date 13.02.2007) Packages of basic seed and certified seed shall be labelled on the outside with a new official label used for the first time, which fulfils the conditions laid down in Annex No. 4. The particulars of the label shall be provided in one of the official languages of the 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.

(4) In the cases under Article 17(1) in which basic seed does not satisfy the conditions for germination laid down in Annex No. 2, 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 model 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. The plant passport shall be issued by the BFSA or by the authorised operator(s).

**Article 29.** (1) Where the label referred to in Article 28(1) is made of a material that is not tear resistant, packages of basic 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. 4, points (A)(4), (5) and (6) blue for certified seed. This document shall be drawn up in such a manner that it cannot be confused with the official label referred to in Article 28.

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

**Article 30.** (Supplemented, SG No. 14/2007, effective date 13.02.2007) (1) In accordance with EC acts, packages of basic seed and certified seed 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. The producer's and/or trader's label shall be made out in a way which prevents its confusion with the official label.

**Article 31.** 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 32.** Chemical treatments of basic and certified seed 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 PRE-BASIC SEED FOR MARKETING**

**Article 33.** Pre-basic seed shall be certified, packaged and labelled in the cases under Article 6 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, and
3. the packages bear an official label, white in colour with a diagonal violet line, containing the particulars laid down in Annex No. 5.

## **Chapter Seven SMALL PACKAGES**

**Article 34.** (1) Certified beet seed and standard beet seed may be placed on the market in small EC packages.

(2) "Small EC packages" means packages containing seed with the following maximum net weight:

1. monogerm seed and precision seed - up to 100 000 grains (or clusters) or up to 2.5 kg of net weight;
2. seed other than monogerm seed or precision seed - up to 10 kg of net weight.

(3) The net weight of small EC packages shall exclude the weight of pesticides or other granulating or pelleting substances or other additives.

(4) (New, SG No. 49/2009, effective date 30.06.2009) The packaging of quantities of seed from lots of certified seed in small EC packages shall be carried out with the permission of the IASAS, where the conditions laid down in Articles 35 to 36a are satisfied.

**Article 35.** (1) Producers and/or handlers and/or traders referred to in Article 28 SPMA of small EC packages shall submit an application to the territorial unit (TU) of the IASAS in the format approved by the Executive Director of the IASAS for packaging of certain quantities of certified seed in small packages.

(2) Small EC packages shall be sealed by the persons referred to in Article 28 SPMA who are responsible for the identity of the seed in the small packages to that of the seed in the lot it has been drawn from under the supervision of the IASAS.

(3) The Executive Agency for Variety Testing, Field Inspection and Seed Control shall carry out verification checks during the packaging of seed from a lot into small packages to verify the identity of seed.

(4) Small EC 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 label provided for in Article 36(1) or on the package.

**Article 36.** (1) (Supplemented, SG No. 14/2007, effective 13.02.2007) A producer's label shall be affixed on the small EC packages with the particulars provided for in Annex No. 1 written in

one of the official languages of the Community, whereby the particulars of the seed harvested and marketed within the territory of the country shall be written in the Bulgarian language.

(2) The colour of the label shall be blue.

(3) Small EC packages shall be assigned a serial number by the IASAS on the basis of an application submitted by the persons referred to in Article 35(1) and this serial number shall be printed on the producer's label referred to in paragraph 1 or on the packaging (the outer side of the packaging). The ways (methods) of affixing the serial number may be established also at an EC decision.

(4) The label may be placed inside transparent packages provided it can be read.

(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 provided for in paragraph 1 may be indelibly printed on the packages or stamped on the packaging.

(7) Where the particulars of the producer's label have been printed or stamped on the packaging of small EC packages, they shall be clearly distinguishable from any other information indicated on the packaging or label.

(8) Specific package sealing systems guaranteeing compliance with the conditions laid down in paragraphs 2 and 3 may be used for small EC packages in the country at an EC decision.

**Article 36a.** (New, SG No. 49/2009, effective date 30.06.2009) (1) An official of the IASAS/TU shall draw samples for laboratory testing of the usefulness (germination) of seed in small EC packages which satisfy the conditions laid down in Articles 34 to 36. Where the seed complies with the requirements for usefulness (germination), depending on the species, pursuant to Annex No. 2, an official of the IASAS/TU shall issue (depending on the lots of certified seed produced in the country and packaged in small packages) a certificate for the seed in small packages in the format approved by the Executive Director of the IASAS.

(2) The validity of the certificate for small packages shall be established pursuant to Article 59 of Regulation No. 8 of 2007 on the procedures for certification and/or approval of seed produced and marketed in the following groups of crops: cereal seed, oil and fibre plant seed, fodder plant seed, vegetable seed, seed potatoes, and beet seed (Promulgated, SG No. 29 of 2007; Amended, No. 109/2007) and commence on the date of issue of the document on the laboratory testing of the seed in small packages.

(3) Where seed produced in an EU Member State is packaged within the country into small EC packages in accordance with this Regulation, the permission for packaging referred to Article 34(4) and documents for EU seed packaged in small packages shall be issued. The time limits for marketing of small EC packages shall correspond to the validity period of the certificates/documents for small packages provided for in the Regulation referred to in paragraph 2 as from the dates referred to in paragraph 2.

(4) Where seed imported from a third country is packaged within the country into small EC packages in accordance with this Regulation, the documents applicable to the marketing of imported seed shall be issued. The validity of these documents shall correspond to the validity provided for in the Regulation referred to in paragraph 2 as from the dates referred to in paragraph 2.

(5) After the expiry of the validity periods provided for in paragraphs 2, 3 and 4, the available quantities of small packages shall be withdrawn from the market or, having been tested for seed germination and found compliant with the requirements listed in Annex No. 3, continue to be marketed. A sticker shall be affixed on the small package indicating the date of the germination retesting and the new validity periods pursuant to paragraphs 2 to 4.

**Article 37.** The marketing of small packages of basic seed bearing the official label may be allowed under the supervision of the IASAS, without prejudice to the provisions of Chapter Five, Section II.

## **Chapter Eight**

### **CONDITIONS FOR POST-CONTROL OF SEED**

**Article 38.** (1) The IASAS shall carry out post-control of beet 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 retail 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 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 retail market;

(5) Where seed is found in post-control to be compliant with the requirements for varietal identity and purity, a document on the varietal purity shall be issued by a person duly authorised by the Executive Director of the IASAS.

(6) Where seed is found to be non-compliant with the requirements for varietal 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 Nine**

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

**Article 39.** (1) This country may produce beet 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. from initial seed of the category 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
2. the harvesting and non-final certification of the seed shall be carried out in an EU Member State (or the Republic of Bulgaria respectively) other than the Member State referred to in subparagraph 1(a) 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" 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. 1 for the relevant category; and

(bb) the results of the official laboratory testing (carried out in the Member State referred to in subparagraph 3(a)) indicate compliance of the seed with the requirements laid down in Annex No. 2 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) Beet seed harvested in the Community as not finally certified 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. 6 (A) and (B); and
2. accompanied by an official document containing the particulars provided for in Annex No. 6(B).

(5) 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.

(6) Where the harvesting and non-final certification of seed take place in a third country, the following conditions shall be satisfied:

1. 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
2. the harvesting and non-final certification of seed take place in a third country;
3. non-finally certified seed, upon request, may be:
  - (a) officially certified in any Member State (or this country respectively);
  - (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. 1 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. 2 for the relevant category.

## **Chapter Ten**

### **IMPORTATION OF SEED FROM THIRD COUNTRIES**

**Article 40.** (1) Beet seed shall be imported in accordance with the SPMA.

(2) Where seed is imported from third countries to this country pursuant to paragraph 1 and the quantity exceeds 2 kg, the label and/or the document accompanying the seed and/or another official document or the contract on the import of the seed shall contain the following particulars:

1. species - botanical name of the species;
2. variety;
3. category equivalent to the category of seed produced in the Community;
4. country of production and official inspection authority;
5. country of dispatch;
6. importer - business name, company;
7. quantity of seed.

(3) (New, SG No. 14/2007, effective date 13.02.2007) In the case of importation of seed from third countries, the decisions of the European Commission (EC) for these countries concerning the equivalence of the seed harvested there with the seed produced in the Community shall apply, without prejudice to Article 23 of Directive 2002/54/EC.

**Chapter Eleven**  
**SEED PRODUCED UNDER PARTICULAR CONDITIONS; BEET SEED,  
INCLUDING MIXTURES, OF PARTICULAR DESIGNATION**

**Article 41.** (1) (Amended, SG No. 30/2019, effective date 9.04.2019) Seed of beet varieties or hybrids may be produced organically and marketed in accordance with Regulation No. 5 of 3 September 2018 on the application of the rules for organic production, labelling and control and on the issuance of authorisation to carry out monitoring of organic production rules and official post supervision of monitors (SG, No. 75 of 2018) and in accordance with the requirements to the categories of seed placed on the market, which are laid down in this Regulation.

(2) Beet seed may be treated chemically to protect it against pest.

**Article 42.** (1) Seed of beet varieties or hybrids, including mixtures of beet seed with other plant species included in the EU Common Catalogue and the Official Variety List of the Republic of Bulgaria respectively, which are intended for conservation in situ and for its use as plant genetic resources in areas of natural and semi-natural habitats threatened by genetic erosion, may be produced and marketed.

(2) The particular production and marketing conditions for the seed referred to in paragraph 1 shall be laid down in accordance with an EC decision providing for:

1. the beet seed and species referred to in paragraph 1 to be of varieties of known origin and accepted by the official authorities of the country (the IASAS for this country) for marketing in specific areas;

2. the quantities allowed for this purpose.

**Article 42a.** (New, SG No. 49/2009, effective date 30.06.2009) (1) In relation to Article 42, derogations shall be permitted from the provisions of this Regulation in respect of the production, certification and marketing of beet 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 beet plant species.

(2) All other requirements to the production, certification and marketing of seed of conservation varieties, other than those provided for in Articles 42b through 42k, shall comply with the provisions of this Regulation.

**Article 42b.** (New, SG No. 49/2009, effective date 30.06.2009) (1) Derogations from the conditions for certification applicable to the potato species laid down in Article 14 for beet 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 beet species 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 8(1) under the supervision of the IASAS shall not be mandatory;

2. the seed satisfies the requirements for usefulness of seed of the certified seed category, which is established through laboratory testing of its compliance with the requirements laid down in Annex No. 2, point 3.

(4) The laboratory testing referred to in paragraph 3, subparagraph 2 may be carried out at IASAS laboratories, laboratories referred to in Article 8(2), or producer's laboratories.

(5) Field inspections may be performed by IASAS inspectors or inspectors referred to in Article 8(1) on request by the producer.

**Article 42c.** (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 42b 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 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, 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 42d.** (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 43b.

(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) Field inspections referred to in paragraph 2 shall be carried out to check that the crop complies with the certification requirements laid down in Article 42b(3)(1). Producers shall draw up field inspection statements, indicating the varietal purity of the crop.

(6) For the purposes of laboratory testing, samples shall be drawn from seed handled in homogeneous lots pursuant to Article 42e.

(7) The maximum lot weight and the minimum sample weight, depending on the species, are laid down in Annex No. 3.

(8) Laboratory testing of seed shall be carried out to check its compliance with the requirements laid down in Article 42b(3)(2). The laboratory referred to in Article 42b(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 42b(3)(1) and (2), producers of seed of conservation varieties shall issue a document for the seed of conservation varieties, stating the varietal purity and the results of the laboratory testing of the usefulness of the seed.

**Article 42e.** (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 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 42f on the package or on the container.

(3) Any sealing system shall include at least the label provided for in Article 42f and a stamp or a seal may be affixed to ensure the sealing of the packages and containers pursuant to paragraph 2.

**Article 42f.** (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. 7.

**Article 42g.** (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 a region approved in accordance with Article 42c, paragraphs 2 through 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 42h 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 regions approved pursuant to paragraph 2.

(5) Where additional regions for seed production have been approved in accordance with Article 42c, paragraphs 2 through 4, the derogation provided for in paragraph 2 for additional regions shall not apply.

**Article 42h.** (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) - sugar beet or fodder beet used in a harvesting year (farming year); or

2. a quantity necessary to sow 100 hectares (ha).

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

(3) The total quantity of seed of all conservation varieties of the relevant species (sugar beet or fodder beet) 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 (sugar beet or fodder beet) used yearly in the country.

**Article 42i.** (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 referred to in 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 48h, the MAFF shall allocate to each producer concerned the quantity it may market in the respective production season (farming year).

**Article 42j.** (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 42h.

(2) The Executive Agency for Plant Variety Testing, Field Inspection and Seed Control shall carry out official post-control of seed lots of local 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 42b(3)(1).

**Article 42k.** (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 Twelve**

### **CONTROL OF SEED PLACED ON THE MARKET, INCLUDING SEED SATISFYING LESS STRINGENT REQUIREMENTS**

**Article 43.** (1) The IASAS shall control the beet seed placed on the market in accordance with 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 44.** (1) (New, SG No. 14/2007, effective date 13.02.2007) Where temporary experiments are organised within the Community by the European Commission (EC) in relation to the implementation of specific provisions of Directive 2002/57/EC, the Republic of Bulgaria may be released from certain obligations laid down in Directive 2002/57/EC, 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 seven years.

(2) (Ex paragraph 1, SG No. 14/2007, effective 13.02.2007) 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 vegetable seed marketed in accordance with Directive 2002/54/EC transposed with this Regulation, which are organised by the EC.

(3) (Ex paragraph 2, SG No. 14/2007, effective 13.02.2007) The comparative tests and trials may include the following:

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

**Article 45.** (1) (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) In order to remove any temporary difficulties in the

general supply of beet 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 EU Common Catalogue or in the Official Variety List of the Republic of Bulgaria.

(2) The label of the seed under 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 46.** (Supplemented, SG No. 14/2007, effective date 13.02.2007) The introduction of any additional restrictions with regard to the characteristics, conditions for testing (certification), packaging and labelling of beet seed placed on the market other than those provided for in this Regulation and Directive 2002/54/EC respectively shall not be allowed.

**Article 47.** (Supplemented, SG No. 14/2007, effective date 13.02.2007, amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 9.04.2019) The Minister of Agriculture, Food and Forestry, acting on the proposal of the IASAS, may send a written request to the EC in accordance with the procedure laid down in Article 28(2) of Directive 2002/54/EC on full or partial derogation from the provisions of this Regulation, except for Article 46 transposing Article 20 of Directive 2002/54/EC, where the growing of beet and the quantities of seed marketed within the country are minimal in relation to the production and marketing of seed of other plant species.

## **SUPPLEMENTARY PROVISIONS**

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

1. "Monogerm seed" means genetically monogerm seed.
2. "Polygerm seed" means genetically polygerm seed.
3. "Precision seed" means primarily seed the surface of which is coated with pesticides, nutrients or other additives designed to achieve identical shape of the seed for use in precision drills and to give single seedlings; "precision seed" is also referred to as "pelleted seed" or "granulated seed" or "encrusted seed", depending on the surface treatment applied and the shape of the seed.
4. "Handling" means a system of treatments designed to ensure the uniformity of the seed lot and to satisfy the minimum quality requirements.
5. "Handled seed" means seed to which "handling" has been applied to ensure the uniformity of the seed lot and to satisfy the minimum quality requirements.
6. (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2009) "Official sample taker" means an official duly authorised by the Executive Director of the IASAS to take samples of seed in accordance with this Regulation on the basis of the methods approved by the Minister of Agriculture, Food and Forestry pursuant to Article 30(2019) SPMA.
7. "Growing trials" means a basic method of verification of the varietal identity and purity through field testing of the seed crop on the parcel.
11. (New, SG No. 14/2007, effective date 13.02.2007) "Pre-basic seed" means the seed of generations prior to basic seed.

**§ 2.** The supply of beet 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 SPMA, shall not be considered to be marketing

of fodder plant seed provided that the persons providing these services/performing these activities do not become holders/owners of the seed supplied or of the products/yeild 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. (41) The particular conditions for marketing chemically treated seed and seed produced organically in accordance with Article 41 shall be laid down in EC acts.

§ 4. The particular conditions for producing and marketing the seed referred to in Article 42(1) and (2) and the allowed quantities shall be laid down in EC acts.

§ 5. (Supplemented, SG No. 25/2017, effective date 01.04.2017) This Regulation transposes Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed and 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).

### **FINAL PROVISIONS**

§ 6. This Regulation repeals Regulation No. 60 of 2003 on the production and marketing of beet seed (SG No. 10/2004).

§ 7. This Regulation is issued pursuant to Article 29(6)(4) of the Seed and Propagating Material Act.

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

#### **Final Provisions**

#### **AMENDING REGULATION TO REGULATION No. 98 OF 2006 ON THE MARKETING OF BEET SEED WITHIN THE EUROPEAN UNION**

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

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

#### **AMENDING REGULATION TO REGULATION No. 98 OF 2006 ON THE MARKETING OF BEET SEED WITHIN THE EUROPEAN UNION**

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

§ 8. The words "Ministry of Agriculture and Forestry" and "Minister of Agriculture and Forestry" shall be replaced by the words "Ministry of Agriculture and Food" and "Minister of Agriculture and Food" respectively everywhere in the text.

#### **Supplementary Provisions**

#### **AMENDING REGULATION TO REGULATION No. 98 OF 2006 ON THE MARKETING OF BEET SEED WITHIN THE EUROPEAN UNION**

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

§ 9. 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. 98 OF 2006 ON THE**  
**MARKETING OF BEET SEED WITHIN THE EUROPEAN UNION**

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

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

**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.

**Transitional and Final Provisions**  
**REGULATION No. 3 OF 28 MARCH 2019 ON THE TERMS AND CONDITIONS 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 THE SEED**

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

§ 12. Regulation No. 98 of 2006 on the marketing of beet seed within the European Union (Promulgated, SG No. 76/2006, amended, No. 14/2007, 49/2009 and SG No. 25/2017) shall be amended as follows:

.....  
6. 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 4(3)

(Amended, SG No. 14/2007, effective date 13.02.2007, amended and supplemented, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019)

Conditions to be satisfied by the crop during field inspections

1. The previous cropping of the field shall not have been incompatible with the production of seeds of the *Beta vulgaris* species, and the field shall be sufficiently free from such plants which are volunteers from previous cropping.

2. (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) The crops shall satisfy the conditions for identity and varietal purity in accordance with the field inspection methods approved by the Minister of Agriculture, Food and Forestry.

3. (Amended, SG No. 14/2007, effective date 13.02.2007) Beet seed producers shall notify the crop to the TU of the IASAS and make available all generations of the variety concerned for trials by the certification authority (for field inspection).

4. At least one examination (inspection) of certified seed shall be carried out by IASAS inspectors or inspectors referred to in Article 6(6) SPMA under the supervision of the IASAS.

5. At least two examinations (inspections) of basic seed, one of stecklings and one of the bolls, shall be carried out by IASAS inspectors.

6. The condition and stage of development of the crop shall allow appropriate control to check the identity and varietal purity of the crop.

7. (Supplemented, SG No. 14/2007, effective date 13.02.2007) The minimum distances from neighbouring pollen sources shall be:

Crop	Minimum distance
<i>I. Sugar beet:</i>	
1. Basic seed	
— from any pollen sources of the genus <i>Beta</i>	1 000
2. Certified seed	
— from any pollen sources of the genus <i>Beta</i> not included below	1 000
— the intended pollinator or one of the pollinators being diploid, from tetraploid sugar beet pollen sources	600
— the intended pollinator being exclusively tetraploid, from diploid sugar beet pollen sources	600
— from sugar beet pollen sources, the ploidy of which is unknown;	600
— the intended pollinator or one of the intended pollinators being diploid, from diploid sugar beet pollen sources;	300
— the intended pollinator being exclusively tetraploid, from tetraploid sugar beet pollen sources	300
— between two sugar beet seed production fields in which male sterility is not used.	300
<i>II. Fodder beet:</i>	
1. Basic seed	
— from any pollen sources of the genus <i>Beta</i>	1,000
2. Certified seed	
— from any pollen sources of the genus <i>Beta</i> not included below	1,000
— the intended pollinator or one of the pollinators being diploid, from tetraploid fodder beet pollen sources;	600
— the intended pollinator being exclusively tetraploid, from diploid fodder beet pollen sources;	600
— from fodder beet pollen sources, the ploidy of which is unknown	600
— the intended pollinator or one of the pollinators being diploid, from diploid fodder beet pollen sources;	300
— the intended pollinator being exclusively tetraploid, from tetraploid fodder beet pollen sources;	300
— between two fodder beet seed production fields in which male sterility is not used.	300

Note. (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) (Amended, SG No. 30/2019, effective date 09.04.2019) These spatial isolation distances can be reduced (disregarded) if there is sufficient protection from any undesirable foreign pollination as described in the field inspection methods approved by the Minister of Agriculture, Food and Forestry.

No isolation is necessary between seed crops using the same pollinator.

The ploidy of beet is to be established by reference to the common catalogue of varieties of agricultural plant species compiled under 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 (SG, No. 51/2006). If this information is not included for any variety, the ploidy is to be regarded as unknown. In such cases, a minimum isolation distance of 600 metres is required.

8. (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) The size, number and allocation of fields subject to inspection are described in the methods approved by the Minister of Agriculture, Food and Forestry pursuant to Article 31(6) SPMA.

Annex No. 2 to Article 4(3)

(Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019)

#### Conditions to be Satisfied by the Seed

1. (Amended, SG No. 49/2009, effective date 30.06.2009, amended, SG No. 30/2019, effective date 09.04.2019) Fodder beet seed and sugar beet seed shall satisfy the conditions for identity and varietal purity in accordance with the methods approved by the Minister of Agriculture, Food and Forestry pursuant to Article 31(6) SPMA.

2. Diseases which reduce the usefulness of the seed shall be at the lowest possible level.

3. Fodder beet seed and sugar beet seed shall satisfy the following conditions:

(a) germination, analytical purity and moisture content as indicated in the table:

Crop	Minimum analytical purity (% by weight) (1)	Minimum germination (% of clusters of pure seed)	Maximum moisture content (% by weight) (1)
<b>I. Sugar beet:</b>			
— monogerm seed	97	80	15
— precision seed (pelleted or encrusted)	97	75	15
— multigerm seed of varieties with more than 85% diploids	97	73	15
— other seeds	97	68	15
<b>II. of fodder beet:</b>			
— multigerm seed of varieties with more than 85% diploids; monogerm seed, precision seed	97	73	15
— other seeds	97	68	15

Note. The percentage by weight of other seeds shall not exceed 0.3. (\*1) Excluding granulated pesticides, pelleting substances or other solid additives.

(b) special conditions for monogerm seed and for precision seed (pelleted and/or encrusted):

(ba) at least 90% of the germinated clusters shall give single seedlings; the percentage of clusters giving three or more seedlings

shall not exceed five, calculated on the germinated clusters; (bb) precision seed of sugar beet:

at least 70% of the germinated clusters shall give single seedlings; the percentage of clusters giving three or more seedlings shall not exceed five, calculated on the germinated clusters; (bc) precision seed of fodder beet:

in the case of varieties with a percentage of diploids exceeding 85, at least 58% of the germinated clusters shall give single seedlings, while in the case of all other seeds, at least 63% of the germinated clusters shall give single seedlings. The percentage of clusters giving three or more seedlings shall not exceed 5%, calculated on the germinated clusters; (bd) in the case of seed of the category 'basic seed', the percentage by weight of inert matter shall not exceed 1.0. In the case of seed of the category 'certified seed', the percentage by weight of inert matter shall not exceed 0.5. In the case of pelleted seed of both categories, the satisfaction of the relevant conditions shall be examined on samples drawn from processed seed which has undergone partial decortication (rubbing or grinding) but has not yet been pelleted, without prejudice to the official examination of the minimum analytical purity of the pelleted seed;

(c) other special conditions:

The Republic of Bulgaria shall ensure that beet seed may not be introduced into areas recognised as 'rhizomania-free zones' under appropriate Community procedures, unless the percentage by weight of inert matter does not exceed 0.5.

#### Annex No. 3 to Article 23(2)

Size (weight) of seed lots and samples

1. Maximum weight of a seed lot - 20 t.
2. Minimum weight of samples - 500 g.

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

#### Annex No. 4 to Article 28 (1)

(Amended, SG No. 14/2007, effective date 13.02.2007, supplemented, No. 25/2017, effective date 01.04.2017, supplemented, SG No. 57/2020, effective date 26.06.2020)

Label

##### I. Official Label

###### A. Mandatory Information

1. "EC rules and regulations";
2. (Supplemented, SG No. 14/2007, effective date 13.02.2007) 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 01.04.2017) 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. (Supplemented, SG No. 14/2007, effective date 13.02.2007) 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 or declared number of clusters or pure seeds;

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. For monogerm seed: the word 'monogerm';

12. For precision seed: the word 'precision';

13. Where germination has been retested, the words 'retested ... (month and year)' and the service responsible for such retesting shall be indicated.

This information shall be indicated on a sticker affixed to the official label;

14. (New, SG No. 57/2020, effective date 26.06.2020) The plant passport shall contain the following designations:

(a) for movement within the Union territory:

(aa) the words "plant passport" written in Bulgarian and in English divided by a slash in the upper-right corner of the common label; (bb) the Union logo printed in colour or in black-and-white in the upper-left corner of the common label; (b) for introduction and movement within protected zones:

(aa) the words "plant passport - PZ" written in Bulgarian (ZZ) and in English (PZ) divided by a slash in the upper-right corner of the common label; (bb) the scientific name or code of the relevant quarantine pest(s) of significance for the protected zone immediately below these words; (cc) the Union logo printed in colour or in black-and-white in the upper-left corner of the common label. Minimum dimensions of labels - 110mm x 67 mm

II. Producer's label or particulars to be printed on the packages - small EC packages

Mandatory Information

1. "Small EC packages".

Name and address of the person (producer of small EC packages) who is responsible for the packaging and labelling, or identification/registration number;

3. (Supplemented, SG No. 14/2007, effective date 13.02.2007) Serial number of small EC packages assigned by the IASAS (for seed produced within the country);

4. (Supplemented, SG No. 14/2007, effective date 13.02.2007) Certification/controlling authority and Member State or their initials (acronyms) - IASAS, Republic of Bulgaria (for the seed produced within the country);

5. Reference number of lot;

6. Species, indicated at least in Roman characters; indication whether sugar beet or fodder beet;

7. Variety, indicated at least in Roman characters.

8. Category;

9. Declared net or gross weight or declared number of clusters or pure seeds;

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. For monogerm seed: the word 'monogerm'; 12. For precision seed: the word 'precision'.

Annex No. 5 to Article 33(1)(3)

(Amended and supplemented, SG No. 14/2007, effective date 13.02.2007)

Label of pre-basic seed

A. Mandatory Information

1. (Supplemented, SG No. 14/2007, effective date 13.02.2007) State - Republic of Bulgaria (for seed produced within the country);

2. (Supplemented, SG No. 14/2007, effective date 13.02.2007) Controlling/certification authority - IASAS (for seed produced within the country);

3. (Supplemented, SG No. 14/2007, effective date 13.02.2007) Species, under its botanical name, indicated in Roman characters and in Cyrillic characters (for seed produced within the country);



4. (Supplemented, SG No. 14/2007, effective date 13.02.2007) Variety, under its botanical name, indicated at least 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.
- B. Minimum dimensions of labels 110mm x 67 mm

Annex No. 6 to Article 39(5)(1) and (2)

(Supplemented, SG No. 14/2007, effective date 13.02.2007, supplemented, SG No. 25/2017, effective date 01.04.2017)

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

A. Mandatory information on the label:

1. (Amended, SG No. 14/2007, effective date 13.02.2007 г.) 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 01.04.2017) 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, or under its common name, or both; indication whether sugar beet or fodder beet,
3. Variety, indicated at least in Roman characters.
4. Category;
5. Reference number of lot;
6. declared net or gross weight.
7. The words "seed not finally certified";

B. Colour of the label

The label shall be grey.

C. Mandatory information in the document:

1. (Supplemented, SG No. 14/2007, effective date 13.02.2007) Controlling/certification authority - IASAS (for seed produced within the country);
  - 1a. (New, SG No. 25/2017, effective date 01.04.2017) Officially assigned serial number;
2. Species, which may be indicated in abridged form and without the authors' names, or under its common name, or both; indication whether sugar beet or fodder beet,
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. attestation that the conditions to be satisfied by the crop from which the seed comes have been fulfilled;
10. Where appropriate, results of a preliminary seed analysis.

Annex No. 7 to Article 42f

(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.