

On the base of the Article IV. 4. a) of the Bosnia and Herzegovina Constitution, at the session of House of Representatives which was held on the 12<sup>th</sup> of October 2004, and at the session of the House of People held on the 21<sup>st</sup> of October 2004, the Parliamentary Assembly of Bosnia and Herzegovina adopted:

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

**I BASIC PROVISIONS**

**Article 1**  
**(Law Contents)**

This Law:

- a) Prescribes conditions for production, preparation for introducing to the marketing, import and introducing to the marketing of the seed and planting material of agricultural plants (cereal, industrial, forage, truck farm, medicinal, aromatic and spice plants; fruits, vine, hop, decorative plants);
- b) Determines obligations of the persons, engaged in production, preparation for introducing to the marketing, import and introducing to the marketing of the seed and planting material of agricultural plants;
- c) Prescribes requirements for introducing to the marketing of the seed and planting material of agricultural plants and the manner of providing the compliance with prescribed requirements;
- d) Regulates registration of the agricultural plant varieties to the variety list and testing of the agricultural plant varieties for descriptive variety list;
- e) Regulates obtaining and exchanging of the information and linking of data in the information system;
- f) Determines activities for the public service in area of seeds and seed-plot production, public servants, persons who have a public authorisation, nomination of laboratories, performers of examinations for varieties and preserving the standard samples and inspection supervision.

**Article 2**  
**(Purpose of the Law)**

The purpose of this Law is to provide the good quality for the seed and planting material of agricultural plants in order to improve the economical agricultural production, preserving the environment and consumer's protection.

**Article 3**  
**(Application of the Law)**

- (1) Besides the regulations from the Article 1 of this Law, this Law is applicable for seed and planting material of other plant varieties, if it is brought to the marketing for the purpose of use in the agricultural production.
- (2) This Law is not applicable for the seed and planting material of agricultural plants assigned to export or re-export if this Law does not prescribe different.
- (3) The Plant Health Protection Administration of BiH (hereinafter: The Administration), in cooperation with authorised bodies of Republic of Srpska and Federation of BiH (hereinafter: Entities) and Brcko District of BiH (hereinafter: The District) prescribes in detail varieties of agricultural plants from the Article 1 of this Law.

- (4) Other varieties of plants from the Paragraph (1) of this Article are prescribed by the Administration in cooperation with authorised bodies of Entities and District and with previous opinion of the authorised bodies for environment protection.

#### **Article 4**

##### **(The Meaning of Terms)**

- (1) The terms used in this Law have the following meaning:
- a) **The seed of agricultural plants** is the seed of the entire plant or parts of the plant (potatoes, cloves, rhizome etc.), if they are assigned for the purpose of the reproduction and repeated production of the agricultural plants.
  - b) **The planting material of agricultural plants** are nursery plants of fruiters, grapevine, hop and perennial decorative plants for the plant breeding (for production of the agricultural plants), as well as the reproductive planting material for production of seedlings (material for reproduction and repeated production of the planting material).
  - c) **The seedling** is an annual or perennial plant arose from vegetative portions of the parent plant or by joining the stock or cultivated from the seed of the parent plant.
  - d) **Reproduction planting material for seedling production** is the seed for production of stocks, clonal rootstock, radicles, tillers, ripe and unripe cuttings, engrafts, if they are originally from the selected parental, elite parental and acknowledged (original) parental arbors or shrub of varieties and stocks.
  - e) **The party** is the number and quantity of the seed or planting material of the same type agricultural plants, variety or category, recognizable from the source and equalized by the quality and homogeneity of the composition.
  - f) **The variety** is the group of plants inside the lowest botanical system unit known for it's emphasized characteristics of the specified genotype or combination of genotypes and for its distinguishing from any other variety with at least one of quoted characteristics and as a whole remains unchanged after multiplying.
  - g) **The category** of the seed or planting material of agricultural plants is specific stage of quality of the seed or planting material of agricultural plants.
  - h) **The quality** of the seed and planting material of agricultural plants shall be determined by the purity of the variety or type, health condition and other criteria of the quality, particularly germination, purity and moisture of the seed; ripen of the epigeal and underground system of the planting material; the stage of suitability for sowing, planting or reproduction etc.
  - i) **The supplier** of the seed and planting material of agricultural plants (hereinafter: The Supplier) is anyone who is a private or legal person involved in one of the next activities: production, preparation for marketing, marketing of seed and planting material of agricultural plants, import and marketing of the seed and planting material of agricultural plants (hereinafter: activities of the supplier).
  - j) **The place of the production** is organizing and business rounded economical totality (including the soil, facilities, machines and equipment) where the activities of the supplier are performed.
  - k) **Production of the seed and planting material** of agricultural plants is the production by reproduction of the seed and planting material of agricultural plants, in other words, with other general known procedures for particular variety of agricultural plants.

- l) **Preparation for marketing** of the seed and planting material of agricultural plants are preparation procedures for the seed and planting material of agricultural plants marketing (drying, cleaning, classification, sorting, treating with pharmaceutical means or chemicals, packing or marking, etc).
- m) **Import of the seed and planting material** of agricultural plants is introducing the seed and planting material of agricultural plants into free market after the customs procedure.
- n) **Introducing into marketing** of the seed and planting material of agricultural plants is: selling, delivering or distribution to the third person with or without charge; offering to sale; storage, in other words, any disposal of the seed and planting material with intention to be sold.
- o) **Authorized bodies**, regarding this Law are: the Administration and authorised bodies of Entities and District.

## II – SUPPLIERS OF THE SEED AND PLANTING MATERIAL OF AGRICULTURAL PLANTS

### **Article 5 (Supplier Register)**

- (1) Production, preparation for marketing, import and marketing of the seed and planting material of agricultural plants are allowed only to suppliers registered in the supplier register.
- (2) Suppliers performing business of suppliers in the territory of Bosnia and Herzegovina are getting registered in the supplier register:
  - a) Legal persons with headquarters in Bosnia and Herzegovina registered for performing business of suppliers.
  - b) Natural persons with permanent residence in Bosnia and Herzegovina who has reported supplier's business to the authorised body.
  - c) Foreign legal and natural persons, if it is laid down in international agreements, who oblige Bosnia and Herzegovina.
- (3) Suppliers from the Paragraph (2) of this Article may be registered in the supplier register in case they provide professionally qualified person, fulfilling conditions regarding professional qualification and who will be responsible for fulfilling obligations of the supplier according to this Law (hereinafter: The responsible professionally qualified person). The supplier, who is a natural person, can be at the same time the responsible professionally qualified person, in case he/she meets conditions regarding the professional qualification.
- (4) The Administration prescribes conditions regarding professional qualification of the responsible qualified person from the Paragraph (3) of this Article.

### **Article 6 (Exemptions)**

- (1) Registration to the supplier register is not obligatory for suppliers:
  - a) which are small producers of the seed and planting material of specified varieties of agricultural plants and whose total production is for the purpose of own needs or for selling to the local market and which are natural persons final consumers of those seeds and planting material and not professionally involved with the production of agricultural plants;
  - b) which are exclusively involved in distribution and selling of the seed and planting material of specified varieties of agricultural plants in original packing.

- (2) The Administration prescribes conditions from the Paragraph (1) of this Article.

#### **Article 7**

##### **(Registration of Suppliers)**

- (1) The supplier register is established and managed by authorized bodies of entities and District for administrative area of its jurisdiction and the Administration manage the central register for area of Bosnia and Herzegovina.
- (2) Suppliers from the Paragraph (2) of the Article 5 of this Law submit request for registration on the prescribed form to the authorized bodies of entities and District.
- (3) The request for entering into the register from Paragraph (2) of this Article contains:
- a) Identification information about suppliers: name, surname and address, or company, headquarters and tax number, individual record book number of the citizen or individual record book number of the business subject, legal organizational form,
  - b) A business activity description of the Supplier: production, preparation for marketing, import, introducing to the marketing, by varieties of agricultural plants,
  - c) Information about the place of production: about agricultural land in use by parcels and type of use, about facilities for production, preparation for marketing, or placing to the storage of seeds and planting material of agricultural plants,
  - d) Identification information about responsible qualified person: name and surname, address, individual record book number of the citizen.
- (4) If the supplier performs activities of the supplier in different places, he has to lay down the information from the Paragraph (3) b), c) and d) of this Article for each single place where the action is performed.
- (5) Authorised bodies of entities and District shall decide about the approval of entering into the register not later than two months after receiving the completed request. The decision about entering into the Supplier register shall be issued when entering into the register and also the individual register number than shall be assigned.
- (6) The supplier has to report to the authorised bodies of entities and District every change in the information entered into the supplier register not later than 15 days after the change of the information.
- (7) Authorised bodies of entities and District deliver data about decisions made for entering into the supplier register and decisions made about changes in the supplier register to the Administration in the time limit of 15 days after the decision was made.
- (8) The form and detailed content of the request from the Paragraph (2) of this Article, documents which need to be attached to the request and form of the individual register number of the supplier shall be prescribed by the Administration.

#### **Article 8**

##### **(Removal of the Supplier from the Register)**

- (1) Removal of the supplier from the register shall be performed in next conditions:

a) Upon the proposal of the supplier, according to the official duty or upon the proposal of the authorised inspector, if the supplier cease to perform activities of the supplier,

b) Upon the proposition of the inspector, in case he establish that conditions from the Paragraph (3) of the Article 5 of this Law has not been met, in other words, that the supplier, more than twice, did not take measures determined by the inspector during the inspection.

(2) Authorized bodies of entities and District decides about removal of the supplier from the register with the decision of removal of the supplier from the register, and they are obliged to inform the Administration about that in the term of 15 days from the day after the decision about removal of the supplier from the register was made.

### **Article 9**

#### **(Contents and Maintaining of the Supplier Register)**

(1) The supplier register contains following information:

- a) Individual register number of the supplier;
- b) Identification information about the supplier: name, surname and address or the company, headquarters and taxation number, individual book record number, or record number of the business subject, legal organizational frame;
- c) Description of supplier's activities: production, preparation for marketing, import or introducing to the marketing by the varieties of agricultural plants;
- d) Information for place of the production: about agricultural land in use by parcels and type of use, about facilities for production, preparation for marketing or storage of the seed and planting material of agricultural plants,
- e) Identification information of responsible qualified person: name and surname, address, individual register number of citizen.

(2) The Administration and authorised bodies of entities and District can keep registers of suppliers in electronic form.

(3) Authorized bodies of entities and District have to keep documents for supplier's register, in original or copy at least three years after removal from the register.

(4) Information from the register is public.

(5) The Administration prescribes detailed contents and method of supplier's register maintenance.

### **III-REQUESTS FOR SEED AND PLANTING MATERIAL OF AGRICULTURAL PLANTS**

#### **Article 10**

#### **(Requirements for the Seed and Planting Material of Agricultural Plants Introducing to the Marketing)**

(1) Seed and planting material of some of varieties of agricultural plants from the Paragraph (3) of the Article 3 of this Law can be introduced to the marketing if, regarding the quality, fulfills prescribed requirements for prescribed category of the seed and planting material of agricultural plants.

(2) In the case that the category for the seed and planting material of specified variety is not anticipated, it can be introduced to the marketing if fulfils prescribed minimal requirements regarding the quality.

- (3) The seed and planting material of agricultural plants has to, besides the requirements from the Paragraph (1) and (2) of this Article, regarding the health condition, also fulfill requirements determined by the regulations of health plant protection.
- (4) The seed and planting material of agricultural plants has to be brought to the marketing partially. It has to be packed in a proper way and marked in that way to ensure the originality of the package.
- (5) Material for reproduction of agricultural plants which are genetically modified organisms (hereinafter: GMO) or which contains GMO, shall, besides requests from this Article, fulfill requirements determined by rules which determine maintenance of the GMO and, additionally, shall be marked as the GMO.
- (6) In the case that the reproduction material of agricultural plants is treated with chemicals of phyto-pharmaceutical materials, the chemical or phyto-pharmaceutical material has to be marked in a proper way.
- (7) Regarding prescribed varieties of agricultural plants, the seed and planting material can be introduced to the marketing only if it was produced under the official supervision and the fulfillment of requirements from the Paragraph (1) and (3) of this Article was officially determined with official confirmation/declaration of the reproduction material of agricultural plants in accordance with this Law.
- (8) The Administration for the seed and planting material of particular varieties of agricultural plants prescribes:
  - a) Categories, and for particular category detailed requirements regarding the purity of variety or kind, health condition and other measures of quality in the case that the category for the seed and planting material was not prescribed,
  - b) Requirements regarding the packaging and marking,
  - c) The largest number or the quantity in the party,
  - d) Conditions when can be considered that the originality of the packaging was ensured.
- (9) The Administration prescribes varieties of agricultural plants from the Paragraph (7) of this Article, whose seed and planting material can be introduced in the marketing only if it was officially confirmed.

#### **Article 11**

#### **(Delivery of the Seed and Planting Material of Agricultural Plants which was not officially Confirmed/Declared)**

- (1) Exceptionally, the seed and planting material of agricultural plants from the Article 10, Paragraph (7) of this Law can be prepared for introducing in the marketing and can be delivered to another supplier not officially confirmed if the seed and planting material was produced under the official control and in the case that it was officially defined that regarding the purity of the variety or kind and health condition, fulfill prescribed requirements for the seed and planting material of agricultural plants officially and finally unconfirmed and if it is marked on the prescribed way.
- (2) The Administration prescribes requirements for the seed and planting material of agricultural plants officially and finally unconfirmed from the Paragraph (1) of this Law, as well as the manner of marking.

#### **Article 12**

#### **(Requirements Regarding Varieties)**

- (1) If the requirement regarding purity of the variety was prescribed for particular varieties of agricultural plants from requirements of the Article 10 of this Law, the seed and planting material may be introduced into marketing if fulfil requirements from the Article 10 of this Law, and it is marked by the name of the variety.
- (2) The variety from the Paragraph (1) of this Article has to be registered in the variety list or protected in accordance with the Law which regulates the protection of new varieties of plants, or it is generally known in accordance with the Article 41, Paragraph (2) of this Law or registered into the variety list which is kept by the supplier in accordance with the Article 19, Paragraph (4) of this Law.
- (3) Regarding the prescribed varieties of agricultural plants, the seed and planting material from the Paragraph (1) of this Article can be introduced in the marketing only in the case that the variety is registered in the variety list in accordance with this Law.
- (4) The Administration prescribes varieties of agricultural plants where the variety shall be registered in the list of varieties.

#### **Article 13**

##### **(Exemption Regarding the Variety)**

- (1) The Administration may, upon the supplier's request, allow introducing to the marketing of the seed and planting material of the variety which is in the procedure of registration, not over the prescribed quantity.
- (2) In the request from the Paragraph (1) of this Article, the supplier needs to lay down to the prescribed form:
  - a) The name, surname and address or the company and headquarters,
  - b) The type, variety and quantity of the seed or planting material of agricultural plants intended for marketing.
- (3) The Administration issues the approval from the Paragraph (1) of this Article if the variety is in the procedure of registration in accordance with this Law and in the case that prescribed quantities were not exceeded.
- (4) The Administration will at the same time allow introducing to the marketing the seed and planting material of the variety up to the prescribed quantity to the supplier who was allowed to submit the application for the official confirmation of the seed and planting material of the variety in the procedure of registration in accordance with the Article 25 of this Law.
- (5) The seed and planting material from the Paragraph (1) and (4) of this Article shall be additionally marked when it is present in the market as the seed and planting material of the variety, which is in the procedure of registration.
- (6) The Administration prescribes the quantity of the seed and planting material from the Paragraph (1) of this Article as well as the request form from the Paragraph (2) of this Article.

#### **Article 14**

##### **(Special Requests for Introducing into the Marketing)**

- (1) The seed and planting material of particular varieties of agricultural plants can be introduced to the marketing if it is intended for the organic production, if fulfil particular requirements for introducing to the marketing prescribed for such seed and planting material, and in accordance with this Law and regulations which regulates organic production and if it is marked in a prescribed way.

- (2) The seed and planting material of some varieties of agricultural plants may be introduced to the marketing in smaller packaging, intended for final sale if fulfills special conditions regarding the packaging and marking.
- (3) The seed and planting material of preserved variety from the Article 55 of this Law can be introduced to the marketing if:
  - a) It is introduced to the marketing up to the prescribed quantity and
  - b) Fulfil requests for the seed and planting material of agricultural plants introducing to the marketing from the Article 10 of this Law or special requirements from the Paragraph (1) of this Article.
- (4) The Administration, in cooperation with authorized bodies of entities and District, prescribes particular requirements for introducing to the marketing and method of marking the seed and planting material of agricultural plants from the Paragraph (1) of this Article, or considered as small packaging, requirements regarding packaging and marking of the seed and planting material of agricultural plants from the Paragraph (2) of this Article, and largest quantity of the seed and planting material of preserved variety from the Paragraph (3) of this Article.

#### **Article 15**

##### **(Temporary Exemptions)**

- (1) In the case of insufficiency of the seed and planting material of specified variety in the disposal for a current year, the Administration in cooperation with authorised bodies of entities and District, upon the request of the supplier, may temporary allow, for not more than a year, introduction to the marketing of the seed and planting material of agricultural plants:
  - a) Which, regarding the quality, especially germination or moisture of the seed, does not fulfill all of the requirements form the Article 10 of this Law, prescribed for that variety of agricultural plants,
  - b) Varieties, not registered into the variety register, although for that kind of the agricultural plant the registration is obligatory in accordance with the regulations of the Article 12 Paragraph (3) of this Law.
- (2) In the requirement from the Paragraph (1) of this Law the supplier should write in the prescribed form:
  - a) The name, surname and the address or the company and headquarters and individual registration number of the supplier,
  - b) Information for the seed and planting material of agricultural plants: variety, type and category, year and place of production and quantity,
  - c) Information about the seed and planting material of agricultural plants quality from the Paragraph (1) a) of this Article or information of characteristic of the variety from the Paragraph (1) b) of this Article.
- (3) The Administration shall allow introducing to the marketing of the seed and planting material of the particular variety of agricultural plants if it establishes that the conditions from the Paragraph (1) of this Article have been met.
- (4) The seed and planting material of agricultural plants from the Paragraph (3) of this Article shall be particularly marked as the seed and planting material of agricultural plants which do not fulfill all of prescribed requirements.
- (5) The Administration in cooperation with authorised bodies of entities and District, prescribes minimal requirements regarding the seed and planting material of agricultural plants quality from the Paragraph (1) a) of this Article and detailed marking of the seed and planting material of agricultural plants which does not meet all of the prescribed requirements.



**Article 16**  
**(Seed Mixture)**

- (1) The seed of agricultural plants can be introduced to the marketing also as the mixture of different varieties of seeds or varieties of agricultural plants (hereinafter: The Seed Mixture).
- (2) The seed mixture can be introduced to the marketing if:
  - a) Every component of the seed mixture fulfill requirements for introducing to the marketing from the Article 10 and 12 of this Law,
  - b) Fulfills prescribed requirements for the seed mixture introduction to the market,
  - c) Is packed and marked in a prescribed manner.
- (3) Fulfilling the requirements from the Paragraph (2) of this Article has to be officially determined with the official confirmation/declaration of the seed mixture in accordance with this Law.
- (4) Besides the requirements from the Paragraph (2) of this Article, the seed mixture provided for production of the animal feed shall be entered into the seed mixture records.
- (5) The Administration in cooperation with the authorised bodies of entities and District prescribes requirements for introducing to the marketing and manner of packaging and marking of seed mixtures.

**Article 17**  
**(Record of Seed Mixtures)**

- (1) The supplier submits the request for registration of the seed mixture in the seed mixture record book in a prescribed form.
- (2) Request needs to contain:
  - a) Information about the supplier: the name, surname, address, in other words company and headquarters as well as the individual record number;
  - b) Information of the seed mixture: mark, composition and purpose of use.
- (3) If the seed mixture from the Article 16, Paragraph (4) of this Law fulfills prescribed conditions regarding the composition for register, the Administration shall register it into the record for seed mixtures.
- (4) The Administration, on the base of the supplier's request shall register also the seed mixtures for other purposes.
- (5) The Administration shall establish registration of the seed mixtures which particularly contains:
  - a) Information for the seed mixture, mark, composition and purpose of use
  - b) Individual register number of the supplier.
- (6) The Administration prescribes a form from the Paragraph (1) of this Article, details related to the composition of the seed mixture for that purpose of production of the animal food as well as the manner of maintaining the record for seed mixtures.

**Article 18**  
**(Exemptions Regarding Marketing)**

- (1) The delivery of the following is not considered for introduction to the marketing of the seed and planting material of agricultural plants according to this Law:
  - a) Of the seed and planting material samples for official examination or for inspection supervision,

- b) Of the seed and planting material samples to educational institutions in the purpose of research, for the cultivation or for storage in the gene banks,
  - c) Of the seed and planting material to the persons who are preparing the seed and planting material for marketing in the name and for the account of the supplier,
  - d) Of the seed and planting material to persons who produce specific varieties of agricultural plants for industrial modification or multiply the seed and planting material for that purpose in the name and for the account of the Supplier.
- (2) Samples of the material for multiplying of agricultural plants from the Paragraph (1) a) and b) of this Article shall be particularly marked as the sample in the purpose from the Paragraph(1) a) and b) of this Article.
  - (3) The Supplier shall previously obtain the approval from the Administration, in the case from the Paragraph (1) d) of this Article for delivery of such reproductive material. The copy of the contract which contains specified purpose of the production and requests for marketing what is fulfilled by the seed and planting material of agricultural plants shall be attached to the request for issuing of the approval which contains: the name, surname and address or the company and headquarters and individual register number of the Supplier. The Administration issues the approval if establish that the material for reproduction of agricultural plants is suitable for the purpose prescribed by the Paragraph (1) d) of this Article.
  - (4) The Administration, in cooperation with authorised bodies of the entities and District, prescribes largest quantities of the seed and planting material of agricultural plants considered as sample, and method of sample marking.
  - (5) The Administration, in cooperation with authorised bodies of entities and District may prescribe detailed conditions for issuing the approval from the Paragraph (3) of this Article.

#### IV- THE PRODUCTION OF THE SEED AND PLANTING MATERIAL OF AGRICULTURAL PLANTS AND PROVIDING THE CONFORMITY WITH REQUIREMENTS

##### **Article 19**

##### **(Supplier's Obligations)**

- (1) The Supplier shall perform activities of the supplier in accordance with this Law and provide that the seed and planting material of agricultural plants in the sale fulfill prescribed requirements.
- (2) Supplier shall particularly:
  - a) To has the production plan with specified critical points for each variety of agricultural plants and that could have influence to the quality of the seed and planting material of agricultural plants (especially on the purity of the variety or type and health condition),
  - b) Continually survey the production of the seed and planting material of agricultural plants in accordance with the plan from the point a) of this Paragraph, conduct measures for insurance of conformity of the seed and planting material of agricultural plants with prescribed requests (especially regarding the maintenance of the crops and seed-plot surfaces and protection against harmful organisms) and in a prescribed way maintains the record about surveillance and conducted measures,

- c) To inform without delay the phyto-sanitary inspector about emerging or suspecting of emerging of the quarantine harmful organisms in the place of the production,
  - d) To ensure tracking and recognition of each party of the seed and planting material of agricultural plants in all phases of production and preparation for introducing to the marketing, during storage, selling and supply,
  - e) To maintain record on prescribed manner and keep the evidence about maintaining the variety, in other words obtaining or buying the seed and planting material of agricultural plants which are used for reproduction or for reproduction of the seed and planting material,
  - f) In prescribed manner to maintain record and keep the evidence of production, supply or import, about preparation for introducing to the marketing, about stock, selling or delivering of the seed and planting material of agricultural plants,
  - g) To ensure performing of the official or inspection surveys and allow taking the samples,
  - h) Conducting prescribed measures, determined during the official or inspection surveillance,
  - i) Fulfilling other prescribed obligations in accordance with this Law and the Law which regulates health protection of the plants as well as the regulations issued on the base of that same.
- (3) The supplier shall keep all of the evidence and records from the Paragraph (2) of this Article at least three years and for the plants, grapevine, hop and perennial decorative plant at least five years.
  - (4) The supplier shall in a prescribed manner keep the list of the varieties of fruiters and decorative plants, in the case those varieties have not been registered into the variety list or protected in accordance with the Law which regulates protection of the varieties of the plants, or general known in accordance with the regulations of the Article 41 paragraph (2) of this Law. For each of the varieties on the list of varieties of the supplier, the supplier has to ensure description of the variety.
  - (5) The supplier who does not produce the seed and planting material of agricultural plants does not have to fulfill the obligations from the Paragraph (2) a), b) and e) of this Article.
  - (6) The supplier who produces the seed and planting material of agricultural varieties of plants from the Article 10, Paragraph (7) of this Law does not need to fulfill the obligations from the Paragraph (2) a) and b) of this Article.
  - (7) The Administration, with a consent of the authorised bodies of entities and District, can, for the particular variety of agricultural plants, prescribe the content of the production plan from the Paragraph (2) a) of this Article.
  - (8) The Administration prescribes a method for keeping the record from the Paragraph (2) b), e) and f) of this Article, a method for keeping the record of the varieties from Paragraph (4) of this Article as well as the information which has to be included in the variety description.

#### **Article 20**

#### **(Obligation for Reporting of the Production and Issuing the Labels and Declarations of the Supplier)**

- (1) The supplier who produces the seed and planting material of agricultural plants shall report the seed and planting material production to the authorised inspector every year until the prescribed time limit except for the varieties of agricultural plants from the

Article 10, Paragraph (7) of this Law. The report on the prescribed form contains information about:

- a) the supplier: name, surname and address, or the company and headquarters of the supplier and his individual register number,
  - b) the place of production,
  - c) Production of the seed and planting material by varieties and type (at grafted varieties and stock) of agricultural plants: about land parcels, where the seed and planting material of agricultural plants are being produced, with information for surfaces and numbers of parcels.
- (2) The supplier who introduce the seed and planting material of agricultural plants into the sale, except the seed and planting material for varieties of agricultural plants from Article 10, Paragraph (7) of this Law, shall mark the seed and planting material of agricultural plants with prescribed supplier's label, in other words issue prescribed certificate/declaration for the seed and planting material of agricultural plants if the seed and planting material fulfills requirements from the Article 10 and 12 of this Law.
  - (3) The supplier shall keep the record of issued labels/declaration from the Paragraph (2) in accordance with the prescribed method.
  - (4) The Administration prescribes more detailed the content of the form, deadlines and method of the report submitting from Paragraph (1) of this Article, the content of the label and declaration of the supplier from the Paragraph (2) of this Article and method of keeping the record from the Paragraph (3) of this Article.

#### **Article 21**

##### **(Supervision of the Supplier)**

- (1) Authorised inspector shall carry out the supervision at least once in a year for the seed and planting material of agricultural plants and check whether a supplier fulfills supplier's obligation from Article 19 and 20 of this Law. If the supplier does not fulfill prescribed obligations authorized inspector shall determine a deadline for removal of the defect which shall not be shorter than 15 days.
- (2) Authorized inspector can determine the shorter deadline for the supplier if the supplier does not fulfill obligations from Article 19, Paragraph (2) b) of this Law regarding the conduction of measures for providing harmonization for the seed and planting material of agricultural plants, with prescribed requirements, especially regarding maintenance of crops, in other words seed-plot surfaces and protection from harmful organisms.
- (3) Authorized inspector shall check the harmonization of the seed and planting material of agricultural plants with prescribed requests from the Article 10 of this Law, in other words shall take the seed and planting material of agricultural plants samples and send it to the laboratory to be analyzed in accordance with the Article 75 of this Law.
- (4) If authorized inspector on the base of executed supervision, in other words results of the analyses of taken samples, establish that the seed and planting material of agricultural plants is not in accordance with prescribed requirements, in other words that it is not possible to provide the conformity, shall forbid the introduction into the marketing of such seed and planting material to the supplier.
- (5) Authorized inspector keeps the record for executed supervision
- (6) Authorised inspector shall inform authorised bodies upon the prescribed manner about received reports from the Article 20, Paragraph (1) of this Law about executed supervision at the supplier and about findings and specified measures from this Article.
- (7) The supplier shall be charged with costs occurred for measures determined in the Paragraph (1), (2) and (4) of this Article and with costs for taking and analyzing

samples, when the finding from analyze is not suitable. In the case when the result of the analysis is suitable, the costs shall be paid by authorized body.

- (8) The Administration prescribes the method for taking samples from the Paragraph (3) of this Article and the method of reporting to authorized bodies from the Paragraph (6) of this Article.

## **Article 22**

### **(Official Confirmation/Declaration of the Seed and Planting Material of Agricultural Plants)**

- (1) The supplier shall report the seed and planting material of prescribed varieties of agricultural plants from the Article 10, Paragraph (7) of this Law for official confirmation to the body for confirmation/declaration assigned with the public authorization in accordance with the Article 74 of this Law, every year until prescribed deadline. The report on the prescribed form contains information about:
- a) the supplier: name, surname and address, or the company and headquarters and his individual register number,
  - b) the place of production,
  - c) land parcels where are the seed crops or seed material with surfaces and numbers of parcels,
  - d) used seed and planting material of agricultural plants, especially about the variety, type and category and quantity.
  - e) Special requirements regarding the confirmation.
- (2) The supplier shall attach to the report prescribed evidences of used seed and planting material of agricultural plants.
- (3) The supplier may submit the report from the Paragraph (1) of this Article if:
- a) he is registered for the variety of agricultural plant whose material is being reported for official confirmation/declaration,
  - b) the variety is registered into the variety list or the supplier has obtained the approval for report submission in accordance with the Article 25 of this Law.
- (4) Especially, from the Paragraph (3) b) of this Article, the supplier for official confirmation/declaration can report a fruiter planting material, or decorative plants in the case that the variety is recorded into the variety list or provided in accordance with the Law which regulates plant variety protection or when it is generally known in accordance with the Article 41, paragraph (2) of this Law.
- (5) The procedure of the official confirmation/declaration of the seed and planting material of agricultural plants about fulfilling the requirements, prescribed in the Article 10 and 11 of this Law, includes:
- a) official supervision of seed crops, or seed-plot surfaces, land, facilities for production, storage and preparation of the seed and planting material of agricultural plants for introducing into the sale.,
  - b) official supervision of the evidences and records maintained by the supplier in accordance with the Article 19, Paragraph (2) e) and f) of this Law,
  - c) Official sampling and testing of the samples.
- (6) In the case that body for confirmation/declaration establishes that the seed and planting material of agricultural plants fulfills prescribed requests from the Article 10 of this Law for prescribed category, during the procedure of official confirmation/declaration from the Paragraph (4) of this Article, it issues prescribed official labels for that category.
- (7) The body for confirmation/declaration officially labels, what is prescribed in the Paragraph (6) of this Article, the seed and planting material of agricultural plants and

issues certificate/declaration of official confirmation/declaration of the seed and planting material of agricultural plants.

- (8) If the Body during the procedure of official confirmation/declaration establish that the seed and planting material of agricultural plants fulfill prescribed requirements from Article 11 of this Law, for the seed and planting material which was not finally confirmed, shall issue the certificate that the seed or planting material fulfill prescribed requirements for the seed and planting material of agricultural plants which is not finally confirmed, for what also issues prescribed official labels and performing marking.
- (9) The Body for confirmation refuse official confirmation by the decision if the seed and planting material of agricultural plants do not fulfill requirements from Article 10 of this Law for non of prescribed categories or if not fulfills requirements from Article 11 of this Law for the seed and planting material of agricultural plants unconfirmed finally. The complaint to the Administration against decisions of the Bodies for confirmation is allowed.
- (10) The Body for confirmation keeps the record about officially conducted activities from the Paragraph (4) of this Article.
- (11) About received reports, about official activities carried out in the official confirmation procedure, about confirmation, or refusal of the official confirmation, Body for confirmation shall inform authorized bodies upon the prescribed manner.
- (12) The costs of official confirmation procedure from the Paragraph (4) of this Article, costs related to issuing official labels and official marking is charged to the Supplier.
- (13) The Administration prescribes contents of the report's form more detailed, the deadlines and manner of submitting the report, evidences which shall be attached to the report, detailed procedure of the official confirmation, content, color and frame of the official label and content of the certificate for official confirmation of the seed and planting material of agricultural plants and certificates of the seed and planting material of agricultural plants which are finally unconfirmed, then, a method of informing authorised bodies of entities and District, the amount of costs of procedure for official confirmation and amount of cost related to issuing the official labels and official marking of the seed and planting material of agricultural plants.

### **Article 23**

#### **(Official Confirmation/Declaration of the Seed Mixture)**

- (1) Official confirmation of the seed mixture is a prescribed procedure performed by the Confirmation Body on the base of the report and which establishes whether the seed mixture fulfills requirements from Article 16 of the Paragraph (2) of this Law.
- (2) The Supplier submits the report to the Confirmation Body on the prescribed form. The report contains information about:
  - a) the Supplier: name, surname and address or company and headquarters of the Supplier and it's individual register number,
  - b) the mark, composition and purpose of use for the seed mixture.
  - c) individual components used for preparation of the mixture.
- (3) For the seed mixture, provided for the production of the animal food, the Supplier can submit the report from the Paragraph (2) of this Law, only if the seed mixture is recorded in the record of seed mixtures from the Article 17, Paragraph (5) of this Law.
- (4) The procedure of the seed mixture's official confirmation includes:
  - a) official supervision of facilities for preparation
  - b) surveillance of the storage conditions for the seed mixture,
  - c) documentation and minutes surveillance, carried out by the Supplier in accordance with the Article 19, Paragraph (2) e) and f) of this Law,

- d) Official sampling and testing of samples.
- (5) If the Confirmation Body in the procedure of official confirmation from Paragraph (4) of this Article establishes that the seed mixture fulfills requirements from the article 16, Paragraph (2) of this Law, it shall issue prescribed official labels, mark the seed mixture with issued labels and issue a certificate of official confirmation.
- (6) If the Confirmation Body establishes that requirements from the Article 16, Paragraph (2) of this Law are not fulfilled, it will refuse, by the decision, the official confirmation of the seed mixture. The complaint against the decision of the confirmation Body is allowed to be lodged to the Administration.
- (7) The Confirmation Body keeps the record about official activities carried out from the Paragraph (4) of this Article.
- (8) The Confirmation Body shall in a proper manner inform authorised bodies about received reports, performed official activities in a procedure of official confirmation, confirmation or refusal of the official confirmation of the seed mixture.
- (9) Costs of the official confirmation procedure from Paragraph (4) of this Article and costs related to issuing of official labels and official marking, and shall be paid by the Supplier.
- (10) The Administration prescribes the content of the report's form, more detailed procedure of the official confirmation, content, color and shape of the official label, content of the certificate of official confirmation for the seed mixture, mode of authorized bodies informing and amount of costs of the procedures related to issuing of the official labels and official marking.

#### **Article 24**

##### **(Issuing of Official Labels before Official Establishment of the Seed Germination)**

- (1) In varieties of agricultural plants from the Article 10, Paragraph (7) of this Law, where in requirements for marketing of the seed of agricultural plants from Article 10 of this Law where the lowest germination of the seed has been prescribed, the Confirmation Body can upon a Supplier's request in a official confirmation procedure exceptionally issue official labels from the Article 22 of this Law and mark the seed material of agricultural plants before the seed germination was officially estimated, if:
  - a) the Confirmation Body in the procedure of official confirmation established that the seed material of agricultural plants fulfills all other requirements from Article 10 of this Law, except prescribed germination,
  - b) the temporary report on the seed germination, provided by the Supplier, shows that the seed material of agricultural plants, also regarding the germination, fulfills prescribed requirements.
- (2) The Supplier shall lay down the information to the request from the Paragraph (1) of this Law for:
  - a) the Supplier: name, surname and address or company and headquarters of the Supplier and his individual register number,
  - b) Location of the Supplier's storage or first receptionist where the seed material of agricultural plants will be placed until issuing of the certificate about confirmation of the seed material of agricultural plants and information about the first receptionist: name, surname and address or the company and headquarters,
  - c) The seed material of agricultural plants, especially about the variety, type and category, place and year of production.
  - d) To attach the temporary report about seed germination.
- (3) The seed material of agricultural plants from the Paragraph 1 of this Article shall not be marketed until issuing the certificate about official approval.

- (4) The Supplier of the seed material of agricultural plants referring to the Paragraph (1) of this Article exceptionally can deliver seed material to the first receptionist recorded in the request from the Paragraph (2) of this Article. The Supplier shall additionally mark with the label the seed material of agricultural plants, which at least contains individual register number of the Supplier and the seed germination from the temporary report about germination.
- (5) The Confirmation Body issues the certificate about the official confirmation of the seed material of agricultural plants if in the process of official confirmation establishes that the seed material of agricultural plants fulfills prescribed requirements from the Article 10 of this Law regarding germination.
- (6) If the Confirmation Body in the procedure of official confirmation concludes that the seed material of agricultural plants regarding germination does not comply with prescribed requirements from the Article 10 of this Law, refuse with the request official confirmation of the seed material of agricultural plants. The decision orders to the Supplier to allow to the Confirmation Body removal of issued official labels from the Paragraph (1) of this Article or to return issued official labels to the Confirmation Body not later than eight days from the day of the delivering of the decision.

#### **Article 25**

##### **(Exemptions Regarding the Procedure of the Official Confirmation)**

- (1) Regarding agricultural plants varieties where the registering of this variety to the variety list is obliged in accordance with the Article (3) of this Law, the Confirmation Body can perform the procedure of official confirmation of the seed or plant material of the variety not recorded in the variety's list, only if the Administration previously has issued the approval for submittal of the application for official confirmation of the seed and plant material of agricultural plants.
- (2) The Administration issues to the Supplier the approval from the Paragraph (1) of this Article in the form of official minutes on the application from the Article 22, Paragraph (1) of this Law, if:
  - a) the variety is in the procedure of recording to the variety list, or
  - b) the Supplier approves that the seed and planting material of agricultural plants is produced for the export.
- (3) The Confirmation Body is carrying out the procedure of official confirmation of the seed and planting material of agricultural plants from the Paragraph (1) of this Law in accordance with the Article 22, Paragraph (5) of this Law.
- (4) If the Confirmation Body in the procedure of official confirmation from the Paragraph (3) of this Article concludes that the seed and planting material of agricultural plants complies with prescribed requirements from Article 10 or 11 of this Law, will issue official labels, prescribed for the seed and planting material of varieties not recorded in the variety list, mark it with them and issue the certificate about official confirmation of the seed and planting material of agricultural plants or the certificate that the seed and planting material of agricultural plants or the certificate that the seed and planting material of agricultural plants complies with prescribed requirements for the seed and planting material of agricultural plants not finally confirmed.
- (5) When issuing the official labels for the seed and planting material of the variety in the procedure of entering to the variety list, the Confirmation Body shall take into the consideration the largest quantity of the seed and planting material of agricultural plants from the Article 13, Paragraph (6) of this Law for what the marketing is allowed.
- (6) The Administration prescribes contents, color and size of the official labels from the Paragraph (4) of this Article.



**Article 26**  
**(Marking under the Official Supervision)**

- (1) Regardless the provisions of the Article 22, Paragraph (5) and Article 23, Paragraph (5) of this Law, the Confirmation Body can allow to the Supplier of the seed and planting material of specified varieties to mark the seed and planting material of agricultural plants by himself with official labels if the confirmation Body provide the supervision on the seed and planting material of agricultural plants marking on the prescribed method.
- (2) The Administration prescribes the varieties of agricultural plants and the method for performing supervision from the Paragraph (1) of this Article.

**Article 27**  
**(Repeated Official Marking of the Seed and Plant Material of Agricultural Plants)**

- (1) The seed and planting material of agricultural plants, officially confirmed and marked, can be repacked and officially remarked. The confirmation body issues a new official labels upon the request of the supplier and mark the seed and planting material of agricultural plants, if the seed and planting material still comply with the prescribed requirements for official confirmation.
- (2) The costs for issuing of official labels and official marking are to be paid by the Supplier.

**Article 28**  
**(Production Record)**

- (1) On the base of the application from the Article 20, Paragraph (1) and Article 22, Paragraph (1) of this Law, authorized bodies establish and keep the record of the seed and planting material production for the next year. The information about suppliers producing the seed and planting material of agricultural plants, information of the places of production and of reported areas for production of the seed and planting material of agricultural plants are kept in the record. Regarding varieties of agricultural plants from the Article 10, Paragraph (7) of this Law, also, the record is kept for quantities of official confirmed seed and planting material by varieties and type of agricultural plants.
- (2) Authorised bodies are obliged to keep the record from the Paragraph (1) of this Article.

**V-IMPORT OF THE SEED AND PLANTING MATERIAL OF AGRICULTURAL PLANTS**

**Article 29**  
**(Conditions for the Seed and Planting Material of Agricultural Plants Import)**

- (1) The seed and planting material of specified varieties of agricultural plants can be imported only by the Supplier, registered in the supplier's register for import of that variety of agricultural plant (hereinafter: The Importer).
- (2) The seed and planting material of agricultural plants may be imported if, regarding the quality, has the same value as the seed and planting material produced in Bosnia and Herzegovina.
- (3) The seed and planting material of agricultural plants from the Article 12, Paragraph (3) of this Law can be imported if the variety was recorded in to the variety list and if the conditions from the Paragraph (2) of this Law were met.

**Article 30**  
**(Recognizing the same Value for the Reproduction Material of Agricultural Plants)**

- (1) Imported seed and planting material of agricultural plants has the same value as the seed and planting material produced in Bosnia and Herzegovina in compliance with this Law, if:
  - a) requests are determined by state regulations for the seed and planting material of agricultural plants, the obligations of the Supplier and the official survey of the seed crops or nursery area of agricultural plants, or the Supplier, are identical to the requirements in Bosnia and Herzegovina, and the seed and planting material of agricultural plants in foreign country are produced in accordance with these regulations, or
  - b) The seed and planting material of agricultural plants in foreign country are produced in accordance with the international schemes of confirmation/declaration of the seed and planting material of agricultural plants.
- (2) The Administration may establish, upon the official duty or upon the proposition of the importer, whether the conditions for acknowledging the same value of the seed and planting material of agricultural plants produced in the foreign country are met.
- (3) The Administration determines by the decision published in the official gazette of the Administration:
  - a) labels, or evidences for the seed and planting material of agricultural plants, which proving the same value of the seed and planting material of agricultural plants, produced in a foreign country, and
  - b) Official bodies of the foreign country which in accordance with the international schemes for confirmation/declaration issues labels or proofs from the point a) of this Paragraph.

**Article 31**  
**(Import Procedure)**

- (1) The importer has to report every consignment of the seed and planting material of agricultural plants to the inspector inspection survey before the import. The report shall be submitted on the prescribed form and contains data for:
  - a) The importer: name, surname and address, or company and headquarters and individual register number of the Supplier,
  - b) The seed and planting material of agricultural plants: variety or type (at the grafted varieties and at stocks), category and quantity of the seed and planting material,
  - c) The country of the production (the source) and the country of the export.
- (2) Inspection survey of the seed and planting material of agricultural plants consignment is carried out at the first entry in Bosnia and Herzegovina, assigned in accordance with provisions for plant health protection.
- (3) The inspection survey of the seed and planting material of agricultural plants may be carried out also at the official assigned places inland, under the custom's supervision in accordance with the regulations determining the plant health protection.
- (4) The custom bodies shall not start the procedure of the marketing until the phyto-sanitary inspector approves the import of the seed and planting material of agricultural plants.
- (5) The phyto-sanitary inspector especially determining by the inspection survey whether:
  - a) The importer is registered into the Supplier's register for import of the seed and planting material of agricultural plants variety imported,
  - b) The seed and planting material of agricultural plants comply with the conditions for import from the Article 29, Paragraph (2) and (3) of this Law.

- (6) During the inspection survey, the phyto-sanitary inspector may take the seed and planting material of agricultural plants samples and send it to the analyse to the laboratory, nominated in accordance with the Article 75 of this Law.
- (7) If conditions for import from the Article 29 of this Law were fulfilled, the phyto-sanitary inspector approves the import of the seed and planting material of agricultural plants after surveillance. The approval is issued in the form of the official note on the application.
- (8) If the phyto-sanitary inspector establish, on the base of the inspection surveillance or the results of analyses of samples were taken, that the seed and planting material of agricultural plants do not fulfil conditions for import from the article 29 of this Law, he banes the import of such seed and planting material of agricultural plants with the decision.
- (9) The phyto-sanitary inspector sends the copy of the decision from the paragraph (7) and (8) of this Article to the Administration and authorized body where the importer is register to the Supplier's register.
- (10) The importer, at whom samples were taken, pays costs of taking samples and analise of the seed and planting material of agricultural plants samples in the case that the result was negative. In the case that the analise result was positive, the analise costs is paid by the official body.

**Article 32  
(Exemptions)**

- (1) Exceptionally from the provisions of the Article 31 of this Law, the seed and planting material is not needed to be reported to the phyto-sanitary inspector for inspection survey in the case of import:
  - a) The seed and planting material samples for official examination, for keeping in the gene banks, for the cultivation, in the science and for the research purposes, or for expositions and if the quantities of the seed material do not exceed the quantities prescribed in accordance with the Article 18, Paragraph (4) of this Law;
  - b) Specified quantities of the seed and planting material in original packaging for the personal use.
- (2) The Administration, in cooperation with official bodies of entities and District prescribes quantities from the Paragraph (1) b) of this Article.

**Article 33  
(Special Import Approvals)**

- (1) Exceptionally from the provisions of the Article 31, Paragraph (7) of this Law, phto-sanitary inspector approves the import of the seed and planting material of agricultural plants which were not finally confirmed, or the seed and planting material of the variety not recorded in the variety's list, if the Administration has issued a special import approval before the import.
- (2) The importer submits the request for issuing a special import approval on the prescribed form to the Administration contains information of:
  - a) the importer: name, surname and address, or the company and headquarters and individual register number of the Supplier,
  - b) the seed and planting material of agricultural plants: the variety, or the type (at the grafted plants and base), category and quantity, country of production (origin) and the country of export,
  - c) the purpose of the import,
  - d) the anticipated import deadline.

- (3) The Administration issues particular import approval from the Paragraph (2) of this Article in the case of import of the seed and planting material of agricultural plants:
  - a) with the intention to prepare for the marketing and to officially confirm in accordance with this Law and if it was produced in a foreign country under the official supervision and confirmed as the seed and planting material of agricultural plants which are not finally confirmed, with the same value acknowledged,
  - b) for the reproduction in Bosnia and Herzegovina, while the importer submits the written statement to the Administration that he will completely export reproduced seed and planting material of agricultural plants stating the deadline for the export realisation,
  - c) of the variety in the procedure of registration in the variety's list in Bosnia and Herzegovina and whose quantity does not exceed prescribed quantity from Article 13, Paragraph (6) of this Law.
- (4) In the case from the Paragraph (3) b) of this Article the Administration determines the deadline for export of the multiplied seed and planting material of agricultural plants.
- (5) The Importer shall attach particular import approval from the Paragraph (3) of this Article to the report for inspection survey from Article 31, Paragraph (1) of this Law.
- (6) The Administration prescribes detailed contents for the form from the Paragraph (2) of this Article.

**Article 34**  
**(Importer's Obligations)**

- (1) Besides the obligation from the Article 19 and 20 of this Law, the importer shall:
  - a) mark the imported seed and planting material of agricultural plants except the seed and planting material of agricultural plants from the Article 10, Paragraph (7) of this Law, with the prescribed label of the Supplier, in other words, issue a prescribed certificate/declaration for seed and planting material of agricultural plants, before marketing,
  - b) imported seed and planting material of agricultural plants, marked with the official label from the Article 30, Paragraph (3) of this Law, to mark additionally with the Supplier's label, in the case that the official label was not written on one of the languages in use in Bosnia and Herzegovina.
- (3) The importer, who imports the seed and planting material of agricultural plants from the Article 33, Paragraph (3)b) of this Law shall submit an evidence of export to the Administration for that seed material with the time limit determined by the Administration in the special import approval.

**Article 35**

**(Official Marking of Imported Seed and Planting Material of Agricultural Plants)**

- (1) Imported seed and planting material of agricultural plants from the Article 10 of this Law which was marked with the official label from the Article 30, Paragraph (3) b) of this Law, may be repacked, in other words, may be officially remarked. The confirmation/declaration body issues a new official labels, upon a Supplier's request and mark with them imported seed and planting material of agricultural plants. Before issuing the new official labels the confirmation body may check whether the seed and planting material of agricultural plants is still in compliance with prescribed requirements for official confirmation.
- (2) The Supplier shall pay costs related to issuing the official labels and official marking.

- (3) The Administration prescribes the amount of costs from the Paragraph (2) of this Article.

## VI-ADDITIONAL CONTROL OF THE SEED AND PLANTING MATERIAL OF AGRICULTURAL PLANTS

### **Article 36** **(Additional control)**

- (1) The Administration executes additional control of the quality of the seed and planting material of agricultural plants, produced or marketed in Bosnia and Herzegovina in current year. The purity of the variety or type, health condition and fulfilling other requirements regarding quality of the seed and planting material of agricultural plants are checked with additional control in variety laboratory testing.
- (2) Every year the prescribed number of samples of the seed and planting material of agricultural plants, taken in the official survey of the Supplier, in the time of procedure of the official confirmation/declaration or in the time of inspectional survey of the seed and planting material of agricultural plants, is included in the additional control.
- (3) Controllers and laboratories, nominated in accordance with the Article 75 of this Law, examine the variety, in other words the laboratory tests, of the seed and planting material of agricultural plants included in additional control.
- (4) Means for performing the additional control are provided from the budget of entities and District. When results of examinations are negative, costs of the additional control shall be paid by the Supplier from who the samples were taken for the additional control.
- (5) The Administration prescribes the procedure of performing the additional control and determines the number of samples which are included in additional control every year for a particular variety of agricultural plants.

## VII - THE PROCEDURE FOR ENTERING OF VARIETIES TO THE VARIETY LIST

### **Article 37** **(The Variety's List)**

- (1) The list of variety is an official list of varieties of agricultural plants. Varieties of those types of the agricultural plants for which the entering into the variety list is obligatory in accordance with the Article 12, Paragraph (3) of this Law, shall be entered into the variety list if they meet prescribed conditions.
- (2) The Administration is carrying out the procedure of entering of the variety into the list of varieties over the Joint Commission for Varieties. The list of varieties shall be published in the official gazette of the Administration.

### **Article 38** **(The Applicant)**

- (1) The application for the entry of the variety into the list of varieties may be submitted by the applicant who is:
  - a) a cultivator or preserver of the variety or other natural or legal person who has right to handle the seed and planting material of the variety,
  - b) the owner of the cultivation right or the owner of the right to gain the cultivation right in Bosnia and Herzegovina for the variety protected in Bosnia and Herzegovina in the procedure of the variety protection in accordance with the provisions which regulate the protection of varieties of agricultural plants.
- (2) If the reporter from the Paragraph (1) of this Article is a foreign natural or legal person, the report shall be submitted by the authorized person who is a natural or legal person with permanent residence or headquarters in Bosnia and Herzegovina.

### **Article 39**

#### **(Submittal of the Application for the Variety Entering into the Variety List)**

- (1) The procedure for the variety entering to the variety list begins on the base of the written application to the Administration. The applicant submits the application on the prescribed form.
- (2) The application from the Paragraph (1) of this Article contains:
  - a) information about the applicant: name, surname and address or the company and the headquarters;
  - b) information about the authorized person: name, surname and address or the company and headquarters;
  - c) the variety of the plant;
  - d) suggestion for the name of the variety;
  - e) information about the origin of the variety and about the purpose of the variety.
- (3) If the application is related to the variety of the grass which is not intended for production of the forage or the variety which will be used exclusively as the hereditary component for the seed production, or the variety which is the GMO, the applicant has to quote it in the application.
- (4) The applicant may require in the application that the information about the origin of the variety has to be considered confidential.
- (5) The Administration prescribes more detailed the content of the application form and a procedure of variety entry into the list of the variety.

### **Article 40**

#### **(The Conditions for the Variety Entering into the Variety List)**

- (1) The Administration registers reported variety into the variety list, if:
  - a) it is recognizable, unified and stable
  - b) it has a corresponding value for production and use
  - c) the name of the variety is in accordance with the prescribed requirements.
- (2) The variety which is the GMO, the Administration enters into the list of the variety only if it is in compliance with the conditions for entrance from the Paragraph (1) of this Article and if the entrance of the variety into the list of the variety, in other words, handling with the seed and planting material of the variety is in accordance with provisions which regulate the GMO.
- (3) Exceptionally from the provisions from the Paragraph (1) of this Article, corresponding value for the production and use is not required at varieties:
  - a) of vegetables, except at the varieties of the industrial chicory and oil pumpkins,
  - b) of grass, if varieties are not intended for the production of forage,
  - c) which are going to be used exceptionally as hereditary component for seed and planting material production,
  - d) intended for export,
  - e) maintained for conservation of the biological diversity of the variety.
- (4) The Administration may check the value for production and use quoted by the applicant in the application.

### **Article 41**

#### **(Recognition, Uniformity and Stability of the Variety)**

- (1) The reported variety is recognizable if it is possible clearly to distinguish it at least by one of the significant characteristics from any other general known variety on that day when the complete application was submitted for it to be entered into the list of the varieties. Those variety characteristics shall be precisely recognizable and determinable.

- (2) The general known variety is that which is, until the day of submittal of the complete application for reported variety, was protected or entered into the list of varieties or for which the application for protection of the variety was submitted or for the variety entering to the list of the varieties in Bosnia and Herzegovina or in one of the European Union member countries, in other words the International Convention for protection of the new plants varieties signatory country (hereinafter: UPOV Convention), who oblige Bosnia and Herzegovina but only if the procedure ended up with the protection of the variety or with the entrance of the variety into the list of the variety.
- (3) Reported variety is unified if it has enough characteristics of significant importance for distinguishing it from other varieties, despite deviations which could be expected for particularity of its reproduction.
- (4) Reported variety is stable, if its characteristics of significant importance for recognition stay unchanged even after many successive reproductions or, in case of single reproduction cycle, after each of such cycle.

#### **Article 42**

##### **(Value of the Variety for Production and Use)**

- (1) Reported variety has a corresponding value for production and use, if, comparing with varieties already entered into the list of varieties, without doubt gives better results in particular method of production, in other words, use of the product or manufactured product, as a result of the product of that variety.
- (2) Exceptionally from the Paragraph (1) of this Article, the reported variety has a corresponding value for production and use if it has some of characteristics worse than compared varieties but, better characteristics of reported variety prevail.

#### **Article 43**

##### **(Variety Testing)**

- (1) Recognition, uniformity and stability of the variety and value of the variety for production and use shall be checked in variety testing and laboratory and other testing (hereinafter: variety testing) in accordance with prescribed procedures and methods.
- (2) The applicant has to ensure prescribed quantity of the seed and planting material for the variety testing.
- (3) If the applicant quote in the application that the testing on recognition, uniformity and stability of the variety was already carried out in Bosnia and Herzegovina or in one of the EU member countries, in other words, signatory country of the UPOV Convention, there is no need for its retesting. The applicant may deliver by himself test results to the Administration and the Administration itself may put a request for it.
- (4) For varieties, which are the GMO, the variety testing shall be performed by the procedure in accordance with this Law and considering the regulations ordering handling with GMO.
- (5) For the variety testing, Authorised bodies of entities and District nominate performers of the variety testing in accordance with the Article 75 of this Law, according to regulations prescribed by the Administration.
- (6) The costs of testing from the Paragraph (1) of this Article and costs related to getting the results of testing from the Paragraph (2) of this Article is charged to the applicant.
- (7) The Administration prescribes proceedings and methods for varieties testing from the Paragraph (1) of this Article, as well as the amount of expenses of testing from the Paragraph (6) of this Article.

#### **Article 44**

##### **(The Name of the Variety)**

- (1) The name of the variety may be any word, the combination of words, the combination of words and numbers or the combination of letters and numbers except if it is, by the provisions which regulate the protection of the new plant varieties, determined different. The name of the variety has to enable differentiation of the variety from any other general known variety of the same type or related types. The name of the variety shall not make the confusion, especially regarding the origin of the variety and its characteristics and shall not be in the contrariety to provisions which regulates merchandise marks or geographical provenance.
- (2) If the variety was already protected or entered into the list of varieties in the one of the European Union countries, in other words, signatory country of the UPOV Convention, as the name of the variety into the list of the varieties in Bosnia and Herzegovina the name of the variety shall be entered, which was entered into the register of the protected varieties or in the list of the variety in one of quoted countries, except in case when the name of the variety is in contrariety with provisions of the Paragraph (1) of this Article.
- (3) The Administration, in cooperation with authorized bodies of the entities and District, prescribes detailed requirements regarding adequacy of the variety name.

#### **Article 45**

##### **(Objection against the Proposition of the Variety Name)**

- (1) The Administration checks the adequacy of the proposition for the name of the variety and the proposition of the name of the variety publishes in the official gazette of the Administration from the Article 56 of this Law.
- (2) Anyone who expresses a legal interest may submit the objection to the Administration against the proposition of the name of the variety in the time limit of 60 days from publishing the proposition of the name of the variety. The objection shall be in a written form.
- (3) If the objection is reasonable, the Administration shall call the applicant to report a new proposition for the name of the variety in the time limit of the 60 days from the call reception.

##### **(Consideration of the Variety Examination Results)**

- (1) The Administration shall check whether the conditions from the Article 40, Paragraph (1) a) and b) of this Law are fulfilled on the time when receives the results of the variety examination.
- (2) The commission for varieties, nominated in accordance with Article 59 of this Law will give a professional opinion about the compliance with the conditions from the Article 40, Paragraph(1) a) and b) of this Law.
- (3) The commission for varieties shall deliver to the Administration the opinion from the Paragraph (2) of this Article, not longer than the time limit of 30 days from the day of the delivery of the results of the variety examination.
- (4) When the Administration on the base of the professional opinion of the commission for varieties establishes that the conditions from the article 40, Paragraph (1) a) and b) of this Law were fulfilled, it shall ask from the applicant to deliver information about the handler of the variety: name, surname and address or the company and headquarters to the Administration in the time limit of 15 days.
- (5) The applicant is obliged to ensure the maintenance of the variety and take care for fulfilling the obligations from the Article 48 of this Law.
- (6) If the applicant does not deliver information about the handler of the variety to the Administration in a specified time limit, it will be considered that the applicant is a variety handler.

#### **Article 47**



### **(Decision Issuing)**

- (1) If the variety fulfills the conditions for entrance into the variety list from the Article 40 of this Law and the applicant has cleared all of the expenses related to the variety examination, in other words, by gaining the results of examinations, the Administration issues a decision about entrance of the variety to the variety list.
- (2) The variety shall be entered into the variety list on the day of decision issuing and that is for a period of ten years from the day of decision issuing. The complaint does not retain the decision execution.
- (3) Exceptional from the Paragraph (2) of this Article, varieties of hop and grapevine are entered into the variety list for a period of 10 years from the day of the decision issuing.
- (4) If the conditions from the Paragraph (1) of this Article are not fulfilled, the Administration refuses the entering of the variety into the variety list by the decision.

### **Article 48**

#### **(The Obligations of the Variety Preserver)**

- (1) The preserver shall provide preservation of the variety according to prescribed methods or by general adopted proceedings and methods in order to preserve uniformity and stability of the variety, until the expiration of the period for which the variety was entered into the variety list.
- (2) The preserver of the variety shall pay the prescribed annual fee for the variety entered into the variety list. The annual fee shall be paid to the budget by the preserver of the variety and it represents the Budget revenue of Bosnia and Herzegovina institutions, not later than 31<sup>st</sup> of January for the current year of the variety entrance into the variety list. If the fee is not paid until the quoted time limit, the Administration cautions the preserver of the variety and determines subsequent time limit which shall not be longer than a three months. If the annual fee was not also paid in subsequent time limit, the variety shall be erased from the variety list.
- (3) The preserver of the variety is obliged to provide the sample of the seed and planting material of the variety, upon a request of the Administration, charge free and in a time limit determined by the Administration, which shall not be shorter than 30 days, for:
  - a) the check on whether the variety is maintained in that way to preserve the uniformity and stability of the variety,
  - b) preserving the standard sample or for its renewal.
- (4) The Administration prescribes the annual fee rate for varieties entered into the variety list. The annual fee is revenue of the Administration.
- (5) The Administration may prescribe the method of the preserving the variety in cooperation with authorized bodies of the entities and District.

### **Article 49**

#### **(The Approval for Preserving the Variety to other Persons)**

- (1) Besides preservers, the variety entered into the variety list may be preserved by the suppliers if they are entered into the Supplier register and if have the approval from the Administration.
- (2) The Supplier submits the request to the Administration for issuing the approval from the Paragraph (1) of this Article on the prescribed form. The request contains the name, surname and address, or the company and headquarters of the Supplier, his individual register number and information for the variety.
- (3) The Administration issues the approval for preserving the variety to the Supplier, if establishes, on the base of the results of examination of the seed and planting material sample delivered by the Supplier and standard sample of the seed and planting material from the Article 58 of this Law, that the samples are identical. The

administration issues an approval for the time of entrance of the variety to the variety list.

- (4) The Supplier, who gains the approval from the Paragraph (1) of this Article, shall preserve the variety according to prescribed methods or by general known proceedings and method to preserve the uniformity and stability of the variety, and fulfil other obligations of the preserver from the Article 48 of this Law.
- (5) The Administration shall cancel the approval for the variety preservation to the Supplier, who does not fulfil obligations of the preserver from the Article 48 of this Law,
- (6) The Administration is keeping the information about the Supplier, who has the approval for preserving the variety, in the variety list.

#### **Article 50**

##### **(The Surveillance on the Variety Preservation)**

- (1) The Administration, in other words, authorized commission for varieties, surveys the variety preserving in the way to check whether the uniformity and stability of the variety was preserved as it is in the article 43, Paragraph (1) of this Law.
- (2) The Administration may receive the sample of the seed and planting material for testing the variety from the Paragraph (1) of this Article from:
  - a) the confirmation/declaration bodies,
  - b) the authorized inspector,
  - c) the variety preserver,
  - d) the Supplier who has the approval for variety preservation.
- (3) If the Administration, on the base of the results of testing establish that the variety preserver does not provide preservation of the variety on the way to provide preservation of uniformity and stability of the variety, shall revoke the decision of entering the variety to the variety list in accordance with provisions of the article 52, Paragraph (1) b) of this Law.
- (4) If the Administration, on the base of the testing results, establish that the Supplier, who has the approval for variety preservation in accordance with the article 49, Paragraph (1) of this Law, does not preserves the variety on the way that provides preservation of uniformity and stability of the variety, shall revoke the same approval.

#### **Article 51**

##### **(Deletion of the Variety from the Variety List)**

- (1) The Administration deletes the variety from the variety list at the day of expiration of the period of entering to the variety list.
- (2) The seed and planting material of the variety, which was erased from the variety list in accordance with the Paragraph (1) of this Article, may be marketed until the 30<sup>th</sup> June of the third year after deletion from the variety list.
- (3) The sample of the seed and planting material of the native or native made variety are being kept in a gene bank when deleting from the variety list.
- (4) The Administration, in other words, authorized variety commission, in cooperation with authorized bodies of the entities and District, prescribes when the variety is considered as native or native made variety from the Paragraph (3) of this Article.

#### **Article 52**

##### **(Revoking of the Decision about Entering the Variety into the Variety List)**

- (1) The Administration revokes the decision for entering the variety into the variety list before expiration of the period for which has entered into the variety list:
  - a) upon the request of the preserver of the variety,
  - b) upon the official responsibility, if the preserver of the variety did not clear the annual fee from the Article 48, Paragraph (2) of this Law or

- c) if it establishes that the variety preserver does not provide preservation of the variety in such way of providing the preservation of uniformity and stability of the variety.
- (2) The Administration issues the decision about revoking the decision for entrance of the variety to the variety list on which base the variety is deleted from the variety list. The appeal does not retain the execution of the decision.

**Article 53  
(Invalidity)**

- (1) The Administration revokes the decision for entering the variety into the variety list, in the case that subsequently establishes that the entering the variety into the variety list was based on the inaccurate or untruthful information of the variety applicant.
- (2) The appeal does not retain execution of the decision.

**Article 54  
(Renewal of the Variety Entering into the Variety List)**

- (1) The variety preserver may submit the request for renewal of the entering the variety into the variety list to the Administration, not longer than two years until the expiry of the period when the variety was entered into the variety list. The request contains: the name, surname and address or the company and headquarters of the variety preserver and the name of the variety related to the request.
- (2) Before the issuing of the decision, the Administration checks whether the preserver preserves the variety in that way to keep the uniformity and stability of the variety, in accordance with the Article 43, Paragraph (1) of this Law.
- (3) The Administration issues the decision for renewal of the variety entering into the variety list.
- (4) On the day of issuing of the decision, the entering of the variety into the variety list is renewed for the period which lasts for 10 years from the day until the previous decision for variety entering into the variety list was in force, except from hop and grapevine for what the quoted period is 25 years, from the day of issuing the decision. The appeal does not retain the execution of the decision.
- (5) If the Administration still did not decide about the renewal of the entering until the time limit of the decision of entering the variety into the variety list validity, and the request from the Paragraph (1) of this Article was submitted in the right time, the Administration issues temporary decision which renews the entering into the variety list until issuing the decision of entering renewal.
- (6) The request for renewal of the entering of the variety into the variety list may be submitted also by the Supplier who has the approval from the Administration for variety preservation.
- (7) The Administration prescribes detailed content of the request from the Paragraph (1) of this Article.

**Article 55  
(Entering the Preserved Variety into the Variety List)**

- (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.
- (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.

- (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.
- (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.

#### **Article 56**

##### **(Publishing in the Official Gazette of the Administration)**

- (1) The Administration publishes in the Official Gazette of the Administration:
  - a) information about applications for entering the varieties into the variety list,
  - b) information about issued decisions for variety entering into the variety list and other decisions of the Administration,
  - c) the variety list and its changes,
  - d) other information from the area of the seed production.

#### **Article 57**

##### **(Keeping the Documentation)**

- (1) The Administration keeps all of documents, according to which it has decided about the entering the variety into the variety list, and variety description, entered into the variety list.
- (2) The Administration keeps documents from the Paragraph (1) of this Article at least two years after issuing the decision about refusal of the entering the variety into the variety list, in other words, five years after deleting the variety from the variety list.
- (3) The Administration has to provide the examination of all documents from the Paragraph (1) of this Article, except those containing confidential information, to anyone who expresses legal interest.

#### **Article 58**

##### **(Keeping the Standard Samples of the Seed and Planting Material of the Variety)**

- (1) The sample of the seed and planting material of the variety which was entered into the variety list and has been preserved in Bosnia and Herzegovina, in other words, which has been produced or has been officially confirmed/declared, is kept as the standard sample.
- (2) The authorized bodies of entities and District, in accordance with conditions prescribed by the Administration, nominate the person who keeps the standard samples according to the Article 75 of this Law.
- (3) Keeping the standard samples of the seed material of the variety is financed from the budget of authorized bodies.

#### **Article 59**

##### **(The Variety Commission)**

- (1) Authorised bodies nominate the members of the Joint Commission for varieties, particular varieties or groups of agricultural plants. Detailed instructions about the Variety Commission work was prescribed by the Administration in cooperation with authorised bodies of entities and District.
- (2) Duties of the variety commissions are particularly:
  - a) considering of the variety examination results and producing the professional opinion regarding the conditions fulfilling from the Article 40, Paragraph (1) b) of this Law in accordance with the Article 46, Paragraph (3) of this Law,
  - b) considering and preparation of the proposition of the variety examination method from the Article 43, Paragraph (1) and Article 60, Paragraph (1) of this Law,

- c) considering and preparation of the professional opinion regarding the proposition of the variety which are included in particular examination in accordance with the Article 60, Paragraph (6) of this Law,
  - d) considering the other issues from the area of the seed production and nursery production, producing the professional opinions or propositions.
- (3) The commission method of work is determined in the operating procedure made by the Administration in cooperation with authorised bodies of entities and District.
  - (4) The costs related to the variety commissions work, particularly costs of the labor compensation, traveling allowances and costs of the participation of the variety commission members on the sessions, the costs are charged to authorised bodies of the Bosnia and Herzegovina's institutions, entities and District, and are located for special-purpose of the work of the Variety Joint Commission work.
  - (5) The proposition of the costs from the Paragraph (4) of this Article is established by the Administration in cooperation with authorised bodies of entities and District.

#### **Article 60**

##### **(Special Variety Examination)**

- (1) The variety value for production and use in different production technologies, in other words in different ecological conditions, is established by a special examination of varieties, at particular varieties of agricultural plants significant for the production in BiH, with intention that producers gain detailed information about variety characteristics.
- (2) A special variety examination is performed as a public service on the area of production of the seed and planting material of agricultural plants according to prescribed procedures and methods and in accordance with the program made by the authorised bodies of entities and District for their area of jurisdiction and confirmed by the Administration, for the period of seven years.
- (3) The program from the paragraph (2) of this Article determines:
  - a) varieties of the agricultural plants, significant to the production, and locations where a special examination for particular varieties of agricultural plants is carried out,
  - b) anticipated number of varieties, which will be included in a special examination for some of the varieties of agricultural plants in a single year, and criteria for including the particular variety in a special examination, especially regarding the expansion and appropriation of the variety for the production in a particular area, in other words, at particular technology regarding the purpose of usage of that variety and regarding the duration of the entering into the variety list,
  - c) linking with other programs on the area of agriculture.
- (4) Financing sources for performing the special examination of varieties are established in accordance with the program from the Paragraph (2) of this Article.
- (5) In accordance with the program of the Paragraph (2) of this Article, the Administration, in cooperation with authorised bodies of entities and District, determines varieties which will be included in particular examination of the varieties, every year.
- (6) The Administration may, while determining varieties from the Paragraph (5) of this Article, take in a consideration propositions, delivered by the variety preserver, science institutions, agricultural professional services, organizations of producers, cooperatives, interest associations and associations involved in the agricultural area. The Administration may, before the variety determination, ask for the professional opinion of the Variety Commission.

- (7) Other varieties, which have been proposed in accordance with the Paragraph (6) of this Article, and which do not fulfil the criteria determined in the program from the Paragraph (2) of this Article, if the proposer pays the entire costs of special examination, may be included into the special examination.
- (8) The Administration prepares descriptive list of varieties and publishes in the official gazette of the Administration on the base of the results of the special examination of the varieties.
- (9) The Administration, in cooperation with authorized bodies of entities and District, prescribes the proceedings and methods of special examination of varieties, detailed method of the preparation and keeping the descriptive variety list and amount of costs of the special examination of varieties paid by the proposer for special examination of the varieties from the Paragraph (7) of this Article. Funds earned in accordance the Paragraph (7) of this Article are shared to the holder of the public authorization (70%) and the Administration (30%) what is the income of institutions of Bosnia and Herzegovina.

## VIII – RECEIVING, USAGE AND EXCHANGE OF DATA AND INFORMATION

### Article 61

#### **(Receiving, Usage and Delivering of Information)**

- (1) The Administration and authorised bodies of entities and District may receive and use information for keeping and maintenance of the Supplier's register, records of the seed and planting material of agricultural plants production, variety list and other records and data base, maintained in accordance with this Law, maintained, in the frame of prescribed collections, by entities and state bodies, public institutes and agencies, concessionaires and other authorised bodies from:
  - a) registers of agricultural holdings and records of subjects,
  - b) cadastre of actual agricultural land use,
  - c) records of the space units,
  - d) tax register (tax number),
  - e) central record of the population (name, surname, address, individual registry number of the resident),
  - f) land cadastre (number of the parcel, boundary of the parcel, surface, owner, user, lessee)
  - g) land records (owner's and lease right on some particular parcels),
  - h) business register
  - i) collection of custom's data of the seed and planting material of agricultural plants import and export,
  - j) record of producers and manufacturers of agricultural products, in other words, foodstuffs,
  - k) collections of statistical data fro the area of agriculture and forestry.
- (2) Authorised bodies may also use basic topography plans, topography maps, survey maps and digital ortophotographic plans.
- (3) The method of the connection with other collections of information and method of receiving information from other data bases was prescribed by the Administration with agreement of bodies authorised for particular data base and in accordance with regulations for particular data base.
- (4) The people who maintains data base in accordance with regulations for personal data protection deliver information from the Paragraph (1) of this Article, which nature is as personal data.

- (5) The person who maintains data base, maps and digital ortophotografic plans from the Paragraph (1) and (2) of this Article deliver data without compensation and may charge direct material costs.
- (6) Authorised bodies keep data received and considered as official or tax secret, in accordance with the regulations maintains those secrets, in accordance with the Paragraph (1) of this Article.

**Article 62**  
**(Delivering of Data)**

- (1) Authorised bodies may deliver particular data from the registers and records they keep in accordance with this Law, to other entities and to country, holders of the public authorization, public servants and other legal and natural persons, charge free, if they need those data for performing legal tasks.
- (2) Authorised bodies may assign keeping and regular completing of particular records, registers and data base in accordance with this law to the people who perform tasks from the Paragraph (1) of this Article by public authorization.
- (3) The method of connecting, conditions for keeping the registers, records and data base is prescribed by the Administration in cooperation with authorized bodies of entities and District.

**Article 63**  
**(Information System)**

- (1) The Administration provides that records, registers and data base, which were kept by the persons who performs it, in accordance with the Article 62, Paragraph (2) of this Law, connected in the information system in area of health protection and production of the seed and planting material of the plants established by the Administration.
- (2) The administration provides connection of the information system on the area of health protection and production of the seed and planting material of plants with the information system of authorized bodies of entities and District.

**Article 64**  
**(International Exchange of Data and Information)**

- (1) On the international level, the Administration exchanges data and information about:
  - a) the central responsible body;
  - b) bodies responsible for official confirmation/declaration of the seed and planting material of agricultural plants;
  - c) suppliers, entered into the register of suppliers;
  - d) the production and trade of the seed and planting material of agricultural plants in BiH;
  - e) the import of the seed and planting material of agricultural plants,
  - f) reproduction of the seed and planting material of agricultural plants in foreign countries;
  - g) entering and deleting of varieties from variety lists;
  - h) preserving the varieties in Bosnia and Herzegovina.
- (2) Data and information from the Paragraph (1) of this Article shall be delivered on the base of international conventions and agreements which are obligatory for BiH.

**IX – AUTHORITY OF RESPONSIBLE BODIES**

**1. Assignments and Authorizations of the Administration**

**Article 65**

- (1) The Administration performs following duties and has following authorizations according to this Law:

- a) in cooperation with authorized bodies of entities and District, prepares Law regulations and performs other administrative duties in area of seed and nursery production and takes care of their implementation;
- b) establishes and keeps variety lists and descriptive variety list, keeps the central register of the Supplier and other records and lists for Bosnia and Herzegovina in accordance with this Law,
- c) establishes and keeps information system in area of seed and nursery production for Bosnia and Herzegovina in accordance with this Law,
- e) prescribes conditions which has to be fulfilled by bodies for official confirmation of the seed and planting material of agricultural plants,
- f) prescribes conditions which has to be fulfilled by laboratories and persons who examines varieties of the agricultural plants,
- g) prescribes conditions which has to be fulfilled by persons who keep the standard samples of the seed and planting material of varieties,
- h) performs a professional survey of the performing of public service duties,
- i) issues official and other publications, instructions and notifications in the official gazette of the Administration and issues publications from the area of seed and nursery production,
- j) prepares reports, analyses, information and other material from area of seed and nursery production for bodies and international organizations, for who Bosnia and Herzegovina is obliged to provide reports in accordance with regulations and on the base of international contracts,
- k) cooperates with other bodies and organizations in the country and abroad in the frame of its authority,
- l) represents Bosnia and Herzegovina to international bodies and organizations in the area of seeds and nursery production,
- m) may require data for seed and planting material of agricultural plants and other data from the area of seeds and nursery production from bodies and organization in other countries and from bodies of European Union,
- n) performs other duties from the area of seeds and nursery production.

## **2. Authorised Bodies of Entities and District**

### **Article 66**

#### **(Authorisations of Authorities of Entities and District)**

- (1) The authorized bodies of entities and District have the following authorities:
- a) cooperates in production of sub Law documents which have to be passed for functioning of this Law,
  - b) issues decisions for entering into the register for suppliers inside the area of jurisdiction,
  - c) establishes and keeps registers for suppliers for the area of jurisdiction and other records and lists in accordance with this Law,
  - d) giving a public authorizations to bodies for official confirmation of the seed and planting material of agricultural plants inside the area of jurisdiction,
  - e) nominates laboratories and persons who performs examinations of varieties of agricultural plants inside the area of jurisdiction,
  - f) nominates persons who performs preserving the standard samples of the seed and planting material of the variety inside the area of jurisdiction,
  - g) establishes the information system in the area of seeds and nursery production inside the area of jurisdiction,
  - h) prepares reports, analyses, information and other materials in the area of the seed and nursery production for the Administration's needs;



- i) provides professional training for it's staff in the area of seeds and nursery production,
- j) performs analyze of the production of the seed and nursery production in the area of jurisdiction, in the purpose of it's promotion,
- k) performs other duties in the area of seeds and nursery production.

### **3. The Inspection Survey**

#### **Article 67 (The Inspection Survey)**

- (1) Phyto – sanitary and agricultural inspectors performs the inspection survey for the implementation of this Law and regulations, issued on the base of the same.
- (2) Phyto – sanitary and agricultural inspectors determines measures from this Law by the decision issued in the administrative procedure. The appeal against the decision does not retain execution.
- (3) Authorised bodies of entities and District are secondary bodies in administrative matters decided by the phyto – sanitary or agricultural inspector.

#### **Article 68 (Duties and Authorisations of the Inspector)**

- (1) Besides authorizations in accordance with other regulations and according to this Law and regulations issued on it's base, the phyto – sanitary inspector may:
  - a) has the access to the Supplier, in other words to the seed and planting material of agricultural plants, any time and everywhere where it is produced, stored, prepared for marketing, in other words are in the marketing,
  - b) check whether suppliers of the seed and planting material of agricultural plants are entered into the register of the suppliers,
  - c) check whether the Supplier of the seed and planting material of agricultural plants fulfills conditions from the Article 5, Paragraph (2) and (3) of this Law,
  - d) check whether the suppliers, who are entered into the register of suppliers, fulfills obligations of the Supplier in accordance with this Law,
  - e) inspect documents and records at the Supplier's, which he keeps related to the seed and planting material of agricultural plants,
  - f) check whether the seed and planting material of agricultural plants fulfills prescribed requirements,
  - g) check whether the seed and planting material of agricultural plants are packed and marked in the prescribed way,
  - h) takes samples of the seed and planting material of agricultural plants at the Supplier's,
  - i) performs inspection surveys of the seed and planting material of agricultural plants before import,
  - j) survey at the persons who have public authorization in accordance to this Law,
  - k) performs survey at nominated laboratories, performers of examinations of the varieties and preservers of standard samples,
  - l) inspection of registers and records which are needed to him while performing surveillance in accordance with this Law,
  - m) survey executions of measures in accordance to this Law,
  - n) performs other duties in the area of seeds and nursery production.
- (2) Besides authorizations in accordance with other regulations, the agricultural inspector in accordance with this Law and regulations issued on it's base:
  - a) has the access to the Supplier who puts the seed and planting material of agricultural plants in the sale, in other words has access to the seed and planting material of agricultural plants which is marketed,

- b) checks whether suppliers, who are putting the seed and planting material of agricultural plants in the sale, are entered into the register of suppliers,
- c) checks whether the Supplier of the seed and planting material of agricultural plants fulfills conditions from the Paragraph (2) and (3) of Article 5 of this Law,
- d) checks whether suppliers, who are entered into the register of suppliers, fulfills obligations of the Supplier in accordance with this Law,
- e) controls documents and records at the Supplier's, which the Supplier keeps related to the seed and planting material of agricultural plants,
- f) checks whether the seed and planting material of agricultural plants fulfills prescribed requirements on the market,
- g) checks whether the seed and planting material of agricultural plants are packed and marked according the prescribed manner,
- h) takes samples of the seed and planting material of agricultural plants which is putted in the sale,
- i) surveys at the holder's of public authorizations according to this Law,
- j) surveys in nominated laboratories, performers of examinations of varieties and keeping standard samples,
- k) inspects registers and records, needed to him while perform survey in accordance with this Law,

**Article 69**  
**(Measures of the Inspector)**

- (1) While performing the inspection survey in accordance with this Law and regulations, issued on the base of that same, the pyto – sanitary inspector may:
  - a) to ban marketing, in other words import of the seed and planting material of agricultural plants to the person not entered into the register of suppliers in accordance with this Law,
  - b) determine measures for irregularities and defects removal in the time limit determined by him,
  - c) temporary to ban renewal performing duties of suppliers, if establish that the Supplier does not fulfil any more the conditions for the entering into the register of the suppliers, in other words that he did not fulfil certain measures more than twice and suggest deleting the Supplier from the register of suppliers,
  - d) determine removal of defects and temporary ban marketing of the seed and planting material of agricultural plants, which is not packed or marked in a proper way,
  - e) ban marketing of the seed and planting material of agricultural plants which is not in accordance with prescribed requirements for marketing.
  - f) ban the import of the seed and planting material of agricultural plants if the conditions for import are not fulfilled in accordance with this Law,
  - g) propose the suspension of the public authorization which was awarded in accordance with this Law, if the holder of the public authorization does not fulfil duties in accordance with the contract, or regulations, on which base duties are executed upon the public authorization,
  - h) to propose revoking of the decision of nomination of the laboratory, person who examine varieties or persons who keep standard samples, if he does not fulfil prescribed conditions or contracting obligations,
  - i) pronounce penalty (on – the – spot fine) at the place in that cases determined by this Law, propose introduction of the procedure for breach, in other words report a breach,
  - j) determine other measures in accordance with this Law or with regulations issued on it's base.

(2) While performing the inspection survey according to this Law and by the rules issued on its base, the agricultural inspector may:

a) to ban marketing of the seed and planting material of agricultural plants to the person who is not entered in the register of suppliers in accordance with this Law,

b) determine measures for removal of irregularities and defects in the time limit determined by him,

c) temporarily ban performance of Supplier's duties, if establish that the Supplier does not fulfil conditions for entering to the register of suppliers any more, in other words that he did not fulfil certain measures more than twice and suggest deleting the Supplier from the register of suppliers,

d) determine removal of deficiencies and temporary ban marketing of the seed and planting material of agricultural plants which are not packed and marked in a proper way,

e) ban marketing of the seed and planting material of agricultural plants which is not in compliance with prescribed requirements for that purpose,

f) propose a revocation of the public authorization which has been assigned in accordance with this Law, if the holder of the public authorization does not perform duties in accordance with the contract, in other words regulations, on which base duties are performed in accordance with the public authorization,

g) propose revocation of the decision of the laboratory nomination, person who examines varieties or persons who keep standard samples, if they does not fulfil prescribed conditions or does not fulfil contract obligations,

h) and also pronounce a fine (on-the spot-fine) at the place in that cases determined by this Law, to propose introduction of the procedure for breach, in other words to report the punishable action,

i) determine other measures in accordance with this Law or its regulations.

## **X – PUBLIC SERVICES IN THE AREA OF PRODUCTION OF THE SEED AND PLANTING MATERIAL**

### **Article 70**

#### **(Activity and Financing of the Public Service)**

(1) The public service in the area of seeds and nursery production is an activity of rendering services defined by Law. Persons who render those services have special obligations of public interest (hereinafter: obligations of public services).

(2) The activity of public service in the area of seeds and nursery production is a special variety examination for the descriptive variety list.

(3) The Council of Ministers of Bosnia and Herzegovina may prescribe activities of public service from the Paragraph (2) of this Article more detailed, upon a proposal of the Administration, in cooperation with authorized bodies of entities and District.

### **Article 71**

#### **(Providers of Public Services)**

(1) Activities of public service from the area of examinations of varieties for the descriptive variety list are performed by the public institutions and other legal and natural persons who fulfil prescribed conditions in relation with personnel, space and equipment.

(2) The Council of Ministers of Bosnia and Herzegovina prescribes activities of public service from the Paragraph (1) of this Article more detailed, upon the proposal of the Administration, in cooperation with authorized bodies of entities and District.

### **Article 72**

#### **(Issuing Licenses to the Service Providers)**

(1) Authorised bodies issues licenses for public services providing for performance of the public service from the area of seeds and nursery production to the executors from the Article

71, Paragraph (1) of this Law, on the base of the public invitations issued in the official gazettes of entities and District.

(2) Public invitation from the Paragraph (1) of this Article particularly contains:

- a) determination of the subject of license;
- b) the time of commencement and duration of the license;
- c) the conditions that shall be fulfilled by the license holder;
- d) obligatory elements of the report;
- e) measures referring to the choice;
- f) the time limit for making the decision about the choice;
- g) other possible professional and technical conditions;
- h) the contact person for information providing related to the content of the public invitation;

i) the date, place and time of the request opening;

j) the method of reporting of the candidates about the choice of the license holder.

(3) The public invitation for offers from the Paragraph (1) of this Article is not required for public institutions, in the area of agriculture, to who authorized bodies of entities and District issues licenses for performing the public service of special examination of varieties for descriptive list, on the base of requests by the decision through the administrative procedure.

(4) Mutual relations between approval providers and public service providers are organized by the contract.

(5) The Council of Ministers, upon the Administration's proposition, in cooperation with authorized bodies of entities and District, prescribes more detailed conditions from this Article.

#### **Article 73**

##### **(Survey above the Public Service Performance)**

The Administration, in cooperation with authorized bodies of entities and District, performs a professional survey above performance of public service duties of the special examination of varieties for the descriptive variety list.

### **XI – PUBLIC AUTHORISATIONS, LABORATORY NOMINATION AND PERSONS WHO EXAMINES VARIETIES AND KEEPING OF THE STANDARD SAMPLES**

#### **Article 74**

##### **(Public Authorisations)**

(1) The Council of Ministers, on a proposal of the Administration, in cooperation with authorized bodies of entities and District, prescribes conditions for the public authorities assignments, for duties from the Article 22 until 27 of this Law, and from the Article 35 of this Law, and authorized bodies assign the public authorization to legal and natural persons who fulfil prescribed conditions regarding professionalism, space and technical qualification and other conditions for task performance in accordance with public authorization.

(2) The public authorization for performance of duties from the Paragraph (1) of this Article shall be awarded on the base of the public invitation which is being published in official gazettes of entities and District.

(3) Fulfilling duties from the Paragraph (1) of this Article shall be verified by the common commission of the Administration whose members are nominated by authorized bodies. The composition of the commission and method of work is closer determined by the council of Ministers upon the Administration proposition in cooperation with authorized bodies of entities and District.

(4) The conditions regarding the qualifications, space and technical qualification and conditions for performance of duties of public authorization from this Article is prescribed by

the council of Ministers, upon the Administration proposal in cooperation with authorized bodies of entities and District.

#### **Article 75**

#### **(Authorisation of Laboratories, Persons who Examine Varieties and Holding of Standard Samples)**

(1) Laboratories for performing diagnostic examinations and other seed and planting material of agricultural plants tests, persons who examine varieties and who keep standard samples of the seed and planting material of the varieties, are authorized by the Council of Ministers if they are not accredited by the independent body. Laboratories, persons who examine varieties and who keep standard samples shall fulfil prescribed requirements regarding professional, space and technical ability.

(2) Fulfillment of conditions from the Paragraph (1) of this article is being verified by the Joint Commission of the Administration whose members are nominated by the Council of Ministers upon the proposition of authorized bodies.

(3) The Council of Ministers, upon the Administration proposal, in cooperation with authorized bodies of entities and District prescribes conditions which shall be fulfilled by laboratories for renewal of diagnostic examination and other tests of the seed and planting material of agricultural plants, persons who examine varieties and who keep standard samples of the seed and planting material of variety, regarding professional, space and technical ability. The Administration keeps the central record of the laboratories from the Paragraph (1) of this Article.

### **XII – ASSOCIATIONS FROM THE AREA OF SEEDS AND NURSERY PRODUCTION**

#### **Article 76**

#### **(Public Interest)**

(1) Associations from the area of seeds and nursery production are professional and amateur associations from this area which perform activities of the public interest.

(2) The association works in a public interest if:

- a) work active in the area of seeds and nursery production,
- b) is involved in public interest activities defined in foundation documents.
- c) organize education and training about issues in the area of seeds and nursery production for members and persons who are not members of the association,
- d) clearly approves that the Administration assets are used in the public interest purpose in the period of three years,
- e) have performed these activities not less than three years.

(3) The Council of Ministers, upon the Administration proposal, may prescribe detailed conditions from the Paragraph (2) of this Article.

#### **Article 77**

#### **(Association Status)**

(1) The Council of Ministers, upon the Administration proposal, in cooperation with authorized bodies of entities and District may award a status of the public interest to the association who fulfils the conditions from the Article 76, Paragraph (2) of this Law, for the period of not more than five years with possibility of extension on the same mandate. The Administration keeps a central record of the association.

(2) The Council of Ministers, upon the Administration proposal, prescribes detailed conditions from the Paragraph (1) of this Article.

### **XII – PENALTY PROVISIONS**

#### **Article 78**

#### **(Violations)**

- (1) The legal person shall be punished by fine of 2.000,00 KM up to the 80.000,00 KM:
- a) If the supplier who is not registered in the register of suppliers (Paragraph (1), Article 5 of this Law), is involved in the production, preparation for marketing, import or inducement to marketing of the seed and planting material of agricultural plants,
  - b) putting into the sale the seed and planting material of agricultural plants in the opposition with article 10 of this law,
  - c) if delivers the seed and planting material of agricultural plants in opposition to the article 11 of this law,
  - d) if puts into sale the seed and planting material of agricultural plants in opposite with the article 12 of this law,
  - e) if puts in sale the seed and planting material of the variety, which is not in the variety list and entering into the variety list for that variety of agricultural plants (paragraph (3) , article 12 of this Law),
  - f) if puts in sale the seed mixture which does not fulfill prescribed requirements from article 16 of this Law,
  - g) if puts in the sale the seed mixture intended for production of the forage which is not entered into the seed mixture record (paragraph (4), article 16 of this Law),
  - h) if acts in opposition with the paragraph (1) of the article 19 of this law,
  - i) if acts in opposite to the paragraph (3), article 19 of this Law,
  - j) if acts in opposite with the paragraph (4), article 19 of this law,
  - k) if issue labels of the supplier, in other words certificate for the seed and planting material of agricultural plants in opposition with the paragraph (2), article 20 of this law,
  - l) if does not keep prescribed records for issued labels and certificates of the supplier (paragraph (3), article 20 of this law),
  - m) if puts in sale imported seed and planting material of agricultural plants in opposition with the paragraph (1), article 34 of this law,
  - n) if acts in opposition with paragraph (2), article 34 of this law,
  - o) if does not perform duties from the paragraph (2), article 70 of this Law as the public servant,
  - p) if does not use financial resources in accordance with the paragraph (4), article 70 of this law.
- (2) Person who did the act from the paragraph (1) of this article pay the penalty of 1.000,00 KM up to the 40.000,00 KM for the violation, if he is registered for private business performing.
- (3) Also, the responsible person of the legal person shall be fined from 250,00 KM up to the 3.000,00 KM for the violation from the paragraph (1) of this article.
- (4) And also, the natural person shall be fined from 250,00 KM up to the 1.500,00 KM for the violation from the point a), paragraph (1) of this article.

#### **Article 79**

#### **(Spot Fine)**

- (1) The legal person shall be spot fined from 1.500,00 KM for a violation:
- a) if until the deadline does not report changes in data which are kept in the supplier register (paragraph (6), article 7 of this law),
  - b) if the seed and planting material of agricultural plants are putt in sale without permission (paragraph (1), article 13 of this law),
  - c) if does not report the production of the seed and planting material of agricultural plants (paragraph (1), article 20 of this Law),
  - d) if does not take measures, determined in accordance with the paragraph (1) or (2), article 21 of this law,
  - e) if does not fulfill obligations from paragraph (3), article 48 of this Law.

- (2) The individual, registered for private business performing, shall be fined in amount of 1.000,00 KM, charged at the place for the violation from the paragraph (1) of this article.
- (3) And also, the responsible person of the legal person shall be fined in amount of 500,00 KM at the place, for the violation from the Paragraph (1) of this Article.
- (4) And also, the natural person shall be fined in amount of 300,00 KM charged at the place, for the violation from the Paragraph (1) of this Article.

#### XIV – TRANSITIONAL AND FINAL PROVISIONS

##### **Article 80**

##### **(Time Limit for Making of the Subordinate Regulations)**

- (1) Authorised bodies are obliged to make regulations estimated by this law, except those regulations estimated by the Article 5,6,7,9, and 59 of this Law, which are needed to be passed not later than six months after entering into force, regulations estimated by the Article 10, Paragraph (7), Article 12, Paragraph (4), Article 71, Paragraph (2) of this Law, which shall be passed not after 12 months from entering into force of the Law.
- (2) Authorised bodies may also pass other regulations, except regulations anticipated by this Law, if they are needed for the implementation of the Law.
- (3) Valid entity regulations, which are not in opposition with this law, shall be implemented until passing the implementation regulations from the paragraph (1) of this article.

##### **Article 81**

##### **(Coordination of other Regulations Prescribed by this Law)**

Regulations of entities which regulate the area of production, preparation for marketing, import and marketing of the seed and planting material of agricultural plants shall be coordinated with provisions of this Law not later than the time when by-laws are passed as quoted in the Article 80 of this Law.

##### **Article 82**

##### **(Entering into Force and Implementation of this Law)**

This Law enters into force eight days after its publication in the “Official Gazette of BiH”, and it will be published in official gazettes of entities and District.

PA BiH nr 135/04

21<sup>st</sup> October 2004

Sarajevo

Chairman of the  
House of Representatives of  
the Parliamentary Assembly of BiH  
**Martin Raguž**

Chairman of the  
House of People of the  
Parliamentary Assembly of BiH  
**Goran Milojević**