

# **L A W**

## **ON THE REGISTRATION OF AGRICULTURAL PLANT VARIETIES**

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### **I. GENERAL PROVISIONS**

#### **Subject of Regulation**

##### **Article 1**

This Law contains provisions governing the criteria and the procedure for the registration of agricultural plant varieties, the entering of agricultural plant varieties into the official Register of Agricultural Plant Varieties and the maintenance of agricultural plant varieties.

The registration of agricultural plant varieties in the context of this Law means the registration of new arable, vegetable, fruit-tree and grapevine varieties and the permission for introduction into production of foreign arable and vegetable plant varieties (hereinafter referred to as: variety registration).

#### **Implementation of the Law**

##### **Article 2**

In addition to the provisions of this Law, the registration of genetically modified agricultural plant varieties shall also be subject to the application of provisions on genetically modified organisms.

The provisions of this Law shall not apply to flower, medicinal, spice and ornamental plant varieties, grass mixtures for parks, soil erosion prevention and sports grounds or edible and medicinal mushrooms and mycelia.

#### **Meaning of Terms**

##### **Article 3**

For the purpose of this Law:

- 1) *VCU test* means the test used to determine the value for cultivation and use of a variety;

- 2) *DUS test* means the test used to determine the distinctness, uniformity and stability of a variety in keeping with the provision of UPOV (International Union for Protection of New Varieties of Plants);
- 3) Domesticated variety means an autochthonous variety or a domesticated foreign variety entered into the Register of Agricultural Plant Varieties;
- 4) Maintainer of the variety means the owner of a variety or his authorized representative, as well as the legal entity or entrepreneur authorized by the owner, or his authorized representative for the maintenance of the variety, with the exception of domesticated varieties for which the maintainer shall be designated by the ministry for agricultural affairs, which shall ~~also~~ maintain the variety in accordance with the generally applied methods and guarantee that the variety shall remain unaltered in the course of its maintenance and as such remain uniform and stable;
- 5) Reference collection means the collection of varieties belonging to one plant species featuring specific morphological characteristics defined by UPOV criteria used for the assessment of new varieties regarding their distinctness, uniformity and stability (DUS test);
- 6) Vegetative plant material means seedlings used for the establishment of orchards, vineyards and hop yards, as well as for the propagation of plant material used for the production of seedlings;
- 7) Seed of agricultural plants (hereinafter referred to as: the seed) means generative or vegetative parts of agricultural plants used for propagation and production of agricultural plants;
- 8) Agricultural plant variety (hereinafter referred to as: the variety) means a group of plants within a unique botanical classification of the lowest known category, defined by the expression of characteristics due to a given genotype or a given combination of genotypes and distinguished from another group of plants by at least one of the given characteristics representing a unit regarding the possibility of propagation without alterations;
- 9) Standard variety means a variety entered into the Register of Agricultural Plant Varieties excelling according to its value for cultivation and use, used as a control variety in the procedure of variety registration;

- 10) Standard sample means the sample of seed or vegetative plant material submitted to the competent authority for each variety entered into the Register of Agricultural Plant Varieties to be used as the control sample.

## **II. CONDITIONS FOR VARIETY REGISTRATION**

### **1. Assessment of Quality and Other Relevant Characteristics of a Variety**

#### **Article 4**

The procedure of variety registration implies the assessment of quality and relevant production characteristics, as well as the establishment of the distinctness, uniformity and stability of a variety according to which a variety may be registered and the seed or the vegetative plant material marketed as varietal material on the entire territory of the Republic of Serbia.

### **2. Conditions for Variety Registration**

#### **Article 5**

A variety shall be registered provided that according to the results of testing of certain relevant characteristics it is established that:

- 1) it is distinct, uniform and stable (DUS test);
- 2) it has a superior value for cultivation and use (VCU test);
- 3) its denomination complies with the envisaged requirements.

The Minister competent for agricultural affairs (hereinafter referred to as: the Minister) shall prescribe the methods for the testing of varieties referred to in paragraph 1 of this article in trial fields and laboratory.

#### **2.1. Distinctness, Uniformity and Stability of a Variety**

#### **Article 6**

A variety shall be considered to be distinct if it is according to at least one characteristic clearly distinguishable from any other variety entered into the Register of Agricultural Plant Varieties, as well as from any variety in the reference collection.

A variety shall be considered to be uniform if, subject to variations that may be expected due to particular features of its propagation, it is sufficiently uniform in all relevant characteristics.

A variety shall be considered to be stable if its relevant characteristics remain unaltered after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.

## **2.2. Value for Cultivation and Use of a Variety**

### **Article 7**

The production and processing characteristic of a variety include:

- 1) yield;
- 2) product quality;
- 3) other characteristics influencing production increase and quality improvement.

## **2.3. Variety Denomination**

### **Article 8**

The variety fulfilling the conditions for registration shall be designated by a denomination.

The denomination of a variety may be in a form of a 'fancy name' or of a 'code'.

The Minister shall prescribe the rules of variety denomination designation.

## **III. PROCEDURE OF VARIETY REGISTRATION**

### **Application for Variety Registration**

#### **Article 9**

The procedure for the registration of a variety shall be initiated based on the application for variety registration filed by the owner of the variety or his authorized representative (hereinafter referred to as: the applicant) to the ministry competent for agricultural affairs (hereinafter referred to as: the Ministry).

The application referred to in paragraph 1 of this Article shall be filed separately for each variety.

The application referred to in paragraph 1 of this Article shall in particular contain data regarding:

- 1) the plant species;
- 2) the initial material of the variety;
- 3) the owner of the variety, i.e. his authorized representative.

The data contained in the application for variety registration, as well as in the attached documentation regarding the origin of the initial material and the description of the process of breeding, shall be kept secret.

The Minister shall more closely prescribe the contents and the form of the application referred to in paragraph 1 of this Article, as well as the documentation to be attached to the aforesaid application.

## **Assessment of the Completeness of Applications for Variety Registration**

### **Article 10**

Upon the receipt of the application for variety registration the Ministry shall determine whether the application is complete and whether all the required documentation has been attached.

Should the Ministry determine that the application is not complete or that it does not contain all the documentation required, it shall notify the applicant thereof and invite him to eliminate the determined defects within 15 days as of the day of the receipt of such notification.

Should the applicant fail to eliminate the determined defects within the period prescribed in paragraph 2 of this Article, the Minister shall with a conclusion reject the application for variety registration as not complete.

The conclusion referred to in paragraph 3 of this Article shall be final and may be contested in an administrative dispute.

## **Notification about Variety Testing**

### **Article 11**

When it is determined that the application for variety registration is complete the Ministry shall notify the applicant that the variety shall be tested.

In the case referred to in paragraph 1 of this article the Ministry shall invite the applicant to deliver the necessary quantity of seed or planting material for testing.

Should the applicant fail to act according to the notification referred to in paragraph 2 of this article, the Minister shall with a conclusion reject the application for variety registration.

The conclusion referred to in paragraph 3 of this Article shall be final and may be contested in an administrative dispute.

The Minister shall prescribe the amounts of seed or planting material to be delivered for the purpose of variety testing, as well as the time-limits for the delivery of such seed or planting material depending on the plant species.

## **Variety Testing**

### **Article 12**

The varieties shall be tested in trial fields and laboratory.

The testing of varieties shall be performed with the aim to establish their distinctness, uniformity and stability (DUS test), as well as their value for cultivation and use (VCU test).

In the case of vegetable plant varieties, with the exception of potato, the testing shall not include the assessment of the value for cultivation and use of varieties (VCU test).

Notwithstanding the provisions envisaged in paragraph 2 of this Article, in the case of varieties for which the application calls for testing of one or more additional characteristics in comparison with a variety already entered into the Register of Agricultural Plant Varieties, the testing in trial fields shall include only the additional characteristics completed with the determination of whether the variety has maintained the same characteristics established with the DUS test as the variety already entered into the Register of Agricultural Plant Varieties.

The variety referred to in paragraph 4 of this Article shall be entered into the Register of Agricultural Plant Varieties with a note regarding the presence of additional characteristics.

## **Period of Variety Testing**

### **Article 13**

The testing of varieties in trial fields shall last two years for arable and vegetable plant varieties.

The testing of varieties in trial fields shall last two to six years for fruit-tree and grapevine varieties depending on the plant species.

The Minister shall more closely prescribe the period of variety testing in trial fields for fruit-tree and grapevine varieties.

## **Marking of Varieties in the Course of Testing**

### **Article 14**

The testing of varieties in trial fields and laboratory shall be carried out under coded names that shall be kept secret. The codes shall be opened and closed every year and the Ministry shall inform the applicant about the results obtained.

## **Standard Variety**

### **Article 15**

The assessment of the value for cultivation and use of varieties shall be carried out simultaneously with one or more standard varieties.

The standard variety used in the course of assessment of the value for cultivation and use of a variety shall not be substituted with another control variety until the end of the testing period.

Only varieties entered into the Register of Agricultural Plant Varieties also used in production on the territory of the Republic of Serbia shall be used as control varieties.

By exception, should it for a certain agricultural plant species, a type within an agricultural plant species or a type for specific purposes result impossible to determine the standard variety, such a variety shall be tested without the standard variety.

## **Entity Responsible for Testing Performance**

### **Article 16**

The testing of varieties in trial fields or laboratory shall be performed by a legal entity, entrepreneur or a natural person who meets the requirements regarding land availability, availability of technical and technological facilities and personnel capability for the performance of such testing (hereinafter referred to as: the testing performer).

The persons referred to in paragraph 1 of this Article must prove they are owners of the land or that they have a contract on land lease for several years.

The fulfillment of the requirements for the performance of variety testing referred to in paragraph 1 of this Article shall be established by a decision issued by the Minister.

A contract on the testing of varieties in trial fields or laboratory shall be concluded with the testing performer for which it has been established with the decision referred to in paragraph 3 of this Article that he fulfills the envisaged requirements.

The testing performer who has concluded the contract for the testing of varieties in trial fields or laboratory shall be required to submit to the Ministry the results obtained in the course of the testing performed according to the prescribed methods and the obligations envisaged in the contract.

The Ministry shall recognize the results of DUS tests performed in UPOV member countries.

The decision of the Minister referred to in paragraph 3 of this Article shall be final and may be contested in an administrative dispute.

The Minister shall more closely prescribe the requirement regarding land availability, availability of technical and technological facilities and personnel capability to be met by the persons referred to in paragraph 1 of this Article for the performance of variety testing.

## **Data Processing**

### **Article 17**

The Ministry shall perform the processing of annual and final results of the testing carried out in field trials or laboratory.

The processing of the data referred to in paragraph 1 of this Article shall be performed according to the generally accepted mathematical and statistical methods.



Following data processing, the Ministry shall submit the results of annual testing to the applicant and the final results of the testing to the Committee for the Assessment of the Value for cultivation and use of Varieties (hereinafter referred to as: the Committee).

## **The Committee**

### **Article 18**

A Committee shall be established for individual plant species, i.e. for a group of plant species and shall have five to seven members nominated from the ranks of experts for a given plant species, i.e. a given group of plant species for which the Committee is being established.

The mandate of the Committee shall last four years.

The Committee shall be established by the decision of the Minister.

The tasks of the Committee shall be to assess the results of the testing of varieties performed in trial fields or laboratory, to assess the value for cultivation and use of varieties (VCU test) and to submit to the Minister its opinion comprising the proposal to register a variety or to reject the application for variety registration.

## **Passage of Decisions**

### **Article 19**

Based on the final results of variety testing and upon the proposal of the Committee the Minister shall pass the decision on the registration or the rejection of an application for variety registration.

The decision of the Minister referred to in paragraph 1 of this Article shall be final and may be contested in an administrative dispute.

## **IV. ENTRING OF VARIETIES INTO THE REGISTER OF AGRICULTURAL PLANT VARIETIES**

### **Register of Agricultural Plant Varieties**

#### **Article 20**

The Ministry shall keep the Register of Agricultural Plant Varieties (hereinafter referred to as: the Register of Varieties).

The Register of Varieties shall in particular contain data regarding:

- 1) the registered national and foreign arable and vegetable plant varieties and the registered national fruit-tree and grapevine varieties;
- 2) the foreign fruit-tree and grapevine varieties registered by the competent authorities of UPOV member countries;
- 3) the domesticated arable and vegetable, as well as fruit-tree and grapevine varieties.

The Minister shall more closely prescribe the contents and the mode of keeping the Register of Varieties.

### **Entering of Registered Varieties into the Register of Varieties**

#### **Article 21**

The variety for which the decision on registration has been passed shall be entered into the Register of Varieties.

The seed, i.e. the planting material of a variety may be marketed on the territory of the Republic of Serbia as varietal material only if the variety has been entered into the Register of Varieties.

### **Entering of Foreign Fruit-tree and Grapevine Varieties into the Register of Varieties**

#### **Article 22**

A foreign fruit-tree and grapevine variety shall be entered into the Register of Varieties if it has been registered by the competent authorities of a UPOV member country.

A foreign fruit-tree or grapevine variety shall be entered into the Register of Varieties upon the application filed by the owner of the variety or his authorized representative.

The application referred to in paragraph 2 of this Article must be accompanied by evidence on the ownership of the variety or the right to use the foreign variety.

The application referred to in paragraph 2 of this Article shall in particular include data regarding:

- 1) the owner, i.e. the user of the foreign variety;
- 2) the maintainer of the variety;
- 3) the variety.

The Minister shall more closely prescribe the contents and the application form referred to in paragraph 2 of this Article.

### **Entering of Domesticated Varieties into the Register of Varieties**

#### **Article 23**

Domesticated varieties shall be entered into the Register of Varieties accompanied by a note stating that it is a domesticated variety.

The Minister shall enter the variety referred to in paragraph 1 of this Article into the Register of Varieties based on data on the value for cultivation and use of the variety which are a matter of common knowledge.

### **Deletion of Varieties from the Register of Varieties**

#### **Article 24**

A variety for which a decision on registration has been passed or a foreign fruit-tree or grapevine variety which has been entered into the Register of Varieties shall be deleted from the Register:

- 1) if so requested by the applicant;
- 2) if a period of ten years as of the date of entering of arable and vegetable plant varieties into the Register has expired;
- 3) if the maintainer of the variety fails to deliver the sample of seed or planting material of the variety in keeping with the provision envisaged in article 32 of this Law;
- 4) if in the course of variety maintenance the variety fails to maintain identical characteristics in keeping with the provision envisaged in article 34 of this Law.

The Minister shall pass the decision on the deletion of the variety referred to in paragraph 1 of this article from the Register of Varieties.

The decision passed by the Minister referred to in paragraph 2 of this article shall be final and may be contested in an administrative dispute.

## **Deletion of Domesticated Varieties from the Register of Varieties**

### **Article 25**

A domesticated variety shall be deleted from the Register of Varieties:

- 1) if the maintainer of the variety fails to ensure the maintenance of the variety in such a manner as to guarantee the maintenance of its distinctness, uniformity and stability;
- 2) if the maintainer of the variety fails to deliver the samples of seed, i.e. planting material in keeping with the provisions envisaged in article 32 of this Law;
- 3) if within a period of three years as of the date of the entry into force of this Law it results impossible to determine the maintainer of a domesticated arable or vegetable variety;
- 4) if within a period of five years as of the date of the entry into force of this Law it results impossible to determine the maintainer of a domesticated fruit-tree or grapevine variety.

The Minister shall pass the decision on the deletion of the domesticated variety from the Register of Varieties.

The decision passed by the Minister referred to in paragraph 2 of this article shall be final and may be contrasted in an administrative dispute.

## **The Use of a Variety Deleted from the Register of Varieties**

### **Article 26**

Notwithstanding the provision envisaged in article 21, paragraph 2 of this Law, in the case of varieties deleted from the Register of Varieties, the seed and planting material may be produced during a period not longer than two years, i.e. may be imported and marketed during a period not longer than three years as of the date of variety deletion from the Register of Varieties, except in the case in which the variety has been deleted from the Register of Varieties for reason envisaged in article 24, paragraph 1, subsections 3) and 4) and article 25, paragraph 1, subsections 1) and 2) of this Law.

## **Renewed Entering of Varieties into the Register of Varieties**

### **Article 27**

Upon the request submitted by the owner of a variety or his authorized representative a variety which has been deleted from the Register of Varieties may be once more entered into the Register of Varieties provided that:

- 1) the request for the renewed entering of the variety into the Register of Varieties has been submitted not later than one year as of the date of the variety deletion from the Register of Varieties;
- 2) a repeated DUS test has been carried out of the variety following its deletion from the Register of Varieties.

## **The List of Registered or Deleted Varieties**

### **Article 28**

The Ministry shall establish the List of varieties registered or deleted from the Register of Varieties and publish it on the internet site of the Ministry.

## **The Obligation to Deliver Seed or Planting Material Samples of Varieties Entered into the Register of Varieties**

### **Article 29**

The owner of a variety or his authorized representative shall have the obligation to deliver to the Ministry samples of seed or planting material of varieties entered into the Register of Varieties within 30 days as of the date of the entering of the variety into the Register of Varieties.

In the case of domesticated varieties entered into the Register of Varieties the samples of seed or planting material of such varieties shall be delivered to the Ministry by the authorized maintainer of the variety within 30 days as of the date of the receipt of the decision on the appointment of the variety maintainer.

Should the owner of a variety, his authorized representative or the maintainer of a variety fail to deliver to the Ministry the sample of seed or planting material of the variety within the time-limit envisaged in paragraphs 1 and 2 of this article, the variety shall be deleted from the Register of Varieties.

The sample referred to in paragraph 1 and 2 of this article shall be kept as the control sample and used for the assessment of the uniformity of the variety.

## **Import Licenses for Seed or Planting Material of Varieties not Entered into the Register of Varieties**

### **Article 30**

The Minister may, with an appropriate decision, issue the import license for certain amounts of seed or planting material of a variety not entered into the Register of Varieties for the purpose of:

- 1) breeding;
- 2) scientific and experimental activities;
- 3) the conduct of the procedure of variety registration;
- 4) the protection of an agricultural plant variety;
- 5) initial testing of a variety;
- 6) demonstration trials.

The total amount of seed of arable or vegetable plant varieties for which the import license may be issued may not be superior to the amount necessary for planting a surface of 1 ha, and the total amount of planting material of fruit-tree or grapevine varieties may not be superior to the quantity necessary for planting a surface of 1 a.

The decision of the Minister referred to in paragraph 1 of this article shall be final and may be contested in an administrative procedure.

### **Additional Testing of Varieties**

#### **Article 31**

The Ministry may for certain agricultural plant varieties of importance for the agricultural production in the Republic of Serbia through trial performers conduct additional testing of the production features of varieties entered into the Register of Varieties under different agro ecological conditions for the purpose of verifying their production value in trial fields or laboratory and issuing recommendations for their growing.

The testing referred to in paragraph 1 of this article shall be carried out by the trial performer fulfilling the conditions envisaged in article 16 of this Law.

The results of the testing performed shall be published by the Ministry on its internet site.

The Minister shall prescribe the agricultural plant species for which additional testing may be performed and the methods of such testing.

## **V. MAINTENANCE OF VARIETIES**

### **The Maintainer of a Variety**

#### **Article 32**

The maintainer of a variety shall during the period of variety permanence in the Register of Varieties have the obligation to maintain the variety in keeping with the generally accepted methods for variety maintenance in order to ensure that the identical characteristics of the variety are being maintained.

The maintainer of the variety referred to in paragraph 1 of this article shall be the owner of the variety or his authorized representative, with the exception of domesticated varieties for which the maintainer of the variety shall be designated by the decision of the Minister.

Upon the request of the Ministry the maintainer of a variety shall be obliged to deliver the samples of seed of arable or vegetable plants within 15, and the samples of fruit-tree or grapevine planting material within 90 days for the purpose of:

- 1) determining whether the variety is being maintained in such a manner as to maintain its distinctness, uniformity and stability (DUS test) unaltered;
- 2) keeping of the standard sample or its renewal.

### **Control of Variety Maintenance**

#### **Article 33**

The Ministry shall exercise the control over variety maintenance by testing the samples received from the maintainer of the variety in order to determine whether the variety has maintained unaltered characteristics.

The control of variety maintenance referred to in paragraph 1 of this article shall be performed by a legal entity fulfilling the conditions envisaged in article 16 of this Law.

The Ministry shall conclude a contract with the legal entity referred to in paragraph 2 of this article for the conduct of control over variety maintenance.

The legal entity referred to in paragraph 2 of this article shall have the obligation to submit to the Ministry a report on the control performance.

## **Forfeiture of the Right to Variety Maintenance**

### **Article 34**

Should the results of the control of the maintenance of varieties referred to in article 33 of this Law reveal that the maintainer of the variety has failed to maintain the variety in such a manner as to guarantee the maintenance of identical characteristics of the variety, the maintainer of the variety shall forfeit the right to variety maintenance.

Should the maintainer of the variety who has lost the right to variety maintenance prove to be the sole maintainer of the variety, the Minister shall pass a decision on the deletion of such a variety from the Register of Varieties.

The decision of the Minister referred to in paragraph 2 of this article shall be final and may be contested in an administrative dispute.

## **VI. FUNDS FOR THE IMPLEMENTATION OF THIS LAW**

### **Costs of Variety Registration**

#### **Article 35**

The applicant shall pay a fee for the testing of varieties for the purpose of their registration and for additional variety testing.

The amount of the fee referred to in paragraph 1 of this article shall be established by the Government.

The funds collected from the fees referred to in paragraph 1 of this article shall represent an income of the budget of the Republic of Serbia and shall be used for carrying out activities regarding variety registration.

## **VII. SUPERVISION**

### **Inspection Supervision**

#### **Article 36**

The Ministry shall perform the supervision over the implementation of this Law and the regulations passed based on this Law through phytosanitary inspectors.

The tasks of phytosanitary inspector may be performed by second level university graduates (academic studies – master, vocational academic studies, vocational schools) or by four year university graduates in arable or vegetable farming, fruit-growing and viticulture, plant



protection or general agriculture that have passed the specialist examination with at least three years of working experience.

## **The Rights and Obligations of the Phytosanitary Inspector**

### **Article 37**

In performing the inspection supervision the phytosanitary inspector shall have the right and the obligation to control:

- 1) whether the testing performer fulfills the conditions for the testing of varieties in trial fields and laboratory;
- 2) whether the testing performer carries out the testing of varieties in keeping with this Law and with the regulations passed based on this Law;
- 3) whether the variety is marketed under the name by which it has been entered into the Register of Varieties;
- 4) whether the marketed varieties have been entered into the Register of Varieties;
- 5) the use of varieties deleted from the Register of Varieties;
- 6) whether a variety is being maintained in such a manner as to ensure the maintenance of identical characteristic of the variety;
- 7) whether the legal entity responsible for supervision over variety maintenance fulfills the conditions for the performance of variety maintenance control and whether it performs the variety maintenance control in keeping with this Law;
- 8) whether is a variety entered into the Register of Varieties used for seed production;
- 9) the implementation of the measures envisaged in this Law.

## **Measures Ordered by the Phytosanitary Inspector**

### **Article 38**

In performing the activities envisaged in article 37 of this Law the phytosanitary inspector may:

- 1) temporarily prohibit the production, processing and use of seed of varieties not entered into the Register of Varieties or varieties that have been used in production for a period longer than two years as of the date of their deletion from the Register of Varieties;
- 2) temporarily prohibit the marketing of seed of varieties not entered into the Register of Varieties or of varieties which have been on the market for a period longer than three years as of the date of their deletion from the Register of Varieties;
- 3) seize and destroy the seed being produced, processed, used or marketed contrary to the provisions of this Law;
- 4) order the testing performer responsible for variety testing to eliminate within a given time-limit the defects noted regarding the conditions and modalities of variety testing;

- 5) order the legal entity responsible for variety maintenance control to eliminate within a given time-limit the defects noted regarding the conditions and the modalities of variety maintenance control performance.

The measures referred to in paragraph 1 of this article shall be ordered by the phytosanitary inspector's decision.

### **Appeal against the Decisions Passed by the Phytosanitary Inspector**

#### **Article 39**

An appeal may be lodged against the decision passed by the phytosanitary inspector with the Minister within eight days as of the day of the receipt of the aforementioned decision.

The Minister shall rule on the appeal within 30 days as of the day of appeal lodging.

The appeal shall not postpone the execution of the decision.

The decision of the Minister shall be final and may be contested in an administrative dispute.

### **Obligations of Entities Subject to Inspection Supervision**

#### **Article 40**

Legal entities, natural persons or entrepreneurs subject to inspection supervision shall have the obligation to enable the phytosanitary inspector to perform inspection supervision and to present and place at his disposal with no delay all the necessary documentation and other evidence, as well as to give explanations regarding the facts of importance for supervision performance.

## **VIII. PENALTY PROVISIONS**

### **Transgressions**

#### **Article 41**

Any company or other legal entity shall be liable to a fine of 200,000 to 3,000,000 RSD for transgressions if it:

- 1) markets seed or planting material of a variety not entered into the Register of Varieties (article 21, paragraph 2);
- 2) produces seed or planting material of a variety that has been deleted from the Register of Varieties following the expiration of two years or if offers for sale or markets such

- material following the expiration of three years as of the day of variety deletion from the Register of Varieties (article 26);
- 3) fails to implement the decision passed by the Minister in keeping with this Law.

The responsible person of the company or other legal entity shall also be liable to a fine of 50,000 to 200,000 RSD for transgressions referred to in paragraph 1 of this article.

In the case of offences referred to in paragraph 1 of this article, in addition to the fine, any legal entity may also be prohibited to conduct a certain business activity, i.e. the responsible person in the legal entity may be prohibited to discharge certain duties for a period from six months to three years.

### **Offences by Legal Entities**

#### **Article 42**

Any company or other legal entity shall be liable to a fine of 150,000 to 1,000,000 RSD if it:

- 1) fails to submit to the Ministry the results of variety testing performed in trial fields and laboratory (article 16, paragraph 5);
- 2) fails to maintain a variety entered into the Register of Varieties in such a manner as to ensure the maintenance of identical characteristics of the variety (article 32, paragraph 1);

In the case of offences referred to in paragraph 1 of this article the responsible person in the company or any other legal entity shall also be liable to a fine of 20,000 to 50,000 RSD.

### **Offences by entrepreneurs**

#### **Article 43**

In the case of offences referred to in article 41, paragraph 1 of this Law, any entrepreneur shall be liable to a fine of 50,000 to 500,000 RSD.

### **Offences by Natural Persons**

#### **Article 44**

Any natural person shall be liable to a fine of 20,000 to 50,000 RSD for offences referred to in article 41, paragraph 1 and article 42, paragraph 1, subsection 1) of this Law.

## **IX. TERMINAL AND FINAL PROVISIONS**

### **Article 45**

The applications for variety registration submitted prior to the date of the entry into force of the Law on Seed (“Official Gazette of the Republic of Serbia, number 45\05) and the Law on Fruit-tree, Grapevine and Hop Planting Material (“Official Gazette of the Republic of Serbia, number 18\05) for which the registration procedure has not been completed shall be registered in keeping with the provision of the aforementioned laws.

### **Article 46**

As of the day of the entry into force of this Law the Register of Agricultural Plant Varieties established in keeping with the provisions of the Law on Seed (“Official Gazette of the Republic of Serbia, number 45\05) and the Register of Fruit-tree, Grapevine, Hop and Rootstock Varieties established in keeping with the provisions of the Law on Fruit-tree, Grapevine and Hop Planting Material (“Official Gazette of the Republic of Serbia, number 18\05) with all the entered data shall continue to be kept as the Register of Agricultural Plant Varieties in keeping with this Law.

### **Article 47**

The tasks of the phytosanitary inspector may be also performed by second level university graduates in other studies than those envisaged in article 36 of this Law acquired prior to the date of the entry into force of this Law if they have, up to the date of the entry into force of this Law, performed the tasks of phytosanitary inspector and if they have passed a specialist examination in plant protection.

### **Article 48**

The regulations for the implementation of this Law shall be adopted within a period of two years as of the day of the entry into force of this Law.

### **Article 49**

Until the adoption of regulations by authority provided for in this Law the regulations passed in keeping with the Law on Seed (“Official Gazette of the Republic of Serbia, number 45\05) and the Law on Fruit-tree, Grapevine and Hop Planting Material (“Official Gazette of the Republic of Serbia, number 18\05) shall be applied, provided that they are not contrary to the provisions of this Law.

## **Article 50**

All the provisions of the Law on Seed (“Official Gazette of the Republic of Serbia, number 45\05) regarding the registration of agricultural plant varieties and their entering into the Register of Agricultural Plant Varieties, as well as the provisions of the Law on Fruit-tree, Grapevine and Hop Planting Material (“Official Gazette of the Republic of Serbia, number 18\05) regarding the registration of national varieties and their entering into the Register of Fruit-tree, Grapevine, Hop and Rootstock varieties shall cease to be valid on the day this Law enters into force.

## **Article 51**

This Law shall enter into force eight days following its publication in the “Official Gazette of the Republic of Serbia”.