

EU LEGISLATION ON CONSERVATION VARIETIES (2008/62/EC, 2009/145/EC) AND ITS IMPLEMENTATION IN BOSNIA AND HERZEGOVINA

Overview

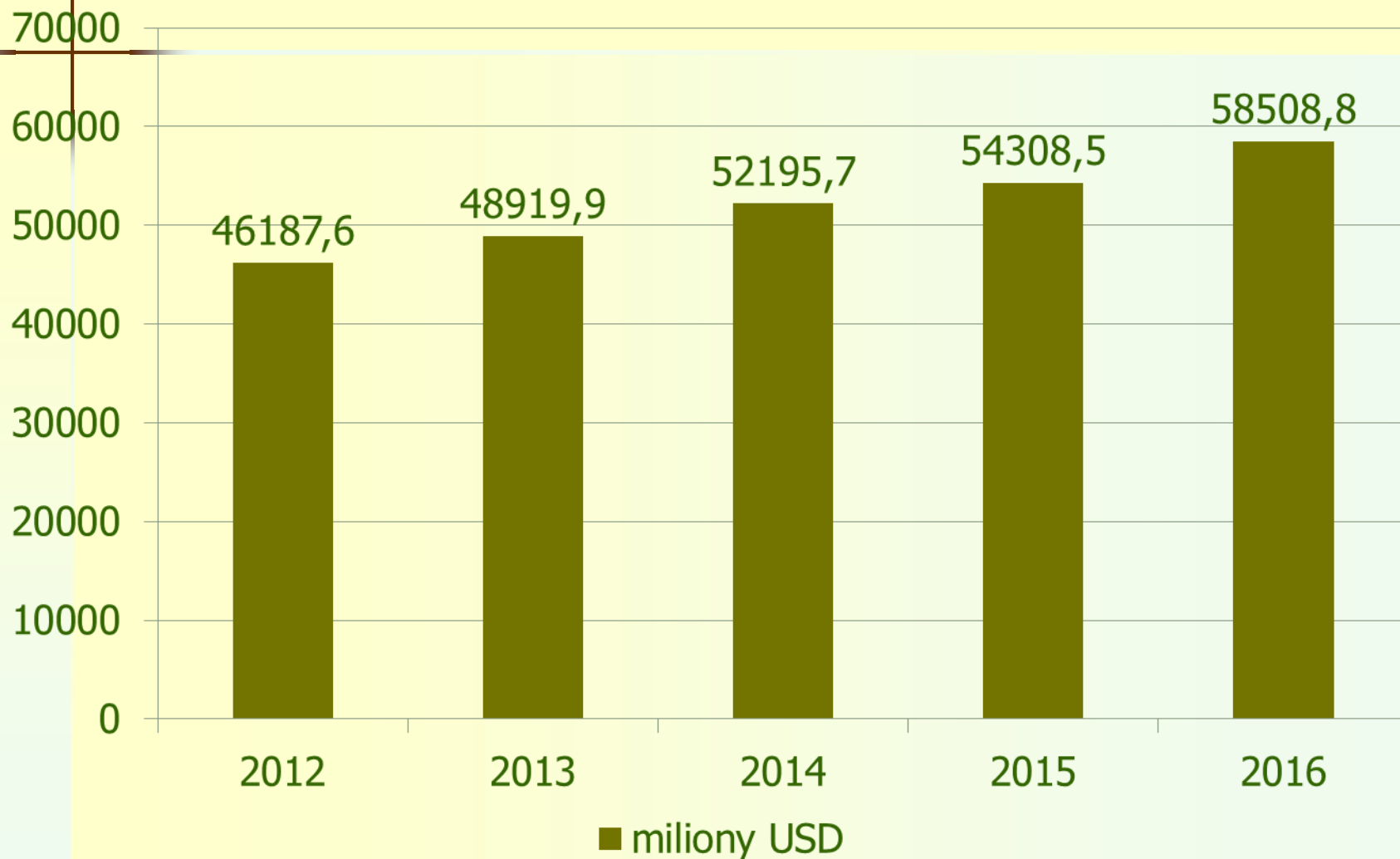
Wiesław Podyma

Plant Breeding and Acclimatization Institute

w.podyma@ihar.edu.pl

World seed market 2012-2016 (6,3% of increase)

milions USD



Overview of BiH seed legislation

The provisions are common for all area of seed and propagated material market. The regulation is supported by set of ordinances, which are focused on specific group of crops or specific aspects.

Furthermore, it was found that:

- the basic legislation legal acts relevant for seeds and planting material registration and marketing have been transposed into national legislation,
- some legal acts are in the draft stage and they will soon be approved;
- certain newly approved legal acts need starting work with transposition.

The scope of seed law

1. List of species of which varieties are covered by seed law and entered into National Register

National Register

The scope of the National register of varieties has been discussed in context of list of species which are covered by secondary legislation for specific groups of crops. Not all species listed in the National Register are reflected in secondary Law. Also should be noted that the list of species which are covered by Common EU Registers (CCA and CCV is limited.

Maintainer

Essential role of maintainer in the system

Someone have to maintain variety when it is added to the national list

Maintainer must:

- keep records of all the generations of the varieties
- produce these if requested
- allow authorised officers to inspect or examine any plants or plant material
- provide samples if required

**THE LAW ON THE SEED AND
PLANTING MATERIAL OF
AGRICULTURAL PLANTS OF
BOSNIA AND HERZEGOVINA**

Article 55

**(Entering the preserved (native) variety
into the Variety List)**

Art. 55 (1) Also, the native or native made variety which does not fulfil all of the conditions for variety entering into the variety list may be entered into the variety list as the preserved variety for the reason of preserving biological heterogeneity in the agriculture.

1. Conditions of entering native varieties into Variety List ? (When we call that variety is native variety?)

Art. 55(2) The Administration enters the variety from the Paragraph (1) of this Article into the variety list, when on the base of the results of testing or on the base of the general known information, as the result of reproduction, production, in other words, use of the variety establishes that the variety fulfils prescribed conditions for preserved variety.

2. Procedure of entering native variety to the variety list

Art.55(3) The sample of the seed and planting material of preserved variety, while entering into the variety list shall be put into the gene bank.

3. Procedure of entering native variety into gene bank

Art.55(4) The Administration, in cooperation with authorized bodies of entities and District, prescribes the conditions and detailed procedure for entering the preserved variety into the variety list.

4. The secondary law for entering native varieties into the variety list

Legal basis

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 of 21 June 2008).

Legal basis

COMMISSION DIRECTIVE 2009/145/EC of 26 November 2009 providing for certain derogations, for acceptance of **vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion** and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties (OJ L 312/44 of 27 November 2009).

Definitions

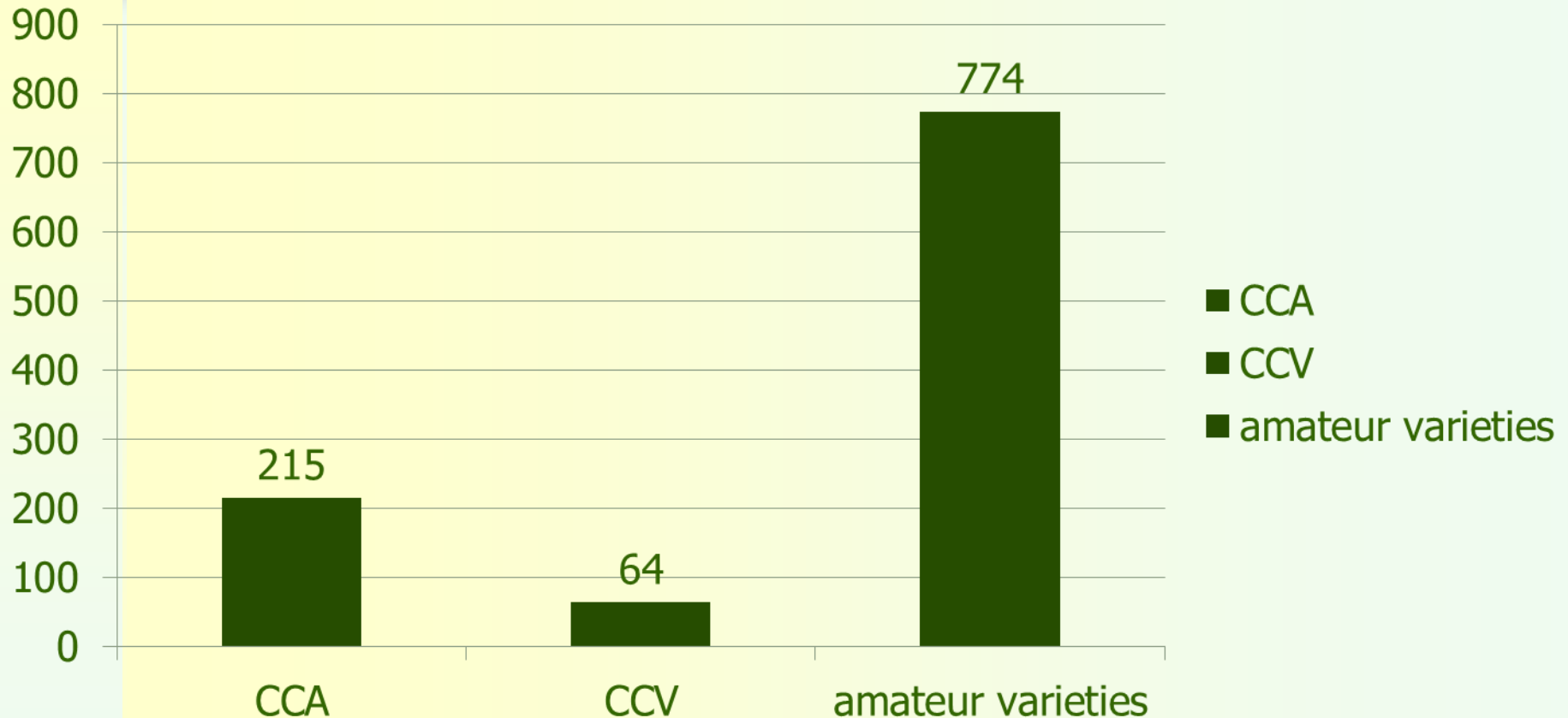
'conservation variety' - means the landrace or a variety of naturally adapted to local conditions, sometimes at risk of progressive loss of genetic diversity between populations and within populations or varieties of the same species or limitation of the genetic basis of a species due to human intervention or change environmental conditions (genetic erosion) of agricultural or vegetable plants.

Definitions

“**amateur variety**’ – (cultivar discovered and developed for cultivation in specific conditions) - means a variety of vegetable plants discovered and derived with intension for cultivation in specific agronomic, climatic or soil conditions. This variety does not have prominence for commodity vegetable production, but does have prominence for the conservation of biodiversity

Derogations for conservation and amateur varieties in EU

number of varieties



IMPLEMENTATION IN BOSNIA AND HERZEGOVINA

- the Schemes that would be of BiH interest would be Cereals, Potato, Vegetables, and other plants seed propagated excluding Fruit Plants and Ornamental;
- the legal basis could be article 55 of the Seed Law of BIH. The article 55 is applicable for native varieties and requires preparation of secondary law. The article provides respective provisions for Administration to develop the regulation;
- the National register of varieties contains important set of varieties which could be considered as conservation varieties.

STEPS FOR REGISTRATION OF CONSERVATION AND AMATEUR VARIETIES

PHPA designate bodies responsible for plant genetic resources.

Landrace or variety presents an interest for the conservation of plant genetic resources.

a) Applicant (maintainer) requests the PHPA for decision on the recognition of **conservation variety** as a variety that is relevant in a particular region of origin and provides application for acceptance of conservation variety.

b) Applicant (maintainer) requests the PHPA for decision on the recognition of the **amateur variety** as a variety with no relevance to commercial vegetable production and provides application for acceptance of the amateur variety

PHPA consults in this regard opinion of the competent body responsible for plant genetic resources in the country (Designated gene bank).

a) If opinion is positive, Ministry issues a decision on the recognition of conservation variety as a variety that is relevant in a particular region of origin.

b) If opinion is positive, Ministry of Agriculture issues a decision on the recognition of the amateur variety as a variety with no relevance to commercial vegetable production.

STEPS FOR REGISTRATION OF CONSERVATION AND AMATEUR VARIETIES

PHPA requests the Common Commission for opinion on inclusion of variety into National Register.

The Common Commission takes opinion in the following issues:

- a)** If information listed in art. 5 for conservation varieties or article 6 for amateur varieties, article 2 and article 8 para 2,3,4 of ordinance (Art. 5 2008/62/EC, Art. 5 2009/145/EC and Art. 23 2009/145/EC) is sufficient for the decision on the acceptance of the conservation and amateur varieties, **no official examination (DUS) is required.**
- b)** If information listed in art. 5 for conservation varieties or article 6 for amateur varieties, article 2 and article 8 para 2,3,4 of ordinance (Art. 5 2008/62/EC, Art. 5 2009/145/EC and Art. 23 2009/145/EC) is not sufficient for the decision on the acceptance of the conservation and amateur varieties, **official examination (DUS) is required.**

According to the opinion of the Common Commission the PHPA takes the decision on inclusion of the variety into the National Register.

Conservation or amateur variety enters into the National Register.