

Act on Amendments to the Plant Variety Protection Act of October 21, 2011²

(adoption date: October 21, 2011; entry into force: November 3, 2011)

THE CROATIAN PARLIAMENT

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Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the
DECISION

PROMULGATING THE ACT ON AMENDMENTS TO
THE PLANT VARIETY PROTECTION ACT

I hereby promulgate the Act on Amendments to the Plant Variety Protection Act, passed by the Croatian Parliament at its session on 21 October 2011.

Class: 011-01/11-01/204

Reg. No.: 71-05-03/1-11-2

Zagreb, 26 October 2011

The President
of the Republic of Croatia
Ivo Josipović, m. p.

THE ACT
ON AMENDMENTS TO THE PLANT VARIETY PROTECTION ACT

Article 1

In the Plant Variety Protection Act (Official Gazette 131/97, 62/00 and 67/08), in Article 1, a new paragraph 2 is added which reads:

"(2) This Act contains the provisions aligned with the following legislation of the European Union: Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (SL L 227, 1. 9. 1994)."

Article 2

After Article 12a, a new Article 12b is added which reads:

"Article 12b

(1) Plant breeder's right shall not be violated in cases where harvested material of the protected variety for certain plant species, which the farmer obtained by planting on his own holding, is used for propagating purposes on his own agricultural holding.

(2) A farmer who realises the possibility referred to in paragraph 1 of this Article shall pay an equitable remuneration to the holder of plant breeder's right, which is lower than the licence paid by the seed producer.

(3) A farmer who realises the possibility referred to in paragraph 1 of this Article shall, on request by the holder of the plant breeder's right, submit information on the sown/planted areas.

(4) Small farmers shall not be required to pay any remuneration in respect of the possibilities laid down in paragraph 1 of this Article.

(5) The Minister shall stipulate the criteria for determining small farmers of the plant species to which the provision of paragraph 1 of this Article applies.

² Translation provided by the Croatian Authorities.

(6) When using the harvested material referred to in paragraph 1 of this Article for propagating purposes on his own agricultural holding, the farmer shall act in accordance with the regulations covering the plant health whereby he shall, in particular, take account of protection of the crops from harmful organisms which were planted by using the mentioned **material.**"

Article 3

(1) The varieties referred to in Article 7, paragraph 1 of the Plant Variety Protection Act (Official Gazette 131/97, 62/00 and 67/08) may be subject to plant breeders' rights from 1 September 2011.

(2) By way of derogation from Article 8, paragraph 1 of the Plant Variety Protection Act (Official Gazette 131/97, 62/00 and 67/08), for all plant varieties except: wheat, barley, oats, maize, common sunflower, soya bean, oilseed rape, sugar beat, potato, lucerne, peas, fodder kale, pear, poplar and willow, the plant variety breeder or his successor in title shall be entitled to submit an application for the grant of a plant breeder's right until 1 September 2012.

Article 4

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette.

Class: 320-20/11-01/03
Zagreb, 21 October 2011

THE CROATIAN PARLIAMENT
The President of the Croatian Parliament
Luka Bebić, m.p.