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UPOV

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## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

## COUNCIL

Twenty-second Ordinary Session  
Geneva, October 18 and 19, 1988

CONFORMITY OF THE LEGISLATION OF THE POLISH PEOPLE'S REPUBLIC  
WITH THE UPOV CONVENTION

Document prepared by the Office of the Union

Introduction

1. By letter dated March 28, 1988, the Minister of Agriculture, Forestry and Food Economy of the Polish People's Republic asked, in accordance with Article 32(3) of the 1978 Act of the UPOV Convention (hereinafter referred to as the "Convention"), for the advice of the Council of UPOV on the conformity of the legislation of Poland with the provisions of the Convention. This letter is reproduced in Annex I to the present document.
2. Moreover, the Minister invited a delegation of the Council and of the Secretariat General of UPOV to come to Poland for discussions and visits in the region of Poznan and in Warsaw. This visit took place from June 6 to 11, 1988. Following these discussions, the delegation, which consisted of Mr. John Ardley (Deputy Controller of Plant Variety Rights of the United Kingdom), Mr. Jenő Bobrovsky (Head of the Legal and International Department of the National Office of Inventions of Hungary), Mr. Joël Guiard (Deputy Director of the Group for the Study and Control of Varieties and Seeds of France) and Mr. André Heitz (Senior Counsellor of the Office of the Union), decided to recommend to the Council to give a positive advice on the conformity of the Polish legislation with the provisions of the Convention. This decision has been brought to the knowledge of the Polish authorities.
3. It is recalled that, to become a member of UPOV, Poland must deposit an instrument of accession, in accordance with Article 32(1)(b) of the Convention, since Poland has not signed the Convention. The condition to be satisfied before such a deposit can be made is that Poland must ask the Council to give an advice on the conformity of its legislation with the provisions of the Convention and that the decision of the Council embodying the advice must be positive.

4. It is recalled, moreover, that the question of the accession of Poland to UPOV was raised for the first time during the ninth ordinary session of the Council in 1975 and that the Office of the Union has been invited on several occasions to give observations on the drafts of the law and regulations in order to ensure their conformity with the provisions of the Convention.

#### Legal Basis of the Protection of New Varieties of Plants in Poland

5. The protection of new varieties of plants in Poland is based on the Seed Industry Law of October 10, 1987 (hereinafter referred to as the "Law"), which is reproduced in Annex II to the present document. This law regulates all the questions concerning seeds and plants in 11 chapters and 80 articles as follows:

(i) General provisions (Chapter I): Article 1 sets out the goals of the Law and Article 2 contains the definitions.

(ii) Entry of varieties in the Register (Chapter II, Articles 3 to 16): This chapter covers the list of varieties eligible for commercialization. The Register is equivalent to the national lists in force in a certain number of UPOV member States. A large part of the provisions of this chapter are equally applicable to the protection of new varieties of plants.

(iii) Exclusive right to a variety (Chapter III, Articles 17 to 30): This chapter covers more specifically the protection of new varieties of plants.

(iv) Rights of the authors and of the persons carrying out the maintenance breeding of the varieties (Chapter IV, Articles 31 to 37): This chapter covers the benefits which are given to certain natural persons carrying out an activity in the field of the creative breeding or maintenance breeding by incentive and compensatory measures.

(v) Production and use of seeds and plants (Chapter V, Articles 38 to 43): This chapter covers particularly the measures designed to encourage the production of seeds and plants (creation of bounded regions and restrictions as to the cultivation of certain species or varieties) or agricultural production in general (obligation to use certified seeds or plants).

(vi) Commerce in seeds and plants and the National Seed Reserve (Chapter VI, Articles 44 to 49): This chapter deals with the persons authorized to commercialize seeds and plants, the categories of seeds and plants admitted to commerce, the possibility to prohibit commerce in seeds or plants of a variety in a region and with the National Seed Reserve.

(vii) Breeding tax (Chapter VII, Articles 50 to 55): This tax is imposed on the sales of seeds and plants for the benefit of the plant breeding industry, more particularly for the benefit of the breeders and the Seed Industry Fund which is dealt with in the following chapter.

(viii) Seed Industry Fund (Chapter VIII, Articles 56 to 58): For the objectives of this Fund, see Article 57.

(ix) Testing and control of seeds and plants; seed inspection (Chapter IX, Articles 59 to 71).

(x) Penal provisions (Chapter X, Articles 72 and 73): This chapter concerns the protection of new varieties of plants only in respect of sanctions relating to the use of the variety denomination (Article 73, paragraphs 1.1 and 2.1)).

(xi) Transitional and final provisions (Articles 74 to 80).

6. An important feature of the Polish legislation is that it provides, for the purposes of entry in the Register, three categories of varieties:

(i) "original varieties": these are the varieties for which the entry in the Register is applied for by their breeders;

(ii) "bred varieties": these are a varietal sub-group for which the entry in the Register is applied for by a maintenance breeder different from the original breeder (who created the "original variety") and which must conform to the botanical characteristics initially defined for the variety of origin;

(iii) "local varieties": these are land races.

7. This distinction is taken from the old law and is further justified by the provisions relating to maintainers' bonuses.

8. Another distinction has been made between "domestic varieties" and "foreign varieties" for the purposes of Chapter IV in relation to the rights of the authors and the persons carrying out the maintenance breeding of the varieties. Benefits, which are not related to the system of protection for new varieties of plants, are payable only for domestic varieties.

9. The Law has been supplemented by a decree of the Minister of Agriculture, Forestry and Food Economy, dated April 14, 1988 (hereinafter referred to as the "Decree"). Extracts from this decree appear in Annex III to the present document.

10. Annexed to the Decree is the list of cultivated plants of which varieties may be entered in the Register or the Book of the Protection of the Exclusive Rights in Varieties. This list appears in Annex IV to the present document.

11. The Polish authorities have also supplied to the Office of the Union the text of the decree of the Minister of Agriculture, Forestry and Food Economy of February 29, 1988, concerning certain fees and price compensation in the commerce in seeds. This decree is not reproduced in the present document.

#### Persons Entitled to Protection (Article 1(1) of the Convention)

12. Article 1(1) of the Convention provides that "the purpose of this Convention is to recognize and to ensure to the breeder of a new plant variety or to his successor in title...". Article 25.1 of the Law provides that the exclusive right of the breeder is assignable and transmissible by succession.

13. The case of joint breeding is regulated by Article 26.1. The other cases which can occur (breeding by independent breeders, breeding by an employee, breeding in pursuance of a contract) are dealt with in Article 7.2 (applicable on the basis of Article 17.3). The provisions concerned are completely standard and conform to the Convention.

Forms of Protection (Article 2(1) of the Convention)

14. Article 2 of the Law on Inventive Activity of October 19, 1972, amended by the law of April 26, 1984, provides that that law is not applicable, in particular, to new varieties of plants and animal breeds. The protection of new varieties of plants is therefore regulated exclusively by the Seed Industry Law. This protection results from the entry of the variety concerned in the "Book of the Protection of the Exclusive Rights in Varieties."

National Treatment; Reciprocity (Article 3 of the Convention)

15. The Law and the Decree do not contain any provisions restricting access to protection on the basis of nationality or place of residence or registered office of the breeder, or the country of origin of the variety. No provision of the Law or the Decree provides different treatment for foreigners from that given to Polish nationals. The texts therefore fulfil the conditions of Article 3 of the Convention.

Botanical Genera and Species Which Must or May be Protected (Article 4 of the Convention)

16. As is shown in Annex IV to the present document, the protection in Poland applies to almost all the genera and species important in that country. Their number is well above the minima stipulated by Article 4(3) of the Convention.

Rights Protected; Scope of Protection (Article 5 of the Convention)

17. With respect to the extent of the right granted to the breeder, the Law contains two very important provisions:

(i) Article 30.3 allows the Minister of Agriculture, Forestry and Food Economy to extend by decree the rights if it is necessary for the implementation of the international conventions to which the Polish People's Republic is party, which would include the Convention.

(ii) Even in the absence of extension, the holder of the right can, according to Article 19, take advantage of all rights resulting from an international convention to which the Polish People's Republic is party, which would include the Convention.

In other words, with respect to the extent of the protection, the Convention would be directly applicable in Poland and the legislation, as applied, would conform to the Convention, whatever is the nature of the provisions of the legislation.

18. Article 17 of the Law, which is an introduction to the chapter concerning the protection of new varieties of plants, sets out in its paragraph 1 that the breeder is to have an exclusive right to the "commercial exploitation" of the variety. The fundamental rights accorded to the breeder are more precisely defined in Article 18.1 of the Law and are of three orders:

(i) the breeder enjoys, first of all, an exclusive right on the maintenance breeding of the variety. In other words, the breeder can control the derivation of bred varieties and their entry in the Register. This right is set out again in Article 3.2 of the Decree, which makes the application for entry in the Register of a bred variety subject to the consent of the breeder of the variety of origin when it is entered in the Book.

(ii) He then enjoys the exclusive right to produce for the purposes of sale, to offer for sale and to sell certified seeds or plants of the variety. This right is analyzed in more detail hereinafter.

(iii) Finally, he enjoys an exclusive right to use repeatedly the variety for the purposes of the production of seeds or plants of another variety, in accordance with the provisions of the second sentence of Article 5(3) of the Convention (the free use of a variety as a source of variation, as provided for in the first sentence, is provided for in Article 18.3 of the Law).

19. In principle, the restriction of the right described in subparagraph (ii) above to certified seeds or plants is not in conformity with the Convention. However, Article 45 of the Law provides that, for the species for which the varieties are subject to entry in the Register--and therefore also eligible for protection (since there is only one list of species)--only the certified seeds and plants are admitted to commerce. In other words, the right takes account of the practical reality. Nevertheless, some cases exist which may not be covered by the Law. One of them would result from an authorization given on the basis of Article 45.2.4) of the Law by the Minister of Agriculture, Forestry and Food Economy, in an economically exceptional situation, to commercialize tested seeds and plants (that is to say, according to Article 2.1.19), corresponding to the standards or requirements of quality and, according to Article 61.3, having only been the object of an examination in the laboratory or an examination of external characteristics).

20. On the other hand, it will be for courts to determine if the putting in commerce of non-certified seeds or plants of a protected variety, which constitutes an offence according to Article 73.1.4), can also give rise to damages in favor of the breeder in accordance with Article 24 of the Law. The response to this question will certainly be positive in view of the provisions described in paragraph 17 above.

21. According to Article 18.2 of the Law, the right extends also to the production and sale of whole plants or of parts of plants normally sold for purposes other than the production of seeds or plants, if they are utilized for the production and the commerce in seeds or plants. By this provision, it was intended to take up the third sentence of Article 5(1) of the Convention. This sentence has however been incorrectly set out in the national law, which, on this point, is not in conformity with the Convention. This defect is also corrected by the provisions described in paragraph 17 above.

22. In conclusion, taking account of Article 19 of the Law, as well as Article 30.3, the law of Poland is in conformity with the Convention.

#### Conditions Required for Protection (Article 6 of the Convention)

23. Article 17.1 of the Law sets out the general principle according to which the exclusive right is granted for a "new original variety." The conditions

for protection are thereafter taken up in detail in Article 21.1 which should be read in conjunction with the definitions given in Article 2 (paragraph 2, subparagraphs 1)(a) and 2)(a)): "original variety"; paragraph 1.8): "distinct variety"; paragraph 1.7): "known variety" (notion used for the definition of the distinct variety); paragraph 1.9): "new variety"; paragraph 1.5): "homogeneous variety" and paragraph 1.6): "stable variety"). These provisions together conform to Article 6 of the Convention.

24. It is appropriate to note that the definition of distinct variety makes reference to "important characteristics for the distinction of the variety" and therefore ensures that the decision on distinctness is independent of the notion of value of the variety, in accordance with the General Introduction to the Test Guidelines (document TG/1/2). It should also be noted, in relation to novelty, that Article 2.1.9) of the Law provides for a "grace period" of one year for commercialization in Poland.

25. The Law and the Decree do not contain other conditions, apart from the formalities and the payment of fees, except concerning the parental components of a hybrid. Article 17.3 of the Law provides, in effect, that a component can only be protected if the hybrid is itself already protected. This provision does not conform to the Convention. Nevertheless, nothing prevents, in the application of the Law, consideration of the object of an application for protection as a "variety," even when it is destined by nature to the production of hybrids, as long as it is not entered in the formula of a hybrid. On the other hand, it should also be noted that Poland could exclude this category of varieties from the application of the Convention in accordance with Article 2(2) of the Convention.

#### Official Examination of Varieties (Article 7(1) and (2) of the Convention)

26. The provisions concerning the preliminary examination are set out in Articles 20.1 and 21.2 of the Law in terms similar to those of Article 7(1) and (2) of the Convention.

#### Provisional Protection (Article 7(3) of the Convention)

27. Article 7(3) of the Convention provides that each member State of the Union may provide provisional protection covering the period between the filing of the application for protection and the decision thereon. The Law does not provide for such protection.

#### Period of Protection (Article 8 of the Convention)

28. Article 17.2 of the Law provides that the period of protection is twenty years for all species, counted from the date of entry of the variety in the Book.

#### Restrictions in the Exercise of Rights Protected (Article 9 of the Convention)

29. Article 29 of the Law allows the Minister of Agriculture, Forestry and Food Economy to grant a compulsory license when the exploitation of the variety

is not sufficiently fast, is insufficient, or is subject to unreasonable conditions. The provisions of this Article are in conformity with Article 9 of the Convention.

#### Nullity and Forfeiture of the Rights Protected (Article 10 of the Convention)

30. Article 23.2 of the Law allows the competent authority to rule on the nullity of a right for lack of distinctness or novelty at the time of the entry of the variety concerned in the Book, in accordance with Article 10(1) of the Convention.

31. The forfeiture, in the form of striking out of the variety from the Book, is provided for in Article 23.3 of the Law, which relates back to the provisions of Article 12 which concern genetic drift (paragraph 1.1)), the loss of homogeneity or of stability (paragraph 1.2)), lack of collaboration in the control of the maintenance of the variety (paragraph 2.1)), lateness in the payment of fees (paragraph 2.2)) and the termination of the exploitation of the variety by the holder of the right (paragraph 2.4)). Forfeiture is automatic in the first two cases and optional in the last three. The last is not, however, provided for in the Convention. The provision concerned would only be compatible with Article 10 of the Convention if it fell within one of the cases provided for in the said Article; such is the case if forfeiture is declared because, as a result of the termination of the exploitation of the variety, the holder of the right is no longer "in a position to provide the competent authority with reproductive or propagating material capable of producing the variety..." (Article 10(2) of the Convention). With this reservation, the totality of these provisions conforms to the Convention.

32. It seems, however, that the reference to paragraph 2.4) is the result of an error, the correct reference being to the preceding paragraph which concerns the case where the holder of the right does not allow inspection of the measures which have been taken for the maintenance of the variety, as is provided for at the end of Article 10(3)(a) of the Convention.

#### Free Choice of the Member State in Which the First Application is Filed; Applications in Other Member States; Independence of Protection in Different Member States (Article 11 of the Convention)

33. The Law and the Decree do not contain any provisions which could be contrary to Article 11 of the Convention.

#### Right of Priority (Article 12 of the Convention)

34. The principle of priority according to Article 12 of the Convention appears in Article 22 of the Law and in a more detailed form in Article 17 of the Decree. These provisions together conform to the Convention.

#### Variety Denomination (Article 13 of the Convention)

35. The variety must be given a denomination by virtue of Article 21.1.2) of the Law which relates back to Article 5, paragraphs 1 and 2, for the detailed conditions which the denomination must fulfill. The provisions of the latter Article correspond to those of paragraph (2) of Article 13 of the Convention.



36. Article 5.2 of the Law provides that the denomination must not affect prior rights of third parties. This Article corresponds to the first sentence of paragraph (4) of Article 13 of the Convention.

37. The principle of having a single denomination in all member States of the Union, set out in paragraph (5) of Article 13 of the Convention, appears in Article 7, paragraph 4, of the Decree (dealing with the permanent denomination) which provides for the application by analogy of paragraph 2 (dealing with the provisional denomination).

38. The obligation to use the denomination provided for in paragraph (7) of Article 13 of the Convention appears in a more general way in Article 6 of the Law. This is applicable by analogy to protected varieties under Article 21.4.

39. The Law and the Decree do not contain any provisions concerning the communication of information to the competent authorities of other member States of the Union or concerning the provisions of the Convention relating to related rights, in particular trademark rights. However, this does not prevent the Law and the Decree being in conformity with Article 13 of the Convention as the provisions in question are implied.

#### Protection Independent of Measures Regulating Production, Certification and Marketing (Article 14 of the Convention)

40. As in certain member States, the protection of new varieties of plants is regulated in Poland by a legal text of a general character which also concerns the production, certification and marketing of seeds and plants. No provisions of the Law, however, hinder the application of the provisions concerning protection in a way which could be considered to be contrary to Article 14 of the Convention.

#### Legal Remedies (Article 30(1)(a) of the Convention)

41. The question of legal remedies for infringements of the right to protection or of the exclusive right are dealt with in Article 24 of the Law, in paragraphs 1 and 2 (the latter is cross-referenced to Article 14) for the right to protection, and in paragraph 3 for the exclusive right. Paragraph 3 is very brief as the general principles of law are applicable; these principles are expressly mentioned elsewhere in several places (Articles 15, 24 and 36). On the other hand, taking into account the parallels between the Book and the Register, an infringement of the right is also sanctioned under penal law under the provisions concerning the commerce in seeds, under Article 73 of the Law. In consequence, there is no doubt that the Polish legislation provides, in accordance with Article 30(1)(a) of the Convention, for "appropriate legal remedies for the effective defense of the rights provided for in this Convention."

42. Concerning procedural issues arising from the implementation of the Law, Article 2.4 of the Law provides for the application of the Code of Administrative Procedure, unless otherwise provided. In general, the decisions of the competent authority can be the object of an appeal to the Minister of Agriculture, Forestry and Food Economy (Article 23.4 of the Law for questions concerning protection). The decision of the Minister to grant a compulsory license can be the subject of an appeal to the Supreme Administrative Tribunal (Article 29.6 of the Law). From this point of view also, the appropriate legal remedies are provided for.

Special Authority for the Protection of New Varieties of Plants  
(Article 30(1)(b) of the Convention)

43. Under Article 17(4) of the Law, the administration of the system of protection for new varieties of plants is entrusted to the Centre of Research into the Varieties of Cultivated Plants of Slupia Wielka, near to Poznan.

Publication of Information Concerning Protection (Article 30(1)(c) of the  
Convention)

44. Article 19 of the Decree sets out the kind of information to be published. There is no doubt that Poland will be able to conform to Article 30(1)(c) of the Convention.

Conclusion

45. The legislation of Poland appears to essentially conform to the 1978 Act of the Convention.

46. The Council is invited:

(i) to take a decision on the conformity of the legislation of the Polish People's Republic with the provisions of the 1978 Act of the Convention, in accordance with Article 32(3) of that Act;

(ii) to authorize the Secretary-General to inform the Government of the Polish People's Republic of this decision.

[Annexes follow]

Warsaw, the 28th March, 1988



POLSKA

RZECZPOSPOLITA LUDOWA

MINISTERSTWO

ROLNICTWA, LEŚNICTWA

I GOSPODARKI ŻYWNOŚCIOWEJ

RL.n-0624/UPOV-1

Dr.Arpad Bogsch

The Secretary-General

of the International Union for the  
Protection of New Varieties of Plant  
34, chemin des Colombettes

1211 GENEVA

Switzerland

Dear Secretary-General,

On January 1st, 1988 came into force the Seed Industry Act which set up the legal basis for the accession of the Polish People's Republic to UPOV.

With reference to this fact and according to the provisions of Article 32, item 2 and 3 of the International Convention for the Protection of New Varieties of Plants of December 2, 1961 revised in November 10, 1972 and in October 23, 1978 - I wish to ask you kindly for the Council's advice on the conformity of the Polish legislation with the principles of UPOV Convention.

I enclose herewith the text of the Seed Industry Act in Polish language and its translation into English. In the nearest future I shall send you also the Polish and English texts of the implementing orders pursuant to this Act.

I have also the pleasure to invite the Delegation from the Council and General Secretariat of UPOV to visit Poland and I propose the time from 6 to 11 of June this year. The Delegation will have the opportunity of getting acquainted with the organization and work of the Center of Research on Cultivars /COBORU/ which performs the affairs connected with the protection of the exclusive right to varieties of cultivated plants. There will be also the possibility of visiting some centers carrying on the plant breeding work, the enterprises organizing the production of seed material and its marketing as well as to get acquainted with the work of the regional authority carrying on the field inspection and control of seed material.

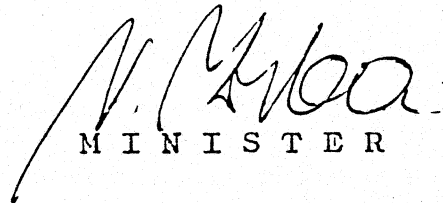
During the stay of your Delegation in Poland it will be also possible to discuss in detail our legal provisions and

their conformity with the principles of UPOV Convention.

Of course the hotel and maintenance expenses of the Delegation /4 - 6 persons/in Poland will be covered by the Ministry of Agriculture, Forestry and Food Economy.

I am sending also herewith the draft programme of the visit of the UPOV Delegation to Poland.

With kind regards.



M I N I S T E R

Draft Programme  
of the Visit of UPOV Delegation to Poland

- 6th June, 1988 - Arrival of the UPOV Delegation in Warsaw and then travel by cars to the Center of Research on Cultiva: /COBORU/ at Słupia Wielka, near Poznań;
- 7th June, 1988 - Visiting of COBORU and discussions on the Polish Seed Industry Legislation and its conformity with the UPOV Convention;
- 8th June, 1988 - Visit at a cereal plant breeding station and at a station which performs the breeding work on grass and leguminous plant varieties;
- 9th June, 1988 - Visit at the Regional Inspectorate of Seed Inspection Service in Poznań and at an enterprise organizing the production and marketing of seed material;
- 10th June, 1988 - Travel to Warsaw by cars and the appointment with the Minister of Agriculture, Forestry and Food Economy;
- 11th June, 1988 - Depart of the UPOV Delegation from Warsaw.

[Annex II follows]

## ANNEX II

## SEED INDUSTRY LAW

of October 10, 1987

With the aim of satisfying the needs of the national economy in the field of biological means of production and of making available to all growers quality seeds and plants of valuable varieties of cultivated plants, the following law has been enacted:

## CHAPTER I

## GENERAL PROVISIONS

Article 1

This Law regulates the legal situation in respect of:

- (1) the breeding and assessment of varieties of cultivated plants;
- (2) the rights and obligations of breeders of varieties of cultivated plants and the rights of creators of original varieties and of persons carrying out maintenance breeding of varieties;
- (3) the production, utilization, marketing, testing and control of seeds and plants.

Article 2

1. For the purposes of this Law:

- (1) "Variety of cultivated plant" (hereinafter referred to as "variety") shall mean a population of plants suitable for cultivation and characterized by its homogeneity and its stability;
- (2) "Hybrid" shall mean a variety produced by the repeated crossing of its parental constituents, in accordance with its formula;
- (3) "Formula of a hybrid" shall mean an expression in the form of words or of symbols designating the parental constituents of the hybrid and describing the manner of association and the sequence of crossing for the production of the hybrid;
- (4) "Parental constituent of a hybrid" shall mean a variety, a strain, a line or a clone of a cultivated plant used in the first stage of production of the hybrid;
- (5) "Homogeneous variety" shall mean a variety which, if reproduced or multiplied according to the particular features of its reproduction or multiplication, satisfies the requirements concerning the variation of characteristics among individual plants;

(6) "Stable variety" shall mean a variety of which the essential characteristics remain unchanged after successive reproduction or multiplication or at the end of each particular cycle of reproduction or multiplication;

(7) "Known variety" shall mean a variety:

(a) which is currently cultivated,

(b) which, in Poland, has been entered or which is the subject of an application for entry in the Register of Varieties of Cultivated Plants or in the Roll of Exclusive Rights in Varieties,

(c) which has been the subject, abroad, of an entry or of an application for entry in an official list of varieties,

(d) which appears in a collection of varieties commonly known in Poland or abroad or

(e) which is described in a readily available publication;

(8) "Distinct variety" shall mean a variety which is fundamentally distinguishable from all other known varieties by at least one characteristic important for the distinction of the variety;

(9) "New variety" shall mean a variety of which the seeds and plants, at the date of the application for an exclusive right in the variety, have not been offered for sale or marketed with the consent of the breeder or of his successor in title:

(a) for more than one year in Poland,

(b) for more than six years abroad in the case of vines, trees and their rootstocks, or for more than four years in the case of other cultivated plants.

(10) "Economic value of a variety" shall mean the advantage which a variety brings or may bring to the national economy, taking into account revenue, costs and risks under different and variable conditions of cultivation, as well as requirements concerning the production, processing, marketing and utilization of the products derived from the variety;

(11) "Improvement of plants" (or breeding) shall mean the branch of the seed industry dealing with varieties as a means of production; it consists of:

(a) creative breeding, of which the objective is to produce new varieties and

(b) maintenance breeding, of which the objective is to maintain the identity, homogeneity and stability of the varieties created;

(12) "Breeder of a variety" (hereinafter referred to as the "breeder") shall mean the natural or legal person who is the owner of plant material and of documents concerning the breeding of the variety and who carries out the breeding;

(13) "Creator of an original variety" (hereinafter referred to as the "creator") shall mean the natural person who, by his creative activity, has created an original variety and has assessed its economic value: in the case of a hybrid, it is the person:

(a) who has worked out its formula or

(b) who, by his creative activity, has created one or more of its parental constituents;

(14) "Person carrying out the breeding of a variety" (or maintainer) shall mean the natural person who carries out independently or manages work on the maintenance breeding of a variety: in the case of a hybrid, it is the person who carries out this work in relation to a parental constituent of the hybrid;

(15) "Seeds or plants" shall mean plants or parts of plants intended for sowing, planting, grafting or budding;

(16) "Nursery material" shall mean seeds or plants of trees, shrubs and perennials;

(17) "Certified seeds or plants" shall mean seeds or plants whose varietal identity is documented, which are produced in accordance with the statutory provisions on production and which satisfy the quality standards and requirements;

(18) "Conditionally certified seeds or plants" shall mean certified seeds or plants of a variety submitted for listing, but not yet entered in the Register;

(19) "Tested seeds or plants" shall mean seeds or plants which satisfy the quality standards and requirements;

(20) "Trade in seeds and plants" shall mean the purchase and brokerage of seeds or plants for the purposes of resale or sale of purchased seeds or plants.

2. Varieties shall be classified according to the following categories:

(1) Domestic varieties:

(a) original: meaning those created and maintained in Poland, or partly abroad, and characterized by distinctness, homogeneity and stability;

(b) bred: meaning those created in Poland or abroad, maintained in Poland and characterized by their homogeneity and stability and by the identity of their botanical characteristics with those of the original variety;

(c) local: meaning those created in Poland without the intervention of a creator, as a result of the long-term action of local natural and agricultural factors, and characterized by their distinctness, homogeneity and stability;

(2) Foreign varieties:

(a) original: meaning those created and maintained abroad and characterized by their distinctness, homogeneity and stability;

(b) bred: meaning those created and maintained abroad and characterized by their homogeneity and stability and by the identity of their botanical characteristics with those of the original variety;

(c) local: meaning those created abroad without the intervention of a creator, as a result of the long-term action of local natural and agricultural factors, and characterized by their distinctness, homogeneity and stability.

3. The provisions of this Law concerning:

- (1) the creator,
- (2) the natural person who assisted in the creation of a variety,
- (3) the person who carries out the maintenance breeding of a variety,
- (4) the natural person who assists in the maintenance breeding of a variety,

shall apply mutatis mutandis to two or more natural persons.

4. Unless otherwise provided in this Law, the Code of Administrative Procedure shall govern the procedure applicable to matters dealt with by this Law.

## CHAPTER II

### ENTRY OF VARIETIES IN THE REGISTER

#### Article 3

1. A Register of Varieties is hereby established (hereinafter referred to as the "Register").

2. The Register shall be the official list of varieties of which the seeds or plants are approved for marketing.

3. The following shall be entered in the Register:

(1) the original, bred and local varieties of cultivated plants whose cultivation is important for the national economy;

(2) the parental constituents of a hybrid already entered in the Register, provided that they have not already been entered as varieties or parental constituents of another hybrid.

4. Domestic varieties intended exclusively for cultivation abroad may also be entered in the Register.

#### Article 4

The conditions for entering a variety in the Register shall be as follows:

1. The variety must have an economic value corresponding to the needs of the national economy;

2. The maintenance breeding of an original or bred variety must ensure a supply of seeds or plants to satisfy economic needs;



3. The breeder of the variety must keep a sufficient quantity of seeds or plants for examination and for the reproduction or multiplication of the variety;
4. The variety must be given a denomination.

#### Article 5

1. The denomination of the variety must have characteristics which distinguish it from the denomination of all other varieties belonging to the same or a related species of cultivated plants entered in the Register or protected in Poland or in any other State party to an international convention to which the Polish People's Republic is party.
2. The denomination of the variety must not be liable to mislead as to the characteristics of the variety, its economic value, its breeder or its place of origin. It may not consist solely of figures. It may not affect the rights of third parties deriving from trademarks or other rights of utilization of designations of seeds or plants.
3. The denomination of a variety shall be protected as from the day of its entry in the Register and for as long as seeds or plants of the variety are marketed in Poland.

#### Article 6

Anyone who tests seeds or plants of a variety entered in the Register, offers for sale, advertises, or gives information concerning such variety shall be required to use the denomination entered in the Register.

#### Article 7

1. An original variety shall be entered in the Register at the request of the breeder.
2. The breeder qualified to make an application for entry of an original variety in the Register shall be:
  - (a) the creator who carries out the breeding of the variety and is the owner of the plant material and documentation concerning the breeding of the variety;
  - (b) the creator's employer, if the variety has been created by the creator in the course of his duties as set out in his employment contract;
  - (c) the client, if the variety has been created by the creator under a contract, unless the parties have decided otherwise.
3. A bred variety shall be entered in the Register at the request of its breeder and a local variety at the request of the person who intends to market seeds or plants of the variety.
4. Where more than one application for entry in the Register is submitted for the same original or local varieties, the variety which is the subject of the earliest application shall be entered in the Register.

Article 8

The Register shall be kept by the Research Center for Varieties of Cultivated Plants (Centralny Ośrodek Badania Odmian Roslin Uprawnych), hereinafter referred to as the "Center".

Article 9

1. The Center shall carry out the examination and assessment of the varieties, both before and after their entry in the Register.
2. The Center shall not carry out the examination and assessment of a variety if the application shows that the entry requirements have not been met.
3. Depending upon the results of the examination and assessment, the Center shall enter or refuse to enter the variety in the Register.
4. After the entry of a variety in the Register, the Center shall issue to the applicant a certificate of entry which shall state whether the variety is classified as original, bred or local.

Article 10

1. The breeder of a variety who submits an application for entry in the Register shall be required:
  - (1) to give a denomination to the variety and
  - (2) to supply, free of charge and at his own expense, the seeds and plants necessary for the examination.
2. The provisions of paragraph 1(2) shall also apply after the entry of the variety in the Register.
3. If a domestic variety entered in the Register is to be examined abroad as a result of an international agreement, the breeder shall furnish, at the request of the Center and at his own expense, seeds and plants of the variety necessary for the examination.

Article 11

1. The entry of a variety in the Register and the maintenance of such entry shall be subject to a registration fee.
2. The registration fee for foreign varieties must be paid either in foreign currency or in Polish currency acquired from a documented source.
3. The Minister for Agriculture, Forestry and Food Economy may reduce or waive the registration fee if economically justified or required by the international conventions to which the Polish People's Republic is party.

Article 12

1. The Center shall remove a variety from the Register:
  - (1) if the characteristics of the variety determined at the time of its entry have been changed;
  - (2) if the variety has lost its homogeneity or stability;
  - (3) if the economic value of the variety is no longer appropriate to the needs of the national economy or
  - (4) if the breeder:
    - (a) ceases to carry out maintenance breeding of the variety or
    - (b) applies for removal of the variety from the Register.
2. The Center may remove a variety from the Register if the breeder:
  - (1) does not supply the seeds and plants or the information necessary for the examination and assessment of the variety;
  - (2) is more than six months late in paying the registration fee;
  - (3) does not allow inspection of the maintenance breeding of the variety or
  - (4) ceases to produce seeds and plants of the variety.

Article 13

1. The decisions to enter a variety in the Register, to refuse its entry, to remove a variety from the Register and to classify a variety as original, bred or local shall be taken after considering the opinion of a committee.
2. The committees, consisting of specialists representing institutions interested in the utilization of the varieties and specialists representing socio-professional organizations of growers, shall be set up and discontinued by the Minister for Agriculture, Forestry and Food Economy, who shall also appoint the members and terminate their appointment.
3. The decisions referred to in paragraph 1 may be appealed from to the Minister for Agriculture, Forestry and Food Economy.

Article 14

1. Where entry is applied for by a non-entitled person or where the entry of an original variety in the Register results from such application, the breeder entitled to make the application for entry of the variety in the Register may demand refusal of the entry or removal of the variety from the Register.

2. In addition to the claim referred to in paragraph 1, the breeder entitled to apply for entry of the original variety in the Register may claim entry of the variety in the Register; in such case, the filing date of the application by the non-entitled person shall be considered the filing date of the application by the entitled breeder.

#### Article 15

Anyone who unduly obtains entry of an original variety in the Register must, in accordance with the general principles of law, surrender to the breeder of the variety the profit obtained and redress the damage caused to the breeder.

#### Article 16

1. The Minister for Agriculture, Forestry and Food Economy shall lay down by decree:

(1) the cultivated plants of which the varieties are subject to entry in the Register;

(2) the detailed provisions concerning applications for entry, entry of varieties in the Register and their removal and also concerning the denomination, the examination and the assesment of the varieties;

(3) the detailed provisions on the competence and rules of procedure of the committees referred to in Article 13(1).

2. The Minister for Agriculture, Forestry and Food Economy, in agreement with the Minister for Finance, shall lay down by decree the schedule of registration fees, the method of payment and the currencies in which they are to be paid.

### CHAPTER III

#### EXCLUSIVE RIGHT IN A VARIETY

#### Article 17

1. The breeder of a new original variety shall be granted the exclusive right to its commercial exploitation (hereinafter referred to as the "exclusive right").

2. The exclusive right shall take effect on the day of entry of the variety in the Roll of Exclusive Rights (hereinafter referred to as the "Roll") and shall last for twenty years.

3. At the request of the breeder, the varieties and the new parental constituents of a hybrid already entered in the Roll shall be entered in the Roll. The provisions of Article 7(2) shall apply mutatis mutandis.

4. The Roll shall be kept by the Center.

5. An entry of a variety in the Roll, the Center shall issue to the breeder a certificate attesting the grant of the exclusive right.

Article 18

- I. The exclusive right shall concern:
  - (1) the carrying-out of maintenance breeding of the variety;
  - (2) the production of certified seeds or plants of the variety for the purpose of sale;
  - (3) the offering for sale and sale of certified seeds or plants of the variety;
  - (4) the repeated use of the variety for the production of seeds or plants of another variety.
2. The exclusive right in a variety of an ornamental plant shall also concern the production and sale of whole plants or parts of plants normally sold for purposes other than the production of seeds or plants, if they are used for the production and marketing of seeds and plants.
3. The use of an original variety as a source of variation of the botanical characteristics for the purpose of creating and exploiting other original varieties shall not infringe the exclusive right.

Article 19

A breeder having an exclusive right in a variety shall also enjoy the other rights in respect of that variety which result from international conventions to which the Polish People's Republic is party.

Article 20

1. Before a variety is entered in the Roll, the Center shall carry out an examination; the examination of the variety may also be carried out after the entry in the Roll.
2. The examination of an original variety which is the subject of an application for entry in the Roll and the maintenance of the entry shall be subject to payment of a fee (hereinafter referred as the "protection fee").
3. For foreign varieties, the protection fee must be paid either in foreign currency or in Polish currency acquired from a documented source.

Article 21

1. A variety shall be entered in the Roll:
  - (1) if it is new, distinct, homogeneous and stable;
  - (2) if it has been given a denomination in accordance with the provisions of Article 5(1) and (2);
  - (3) if the breeder has completed the application procedure for entry in the Roll and has paid the protection fee.

2. The breeder of a variety which is the subject of an application for entry or which is entered in the Roll must supply, free of charge and at his own expense, the seeds and plants and information necessary for the examination.
3. The variety denomination entered in the Roll shall enjoy protection.
4. The provisions of Article 6 shall apply mutatis mutandis.

#### Article 22

1. Priority for the grant of the exclusive right shall derive from the filing date of the application for entry of the variety in the Roll.
2. A breeder who has filed an application for protection of the exclusive right in a variety abroad may avail himself, in Poland, of the priority referred to in paragraph 1 during a period of twelve months as from the date of the first application filed abroad.
3. The provisions of paragraph 2 shall apply only to applications made in States party to the relevant international conventions to which the Polish People's Republic is also party.

#### Article 23

1. The Center may, by decision, enter or refuse to enter a variety in the Roll, remove an entry from the Roll or declare that an entry is annulled.
2. The Center may declare the entry of a variety in the Roll to be annulled if the variety was not distinct or was not new at the date of its entry.
3. The provisions of Article 12.1(1), (2) and (4)(b), 12.2(1), (2) and (4) shall apply mutatis mutandis to the removal of a variety from the Roll.
4. The decisions referred to in paragraph 1 may be appealed from to the Minister for Agriculture, Forestry and Food Economy.

#### Article 24

1. Anyone who unduly obtains profit from the entry of a variety in the Roll must, in accordance with the general principles of law, surrender to the breeder the profit obtained and redress the damage caused to the breeder; in particular, he must publish an explanatory statement in the press.
2. The provisions of Article 14 shall apply mutatis mutandis.
3. When hearing a case for the infringement of the exclusive right, a Court or the State Commission of Economic Arbitration may, at the request of the breeder, order that the breeding material and documents concerning the breeding of the variety and the production of seeds or plants of the variety be turned over to the breeder.

Article 25

1. The exclusive right shall be assignable and transmissible by succession.
2. A contract of assignment of the exclusive right shall take effect with respect to third parties as from the date on which the change of breeder is recorded in the Roll.

Article 26

1. If an original variety has been created jointly by two or more breeders, the exclusive right shall vest in them jointly.
2. After entry of a variety in the Roll, each of the joint owners may, without the consent of the others, exercise the exclusive right and institute infringement actions. However, assignment of a joint ownership share, grant of licenses and any other form of alienation of the joint right shall require the consent of all joint owners. The joint owners shall be free to regulate their mutual rights and obligations in any other way.
3. The provisions of the Civil Code concerning indivisible property shall apply mutatis mutandis to the cases not mentioned in paragraph 2.

Article 27

1. A breeder who is the owner of an exclusive right may grant by contract to another person an authorization (license) to use such right (license contract). The license shall constitute a charge on the exclusive rights.
2. The license contract must be in writing.
3. Except as otherwise provided in the license contract, the licensee shall have the right to non-exclusive enjoyment of all the rights of the licensor as set out in Article 18(1) and (2) and in Article 19 (full license).
4. The licensee of a full license may only grant a sublicense with the written consent of the breeder.
5. Except as otherwise provided in the license contract, the grant of a license shall exclude neither the grant of a further license for the enjoyment of the exclusive right nor the simultaneous enjoyment of the right by the breeder (non-exclusive license).
6. A license contract may impose limits on the rights of the licensee, in particular as to duration, territory and volume of production or of sale of seeds or plants.
7. Where the grant of a license authorizes the carrying out of maintenance breeding of the variety, the contract shall take effect with respect to third parties as from the date of its entry in the Roll.
8. An exclusive licensee may, in the same way as the licensor, take action against infringement of the exclusive right, except as otherwise provided in the license contract.

Article 28

1. If the exercise abroad of a right in a domestic variety results in a profit in foreign currency, the breeder who is the owner of the exclusive right in the variety in Poland shall be entitled to a share of such currency.
2. The amount of the share referred in paragraph 1 shall be laid down in specific regulations. The amount of the share shall not be less than 30 percent of the amount resulting from the exercise abroad of the right in the variety, after deduction of the commission in foreign currency paid to the representative of the breeder, of the creator's bonus payment for exercise abroad of the right in the variety and of other expenses related to exercise of the right abroad.
3. The provisions of paragraphs 1 and 2 shall apply mutatis mutandis to original domestic varieties entered in the Register but not entered in the Roll.

Article 29

1. If the breeder who is the owner of the exclusive right or his licensee:
  - (1) does not produce or does not market seeds or plants or the variety within the time limits corresponding to the needs of the national economy,
  - (2) does not offer a license allowing third parties to satisfy the needs referred to in subparagraph (1) or
  - (3) makes the grant of a license subject to unreasonable conditions,the Minister for Agriculture, Forestry and Food Economy may, by decision, grant third parties a compulsory license for the exercise of the exclusive right, except as regards maintenance breeding of the variety.
2. The compulsory license shall be non-exclusive and shall not restrict the right of the breeder to grant licenses under Article 27(1) and (4).
3. The provisions of Article 27(6) shall apply mutatis mutandis to the compulsory license.
4. The beneficiary of a compulsory license shall be required to pay a license fee to the breeder.
5. The decision referred to in paragraph 1 shall set out, in particular: the obligations of the beneficiary of the compulsory license, the extent and the duration of the license, the amount of the license fee and the method of payment.
6. The decision referred to in paragraph 1 may be appealed from to the Supreme Administrative Tribunal.



Article 30

1. The Minister for Agriculture, Forestry and Food Economy shall establish by decree the list of cultivated plants of which the varieties may be entered in the Roll, together with detailed provisions concerning applications for entry, entry of varieties in the Roll and their removal from the Roll, and examination.
2. The Minister for Agriculture, Forestry and Food Economy, in agreement with the Minister for Finance, shall establish by decree the schedule of protection fees, the method of payment and the currencies in which they are to be paid.
3. The Minister for Agriculture, Forestry and Food Economy may extend by decree the rights of breeders relating to protection of the exclusive right, where necessary for the application of international conventions to which the Polish People's Republic is party.

## CHAPTER IV

RIGHTS OF CREATORS AND PERSONS  
CARRYING OUT MAINTENANCE BREEDING OF VARIETIESArticle 31

1. The creator of an original domestic variety entered in the Register shall be entitled to a creator's certificate and a creator's bonus.
2. The creator's certificate shall be issued by the Center.
3. Priority for the recognition of a person as the creator of an original domestic variety shall be determined according to the filing date of the application for entry of the variety in the Register.
4. A natural person who has assisted in the creation of an original domestic variety entered in the Register shall be entitled, subject to paragraph 5, to an auxiliary creator's bonus.
5. The following shall not be entitled to an auxiliary creator's bonus:
  - (1) natural persons employed under an order contract;
  - (2) heads and members of the administrative staff of units of the national economy in which the variety was created, unless they directly assisted in the creation of the variety.
6. Natural persons who are the employees or owners of a foreign economic entity which has collaborated in the creation of an original domestic variety shall not be entitled to the bonuses referred to in paragraphs 1 and 4.
7. The creators' bonuses and auxiliary creators' bonuses shall be transmissible by succession, shall not entail suspension of the right to old-age or disability pensions and shall be exempted from taxation.

Article 32

1. The creator's bonus and the auxiliary creator's bonus shall be awarded on the basis of the estimated economic value of the variety and degree of difficulty of its creation.
2. The creator's bonus shall be payable for the period from the date of entry of the variety in the Register to the end of the last year in which certified seeds or plants of the variety are marketed, whereby the maximum period of payment may not exceed twenty years.
3. The creator's bonus shall consist of an advance, paid during the twelve months following the date of entry of the variety in the Register, and an annual payment for each subsequent year. The first annual period shall be computed from the date of entry of the variety in the Register.
4. The auxiliary creator's bonus shall be payable during a period of six years computed from the entry of the variety in the Register. If the certified seeds and plants of the variety are withdrawn from circulation before the expiration of this period of six years computed from the entry of the variety in the Register, the auxiliary creator's bonus shall be paid for the period during which certified seeds or plants were in circulation. The provisions of paragraph 3 shall apply mutatis mutandis.
5. The amount of the creator's bonus shall be determined by reference to:
  - (1) the value, expressed in Polish currency, of certified seeds and plants of the variety marketed in Poland and abroad;
  - (2) the value, expressed in the currencies in which payments for the exercise of the right have been made, of foreign currency revenue from the exercise abroad of the right in the variety; the creator's bonus shall correspond to 10 percent of such income.
6. The amount of the auxiliary creator's bonus shall be determined by reference to the value, expressed in Polish currency, of certified seeds and plants of the variety marketed in Poland and abroad.

Article 33

1. A person carrying out maintenance breeding of an original or bred domestic variety entered in the Register shall be entitled to a maintainer's annual bonus during the whole period for which he carries out maintenance breeding of the variety.
2. A natural person who assists in the maintenance breeding of a variety entered in the Register shall be entitled to an annual auxiliary maintainer's bonus.
3. The amount of the maintainer's bonus and of the auxiliary maintainer's bonus shall be determined on the basis of the estimated economic value of the variety and the degree of difficulty of the maintenance breeding.
4. The provisions of Articles 31(5) and 32(5)(1) shall apply mutatis mutandis.

5. The maintainer's bonuses and the auxiliary maintainer's bonuses shall be transmissible by succession and shall not entail suspension of the right to old-age or disability pensions.

#### Article 34

1. The creator's bonuses and the auxiliary creator's bonuses shall be calculated and paid by the Center.

2. The maintainer's bonuses and the auxiliary maintainer's bonuses shall be calculated and paid by the breeder.

#### Article 35

Bonuses paid under Articles 31 to 34 shall not be refundable, except where the profit resulted from a punishable act.

#### Article 36

1. Anyone who unduly obtains a creator's certificate or a bonus under Articles 31 to 34 must, in accordance with the general principles of law, surrender to the entitled person the profit obtained and redress the damage caused to him.

2. Persons entitled to bonuses under Articles 31 to 34 may institute proceedings to claim their bonuses before the Voivodship court having jurisdiction for the seat of the party owing the bonus. Such persons shall not be liable to pay court fees.

#### Article 37

The Minister for Agriculture, Forestry and Food Economy, in agreement with the Minister for Finance, shall establish by decree the detailed provisions concerning the calculation and the payment of the bonuses referred to in Articles 31 to 34.

### CHAPTER V

#### PRODUCTION AND UTILIZATION OF SEEDS AND PLANTS

#### Article 38

1. Demarcated regions, each of which must cover the territory of at least one village, may be established for the purposes of creating the necessary conditions for the production of certified potato plants.

2. At least 40 percent of the area of a demarcated region planted with potatoes must be devoted to the production of certified potato plants.

Article 39

1. The People's Council of the Voivodship shall, by resolution:

(1) create and abolish demarcated regions;

(2) appoint legal persons exclusively responsible for the organization of the production of potatoes and the purchase of certified potato plants in such regions;

(3) define the duties of owners of farming land within a demarcated region, which are necessary for the production of certified potato plants.

2. Resolutions taken in accordance with paragraph 1 shall be published in the Official Journal of the Voivodship.

3. In the demarcated regions, the legal persons referred to in paragraph 1(2) shall be required:

(1) to inspect the potato fields;

(2) to advise and train potato growers;

(3) to sell to owners of farming land certified potato plants in the quantities required for planting.

4. Owners of farming land in a demarcated region shall be required:

(1) to use exclusively potato plants meeting the phytosanitary requirements in respect of certified plants;

(2) to allow inspection of their potato fields by the legal persons referred in paragraph 1(2);

(3) to purchase certified potato plants for the entire area planted, unless they have their own plants which satisfy the phytosanitary requirements in respect of certified plants.

Article 40

1. The production:

(1) of nursery material of fruit trees and of berry-bearing plants (except wild strawberries) and

(2) of mycelium of cultivated mushrooms shall be allowed only with the authorization of the local service of the State administration responsible for agricultural matters at the level of the Voivodship.

2. Authorization under paragraph 1 above shall not be required for the production:

(1) of nursery material or of mycelium of cultivated mushrooms if such production is carried out by a breeder in relation to his own varieties;

(2) for the producers' own needs.

3. Only certified nursery material of fruit trees and berry-bearing plants (except wild strawberries) may be sold or offered for sale.

#### Article 41

1. The People's Council of the Voivodship may, by resolution, prohibit the growing of certain cultivated plants or of their varieties and the use of seeds or plants, of which the phytosanitary state is unsatisfactory, on land situated close to breeding nurseries or fields where seeds or plants are produced, in order to protect them from the harmful effects of the neighborhood of such cultivated plants or of such varieties or of crops affected by disease. Such resolutions shall be published in the Official Journal of the Voivodship.
2. Prohibition shall be pronounced and published in due time for it can be taken into account before sowing or planting on the farming land concerned.
3. Prohibition may only be enforced if the owners of the farming land concerned are able to buy a sufficient quantity of seeds or plants of other cultivated plants or other varieties that satisfy the relevant phytosanitary requirements.
4. If non-conforming seeds or plants are used despite prohibition, the local service of the State administration responsible for agricultural matters at the level of the commune, may order the owner of the farming land concerned to destroy the crop within a specified period.

#### Article 42

1. The Minister for Agriculture, Forestry and Food Economy, in agreement with the Minister for Finance, may establish, in cases justified by economic needs, a system of compensation of prices for owners of farming land who buy seeds or plants for the purpose of sowing or planting.
2. The provisions of paragraph 1 shall not apply to certified seeds or plants bought for the purposes of multiplication.
3. The compensation referred to in paragraph 1 shall only be awarded if the seeds or plants intended for sowing or planting are sold by a natural person or by a unit of the national economy authorized to trade in seeds and plants.
4. The natural person and the units of the national economy referred to in paragraph 3 shall be entitled to reimbursement of the compensation accorded.
5. The Minister for Agriculture, Forestry and Food Economy, in agreement with the Minister for Finance, shall establish by decree the amount of compensation under paragraph 1.

#### Article 43

1. When the non-use of certified seed of cereals (rye, triticale, wheat, barley and oats) or of certified potato plants is likely to result in a considerable drop in yield or a deterioration of the quality of the agricultural products, the People's Council of the Voivodship may, by

resolution, institute an obligation on owners of farming land to make exclusive use of certified seeds or plants in the Voivodship or on specified lands within the Voivodship. Such resolutions shall be published in the Official Journal of the Voivodship.

2. In instituting the obligation referred to in paragraph 1 above, the People's Council of the Voivodship shall define the principles and the conditions of application of the obligation to use certified seeds or plants; in particular, it shall determine:

(1) the cultivated plants affected by the obligation;

(2) the year during which the use of certified seeds or plants of a particular cultivated plant is obligatory in certain villages or certain communes;

(3) the legal persons responsible for selling certified seeds and plants;

(4) the cases in which the owners of farming land shall be or may be exempted from the obligation to use certified seeds or plants.

3. The People's Council of the Voivodship may only institute a new obligation to use certified seeds or plants for the same cultivated plant and the same region after a period of 5 years.

4. The provisions of Article 42(1), (3) and (4) shall apply mutatis mutandis.

## CHAPTER VI

### TRADE IN SEEDS AND PLANTS AND THE NATIONAL SEED RESERVE

#### Article 44

Only the following shall be authorized to trade in seeds and plants:

(1) the breeders, in respect of the seeds or plants of the varieties bred by them;

(2) the units of the socialist economy whose statutory activities include trade in seed and plants;

(3) the natural persons and the units of the national economy holding a license to trade in seeds and plants issued by the local service of the State administration responsible for agricultural matters at the level of the Voivodship.

#### Article 45

1. The following may be marketed:

(1) certified seeds and plants of varieties entered in the Register;

(2) certified seeds and plants of varieties removed from the Register, during a period of three years computed from the year of the removal of the variety;

(3) tested seeds and plants of cultivated plants of which the varieties are not subject to entry in the Register;

(4) The certified seeds and plants intended for multiplication for export:

(a) of foreign varieties not entered in the Register and

(b) of domestic varieties entered in the Register but intended exclusively for cultivation abroad.

2. The Minister for Agriculture, Forestry and Food Economy may, in cases justified by economic needs, authorize trade in:

(1) certified seeds and plants of varieties not entered in the Register;

(2) certified seeds and plants of varieties referred in paragraph 1(4) where such seeds and plants are intended for use in the country;

(3) conditionally certified seeds and plants;

(4) tested seeds and plants of cultivated plants of which the varieties are subject to entry in the Register.

#### Article 46

1. The local service of the State administration with general competence at the level of the Voivodship may, by decree, prohibit in a specified region of the Voivodship trade in seeds or plants of a variety whose economic value in that region is insufficient. Such decrees shall be published in the Official Journal of the Voivodship.

2. Decrees under paragraph 1 shall be issued at the request of the Center or any other interested party, after consultation with the socio-professional organizations of growers. The request must be based on the results of assessment of the varieties and on any other result, information or opinion on the economic value of the variety in which trade is to be prohibited.

3. An application that has been refused can be submitted again after the expiration of a period of one year. The new application must contain all the supplementary results, information or opinions on the economic value of the variety.

4. The prohibition of trade shall enter into force on the day of its publication or, with respect to a variety of which the seeds or plants have already been marketed in the region referred in paragraph 1, on the expiration of a period of one year computed from that date.

5. The price compensation referred to in Article 42 shall not be awarded in cases of prohibition of trade in seeds or plants of a variety of an insufficient economic value (paragraph 1).

Article 47

1. There shall be established a National Seed Reserve.
2. The Minister for Agriculture, Forestry and Food Economy shall administer the National Seed Reserve.
3. The National Seed Reserve shall consist of stocks of seeds and plants intended for use for sowing or planting following a bad harvest or a disaster, or for export.
4. Seeds and plants belonging to the National Seed Reserve shall be stored, at the expense of the State, by the natural and legal persons who produce or market them.

Article 48

The seeds and plants belonging to the National Seed Reserve must be stored under conditions which ensure the maintenance of their quality.

Article 49

The Minister for Agriculture, Forestry and Food Economy may determine, by decree, the methods of storing and of trade in the seeds and plants.

CHAPTER VII

BREEDING FEE

Article 50

1. There shall be instituted a breeding fee.
2. The breeding fee shall consist of a fraction of the income resulting from the trade in seeds and plants and from the sale of certified seeds and plants by the producers to natural persons or units of the national economy not engaged in trade in seeds or plants.
3. The breeding fee shall not be payable for sales of conditionally certified seeds and plants and seeds and plants of parental constituents of hybrids.
4. The income from breeding fees shall be used to finance the breeding of cultivated plants and research and other activities contributing to the development of the economic effects of breeding.

Article 51

1. The breeding fee shall be payable:
  - (1) by natural persons and units of the national economy engaged in trade in seeds and plants, for the seeds and plants sold:



(a) to producers for the purposes of sowing, planting, grafting or budding,

(b) for the purpose of retail trade or

(c) for the purpose of export;

(2) by the producers of seeds or plants if the purchaser is a natural person or a unit of the national economy not engaged in trade in seeds and plants.

2. The provisions of paragraph 1(1) shall not apply to natural persons or to units of the national economy exclusively engaged in retail trade in seeds and plants purchased from natural persons or units of the national economy engaged in trade in seeds and plants.

#### Article 52

The amount of the breeding fee shall be determined by reference to the purchase price of the marketed seeds or plants.

#### Article 53

The Minister for Agriculture, Forestry and Food Economy may, in cases that are particularly justified from an economic point of view, reduce the breeding fee for certified seeds or plants of foreign varieties or for tested seeds or plants, or exempt such seeds or plants from the fee.

#### Article 54

1. Income from the breeding fee shall be paid:

(1) in the case of certified seeds and plants of foreign varieties and of local domestic varieties, and of tested seeds and plants, to the Seed Industry Fund;

(2) in the case of certified seeds and plants of domestic varieties entered in the Register, to the breeder of the variety.

2. The breeding fee payable for seeds and plants sold during one quarter shall be paid during the month following that quarter.

#### Article 55

The Minister for Agriculture, Forestry and Food Economy, in agreement with the Minister for Finance, shall establish by decree the method of calculation and the schedule of the breeding fee.

CHAPTER VIII  
SEED INDUSTRY FUND

Article 56

1. There shall be established a Seed Industry Fund.
2. The Seed Industry Fund shall be financed by:
  - (1) the breeding fee payable on sales of certified seeds and plants of foreign varieties and of local domestic varieties, and of tested seeds and plants;
  - (2) appropriations from the State budget;
  - (3) revenue from organizations, institutions, enterprises and other natural or legal persons;
  - (4) registration and protection fees;
  - (5) payments in foreign currencies resulting from the exercise abroad of rights in domestic varieties, corresponding to the relevant creator's bonuses.

Article 57

The purpose of the Seed Industry Fund shall be to finance:

- (1) the creation of new varieties;
- (2) the management of collections of plants with the aim of using genetic resources for the purpose of creating new varieties;
- (3) research into breeding methods and research into other aspects of plant breeding;
- (4) the activities necessary for the development of plant breeding and for the assessment of varieties;
- (5) publications and training of breeders in Poland and abroad;
- (6) the breeding of varieties of new cultivated plants;
- (7) maintenance breeding;
- (8) investments related to the activities listed in subparagraphs 1 to 7 above;
- (9) the creators' bonuses and the auxiliary creators' bonuses;
- (10) the fees for breeders of foreign varieties payable for the use of such varieties in Poland;
- (11) compensation of the selling price of seeds or plants;
- (12) the amounts of compensation between the purchase price and selling price of imported seeds and plants intended for multiplication in Poland;

- (13) the production costs of conditionally certified nursery material where the variety is refused entry in the Register;
- (14) the costs of establishing and managing the National Seed Reserve;
- (15) other activities which the Minister for Agriculture, Forestry and Food Economy considers to be important for the development of the food industry.

#### Article 58

1. The Minister for Agriculture, Forestry and Food Economy shall manage the Seed Industry Fund.
2. The financial means of the Seed Industry Fund not used in one calendar year shall be transferred to the following year.
3. Questions concerning the Seed Industry Fund not dealt with in this Chapter shall be governed by the provisions of the Finance Law concerning the management of special funds.

### CHAPTER IX

#### EXAMINATION AND CONTROL OF SEEDS AND PLANTS: INSPECTION OF SEEDS

#### Article 59

1. The purpose of the examination of seeds and plants shall be to ensure that cultivation intended for the production of seeds or plants satisfies the requirements concerning the production of certified seeds or plants and that the seeds and plants satisfy the quality standards or requirements.
2. The examination of seeds and plants shall include verification:
  - (1) of crops intended for the production of seeds or plants (hereinafter referred to as "field examination");
  - (2) of the quality of seeds (hereinafter referred to as "laboratory examination");
  - (3) of the phytosanitary state of potato plants and of other seeds and plants (hereinafter referred to as "verification examination");
  - (4) of the identity and the varietal purity of seeds and plants (hereinafter referred to as "comparative examination");
  - (5) of the external characteristics of seeds and plants (hereinafter referred to as "examination of the external characteristics").
3. The examination of the seeds and plants shall be carried out at the request of an interested party.

Article 60

1. A certificate (hereinafter referred to as "certificate") attesting to the recognition or the refusal of recognition as certified seeds or plants or conditionally certified seeds or plants or as tested seeds or plants shall be issued on the basis of the examination results.
2. The following seeds and plants may be recognized as certified:
  - (1) those of varieties entered in the Register;
  - (2) those of varieties removed from the Register, during the two years following the year of the removal of the variety;
  - (3) those of varieties admitted to trade by an authorization under Article 45(2)(1) above;
  - (4) those produced exclusively for export.
3. Recognition as conditionally certified seeds or plants shall apply only to varieties for which an application has been made for entry in the Register.
4. After entry of a variety in the Register, conditionally certified seeds or plants of the variety may be recognized, at the request of an interested party, as certified seeds or plants.
5. If an application for entry of a variety in the Register has been refused, the conditionally certified seeds or plants of this variety may be recognized, at the request of an interested party, as certified seeds or plants at the lowest level of certification used in the trade. Such seeds or plants shall be admitted to trade.
6. If the refusal of entry of the variety in the Register results from a finding by the Center that the economic value of the variety is lower than that of all the other varieties entered in the Register, the conditionally certified seeds or plants of this variety may not be recognized as certified seeds or plants.
7. If the refusal of entry in the Register relates to a variety of fruit tree or a berry-bearing shrub, the conditionally certified nursery material of such variety may not be recognized as certified material.
8. The seeds or plants may be recognized as tested seeds or plants if they satisfy the quality standards or requirements.

Article 61

1. The seeds and plants for which an application has been made for recognition as certified or conditionally certified seeds and plants shall be subject to:
  - (1) a field examination and
  - (2) a laboratory examination or an examination of external characteristics.
2. The seeds and plants referred to in paragraph 1 may also be subject to a comparative examination or an examination of verification.

3. The seeds and plants for which an application has been made for recognition as tested seeds or plants shall be subject only to a laboratory examination or an examination of external characteristics.

#### Article 62

1. The purpose of the control of seeds and plants is to verify that the rules concerning production, stocking and trade in seeds and plants are respected.

2. The control of seeds and plants shall be carried out ex officio.

#### Article 63

1. The examination and control of seeds and plants shall be carried out by the Seeds Inspectorate.

2. The other duties of the Seeds Inspectorate shall be:

(1) to recognize seeds or plants as certified, as conditionally certified and as tested seeds and plants;

(2) to control compliance with the provisions of this Law and with the Implementing Regulations for the production, trade and examination of seeds and plants.

3. The Seeds Inspectorate shall be subordinate to the Ministry for Agriculture, Forestry and Food Economy.

4. The Seeds Inspectorate shall consist of the following organs: the Central Board of Inspectors of the Seeds Inspectorate (hereinafter referred to as the "Central Board") and the Regional Boards of Inspectors of the Seeds Inspectorate (hereinafter referred to as the "Regional Boards").

#### Article 64

1. The duties of the Central Board shall be:

(1) to define in detail the organization of the Regional Boards and to supervise and coordinate their activities;

(2) to establish and apply the methods of examination for seeds and plants;

(3) to draw up the lists of varieties of which the seeds or plants may be recognized as certified or conditionally certified seeds or plants;

(4) to define the categories of certification of seeds and plants;

(5) to define the seeds and plants subject to comparative examination and to verification examination;

(6) to draft the forms of certificates;

(7) to determine which documents concerning the examination of seeds issued abroad are valid in Poland;

(8) to examine the applications for a new examination of seeds or plants where the examination certificates were issued by the Regional Boards.

2. The duties of the Regional Boards shall be, in particular:

(1) to examine seeds and plants, to recognize them as certified, conditionally certified or tested and to issue the certificates;

(2) to authorize natural persons and units of the national economy to carry out laboratory examination of seeds and plants intended to be recognized as tested and intended for marketing in the country, and also to revoke such authorizations;

(3) to authorize natural persons:

(a) to undertake field examination and examination of external characteristics of seeds and plants intended for export, and to issue the certificates;

(b) to take samples of seeds or plants for examination;

(4) to examine applications for a new examination of:

(a) a laboratory examination carried out by a natural person or a unit of the national economy authorized to trade in seeds and plants;

(b) a field examination or an examination of external characteristics of seeds or plants intended for export, where such examination has been carried out by a natural person referred to in subparagraph 3(a);

(c) an examination of external characteristics carried out by a unit of the national economy or a natural person engaged in trade in seeds or plants;

(5) to control the seeds and plants;

(6) to control the examination of the seeds and plants carried out by the units of the national economy and the natural persons referred to in Article 66.

#### Article 65

1. Samples of seeds or plants shall be taken for examination, at the request of an interested party, by natural persons authorized by the Regional Boards.

2. The natural persons carrying out the field examination and the examination of external characteristics of seeds and plants intended for export, and taking samples of seeds or plants for the purposes of examination shall be entitled, for the tasks entrusted to them:

(1) to unpaid leave from the institution which employs them for up to ten days a year;

(2) to remuneration, the amount of which shall be determined by the Central Board.

3. The remuneration referred to in paragraph 2(2) shall not be payable to natural persons taking samples in the units of the national economy which employ them.

#### Article 66

1. The laboratory examination of seeds and plants submitted for recognition as tested and intended for trade in the country can also be carried out by natural persons or units of the national economy engaged in trade in seeds and plants and authorized by the Regional Board. Those who carry out this examination shall also issue the certificates.

2. The examination of external characteristics of seeds and plants intended for trade in the country and the issue of certificates shall be the duty of the units of the national economy and of the natural persons marketing such seeds or plants.

#### Article 67

The examination of seeds and plants carried out by the organs of the Seeds Inspectorate shall be subject to payment of a fee (hereinafter referred to as the "examination fee").

#### Article 68

1. An interested party who disagrees with the statements appearing on a certificate issued by the natural person who carried out the field examination or the examination of external characteristics of seeds or plants intended for export, or on a certificate referred to in Article 66, may appeal to the Regional Board or, in the case of a certificate issued by a Regional Board, to the Central Board and may ask for a new examination and the issue of a new certificate.

2. The application referred to in paragraph 1 may be made within a period of three days, in the case of a certificate of field examination or of examination of external characteristics, and within a period of seven days in the case of a laboratory examination or an examination of verification. This period is computed from the date of receipt of the certificate.

3. An examination fee must be paid at the time of filing of the application referred to in paragraph 1; this fee shall be reimbursed if the appeal is upheld.

#### Article 69

1. The employees of the Seeds Inspectorate who control seeds and plants shall be entitled to:

(1) have access to the fields where seeds or plants are produced and to the storage places for seeds or plants;

(2) to control the documents and to request information concerning the production, stocking and marketing of seeds and plants;

(3) to secure the necessary documents and the seeds and plants subject to control;

(4) to take, free of charge, samples of seeds or plants.

2. The organs of the Seeds Inspectorate shall be authorized:

(1) to pronounce prohibition on the marketing of seeds or plants not satisfying the quality standards or requirements and to order the lifting of such prohibitions;

(2) to order the denaturing of seeds and plants referred to in subparagraph (1) in order to render them unfit for sowing or planting.

3. The prohibitions and orders referred to in paragraph 2 shall be immediately applicable.

#### Article 70

1. The Minister for Agriculture, Forestry and Food Economy shall determine the requirements concerning :

(1) the production of certified seeds and plants;

(2) the quality of seeds and plants placed on the market.

2. The requirements referred to in paragraph 1(2) shall cease to be applicable in the event of adoption of a Polish standard or an inter-professional standard.

#### Article 71

The Minister for Agriculture, Forestry and Food Economy shall determine by decree:

(1) the detailed principles and procedure:

(a) for the control of seeds and plants and

(b) the fixing of salaries of natural persons referred to in Article 64.2(3);

(2) in agreement with the Minister Chief of the Office of the Council of Ministers, the seat and the territorial competence of the Regional Boards of the Seeds Inspectorate;

(3) in agreement with the Minister for Finance, the schedule of examination fees.



## CHAPTER X

## PENAL PROVISIONS

Article 72

Anyone who wrongfully appropriates another's creatorship of an original domestic variety shall be liable to imprisonment for a period not exceeding one year, to loss of liberty or to a fine.

Article 73

## 1. Anyone who:

(1) uses the denomination of a variety entered in the Roll or in the Register (Article 5.3 and Article 21.3) to designate seeds or plants of another variety or of an unknown variety,

(2) produces nursery material of fruit trees or of berry-bearing plants or of mycelium of cultivated mushrooms, without the authorization referred to in Article 40.1;

(3) engages in trade in seeds or plants without the authorization referred to in Article 44.3;

(4) markets seeds or plants other than those referred to in Article 45;

(5) sells or offers for sale non-certified nursery material of fruit trees or of berry-bearing plants (except for wild strawberries) (Article 40.3), or

(6) disturbs or hinders the activities of the organs of the Seeds Inspectorate

shall be liable to arrest, to loss of liberty or to a fine.

## 2. Anyone who, despite the obligation imposed on him, does not utilize:

(1) the denomination of a variety in accordance with the provisions of Article 6 or Article 21.4,

(2) potato plants satisfying the phytosanitary requirements concerning certified plants in accordance with the provisions of Article 39.4(1), or

(3) certified seeds of cereals or certified potato plants in accordance with the provisions of Article 43.1

shall be liable to a fine.

3. In the cases referred to in paragraphs 1 and 2, the penalties shall be imposed in accordance with the procedure applying to misdemeanours.

CHAPTER XI

TRANSITIONAL AND FINAL PROVISIONS

Article 74

1. Rights of creators and persons carrying out maintenance breeding of varieties, existing on the date of entry into force of this Law, shall not be affected. Such rights shall remain subject to the provisions applicable before that date, unless otherwise provided in this Law.
2. The creators of the original varieties entered in the Register to whom a full creator's bonus has been paid before the date of entry into force of this Law shall be entitled, after that date, to a creator's bonus as defined in this Law for a duration which may not exceed twenty years computed from the entry of the variety in the Register.
3. The creators' bonuses due for the year 1988 will be paid in 1990 at the latest. In such case, the amount of the partial payments of the creators' bonuses shall be increased in proportion to the increase, in the course of the year, of the average monthly remuneration in the socialized sector of agriculture.
4. The maintainers' bonuses due for the year 1987 shall be paid in 1988 from the State budget in accordance with the provisions applicable before the entry into force of this Law.

Article 75

Documentation on the breeding and the right to an original domestic variety entered in the Register before the entry into force of this Law shall be passed on free of charge to the breeder carrying out maintenance breeding of the variety concerned.

Article 76

1. The seeds or plants:
  - (1) of foreign varieties entered in the Register and
  - (2) of domestic varieties of fruit trees or berry-bearing plants recommended for cultivation by the Ministry for Agriculture, Forestry and Food Economy in 1987 may be recognized as certified seeds or plants and admitted to trade during a period of three years from the date of entry into force of this Law.
2. The Minister for Agriculture, Forestry and Food Economy shall publish in the Official Journal of the Ministry of Agriculture, Forestry and Food Economy the list of varieties referred to in paragraph 1.

Article 77

Actions commenced and not terminated before the date of entry into force of this Law shall proceed in accordance with the provisions of this Law.

Article 78

1. The provisions of Article 1(1) and (2), of Article 2.1(1), (5) to (9), (11), (12), (17) and (18), of Article 2.2 and 3, of Article 3.1, 2 and 4, of Articles 4 to 16, of Article 17.1, 2 and 5, of Articles 18 to 37, of Articles 41, 44 and 45, of Article 57(1), (2), (6) and (10), of Article 59.2(4), of Article 60.2 to 7, of Article 64.1(3), of Article 72, of Article 73.1(1) and 2(1), of Articles 74 and 75, of Article 76.1(1) and of Article 80 concerning varieties shall apply mutatis mutandis to parental constituents of hybrids.
2. The cases governed by Articles 17 to 19 and 24 to 29 and Article 39.1(1) and (2), and Article 43.2(3) shall not be subject to the provisions concerning repression of abuses of dominant positions in the national economy.

Article 79

The following laws are hereby repealed:

- (1) the Law of May 29, 1987, concerning nursery material of fruit trees and shrubs (Official Journal No. 31, text No. 138),
- (2) The Law of February 16, 1961, concerning plant breeding and the seed industry (Official Journal No. 10, text No. 54).

Article 80

This Law shall enter into force on January 1, 1988; the recognition of seeds and plants of varieties of tobacco and of ornamental plants as certified seeds or plants shall enter into force on January 1, 1990.

[Annex III follows]

C/XXII/12

ANNEX III

EXTRACT FROM THE DECREE OF THE MINISTER FOR AGRICULTURE,  
FORESTRY AND FOOD ECONOMY  
CONCERNING  
THE REGISTER OF VARIETIES, THE ROLL OF EXCLUSIVE RIGHTS  
IN VARIETIES AND THE CONTROL OF SEEDS AND PLANTS

of April 14, 1988

Pursuant to Article 16.1, Article 30.1 and 3, and Article 71(1) and (2) of the Seed Industry Law of October 10, 1987 (Official Journal No. 31, text No. 166), the Minister decrees:

CHAPTER ONE

REGISTER OF VARIETIES

Article 1

1. The Articles referred to in this Decree are those of the Seed Industry Law of October 10, 1987 (Official Journal No. 31, text No. 166), hereinafter referred to as the "Law."
2. The cultivated plants of which the varieties are subject to entry in the Register (hereinafter referred to as the "Register") are set out in Annex I\* to this Decree.
3. The entry of a hybrid in the Register is subject to the consent of the breeders of the original parental constituents of the hybrid if the exclusive right in those constituents enjoys protection in Poland of

Article 2

Submission for entry of a variety in the Register is subject to possession of a quantity, determined by the Research Center for Varieties of Cultivated Plants (Centralny Ośrodek Badania Odmian Roslin Uprawnych, hereinafter referred to as the "Center"), of seeds or plants which are the end product of a crossing cycle in the case of a hybrid or, in the case of a non-hybrid variety, of appropriate seeds or plants.

Article 3

1. An application for entry of an original domestic variety in the Register must contain the surnames and forenames of the creators and the persons who assisted in the creation of the variety; their share in the creator's bonus and the auxiliary creator's bonus must be specified as a percentage.
2. An application for entry of a bred variety in the Register is subject to the consent of the breeder of the original variety where that variety is entered in the Roll of Exclusive Rights in Varieties (hereinafter referred to as the "Roll"). Original variety means a variety which does not differ in its botanical characteristics from the bred variety derived from it.

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\* reproduced in Annex IV to the present document.

Article 4

1. An application for entry of a hybrid in the Register is not subject to there being an application for its parental constituents. The breeder of a hybrid can declare its formula to be closed.
2. If certified seeds or plants or a hybrid have to be produced in Poland, the breeder of the hybrid must apply for entry of the parental constituents and disclose the formula for the exclusive use of the Center and the Seeds Inspectorate.

Article 5

The Center will establish, for each cultivated plant, the time limits for applying for entry of varieties in the Register.

Article 6

1. An application for entry of a variety in the Register must be accompanied by the results of investigations into its characteristics and its economic value.
2. The Center will determine the requirements concerning the investigations referred to in paragraph 1; however, the duration of the trials of the original and local varieties may not be less than two years.
3. The Center may depart from the requirements referred to in paragraph 2 if a variety has been removed from the Register on the basis of Article 12(1)(4) or Article 12(2) of the Law and a new application for entry in the Register has been made for the variety, as a bred variety.
4. The Center will inform the applicant of the duration of the examination, its extent, its size, its geographical distribution and the methods to be used.

Article 7

1. A breeder applying for entry of an original variety in the Register must, in agreement with the Center, give a provisional denomination to the variety.
2. A bred variety is applied for under the denomination of the original variety, whereas an original foreign variety is applied for under the denomination registered in another State, unless otherwise provided in Article 5.1 and 2 of the Law.
3. In cases where this is particularly justified, the giving of a provisional denomination to a variety submitted for entry will not prevent the giving by the breeder from giving other denominations intended for use abroad.
4. After two years of examination of a variety submitted for entry, the applicant must give the variety a denomination under which it will be entered in the Register. This denomination may be identical to the provisional denomination. The provisions of paragraphs 1 and 2 apply mutatis mutandis.

5. If the Center intends to enter the variety in the Register before the end of the third year of examination, it will require the applicant to give the variety a denomination before the expiration of the time limit laid down in paragraph 4.

#### Article 8

The Center must allow the breeder of a variety to inspect the trials, must provide to him information concerning them and must put at his disposal the results obtained.

#### Article 9

Failure to supply, in any one year, seeds and plants required by the Center for the purpose of examination constitutes grounds for prolonging the examination for another year; failure to supply, during two consecutive years, seeds and plants required for the purpose of examination, can constitute grounds for rejection of the entry of the variety in the Register.

#### Article 10

The creators of the variety will be named in the decision on the entry of an original domestic variety in the Register.

#### Article 11

The breeder of a variety submitted for entry or entered in the Register must supply to the Center all information concerning all applications, entries, extension of entries or removal of the variety concerned in relation to foreign registers of varieties, lists, catalogues or indexes of varieties, together with all information concerning changes of the variety denomination.

#### Article 12

1. The Center will publish information concerning applications for entry and entry of varieties in the Register and removals from the Register. This information will consist of:

(1) the dates of application, entry, refusal of entry and removal of the varieties;

(2) the denominations of the varieties and any changes.

(3) the surnames and forenames or the trading names of breeders of varieties and changes of breeders;

(4) the surnames and forenames of the creators of original domestic varieties.

2. The Center will transmit to the Central Board of Inspectors of the Seeds Inspectorate the information concerning the applications for entry, the entries, the refusals of entry and the removals of varieties from the Register as soon as the relevant decisions have been taken. If refusal of the entry of a variety in the Register results from the fact that its economic value is less

than that of all the varieties entered in the Register, the Center will inform the Central Board of Inspectors of the Seeds Inspectorate accordingly.

#### Article 13

Committees for the registration of varieties (hereinafter referred to as "Committees") are established for the following groups of cultivated plants:

- (1) straw cereals;
- (2) maize;
- (3) legumes (large grain);
- (4) fodder legumes and fodder grasses;
- (5) root crops;
- (6) potatoes;
- (7) oil plants;
- (8) fibre plants;
- (9) hops;
- (10) tobacco;
- (11) medicinal and aromatic plants;
- (12) vegetables;
- (13) ornamental plants;
- (14) fruit trees and berry plants.

#### Article 14

1. Each Committee may consist of no more than twenty persons, representing:

(1) fundamental and applied research in the fields of assessment and utilization of varieties;

(2) agricultural, horticultural, industrial and commercial enterprises as also unions and other organizations of such enterprises;

(3) associations of producers;

(4) agricultural, horticultural and commercial cooperatives;

(5) other economic organizations

having an interest in the use of varieties of the cultivated plant or of a corresponding group of cultivated plants.

2. The terms of office of members of the Committee shall be five years.

Article 15

1. The Center is responsible for the organization of the tasks of the Committees and for putting at their disposal at appropriate times the material necessary for the Committees to form their opinions.
2. The amount of remuneration for participation at sessions is established by regulations.
3. The expenses resulting from the activities of the Committees are covered by the Seed Industry Fund.

CHAPTER II

ROLL OF EXCLUSIVE RIGHTS IN VARIETIES

Article 16

The list of cultivated plants of which the new original varieties are subject to entry in the Roll of Exclusive Rights in Varieties (hereinafter referred to as the "Roll") is given in Annex 1\* to this Decree. The provisions of Article 6.4 and of Article 8 are applicable mutatis mutandis.

Article 17

1. If the breeder of an original variety is entitled to the priority referred to in Article 22.1 and 2 of the Law, the application for the grant of protection of the exclusive right in the variety must include the claim to the priority relating to the first application for protection made in another State. The application must be supplemented, within a time limit of three months, by a copy of the documents which were enclosed with the earlier application, certified to conform to the originals by the administration which received that application.
2. The breeder may, within a period of four years after the expiration of the priority period, supply to the Center the documents supplementing the application and the seeds and plants required for the purpose of examination of the variety.
3. If the application for protection of the exclusive right made abroad, which constitutes the basis for the claim to priority, has been rejected or withdrawn, the breeder must inform the Center accordingly and supply the supplementary documents and the other material within six months.
4. The provisions of Article 1.3, and of Articles 5 and 7 apply mutatis mutandis.

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\* reproduced in Annex IV to the present document



Article 18

The breeder of a variety entered in the Roll must give to the Center all information concerning the grant of protection of the exclusive right abroad and all changes of the denomination of the variety abroad.

Article 19

1. The Center publishes information concerning applications for entry and entries of new original varieties in the Roll and also their removal from the Roll. This information includes:

(1) the dates of application, entry, refusal of entry and removal of the varieties;

(2) the denominations of the varieties and any changes;

(3) the surnames and forenames or trading names of the breeders of varieties and changes of breeder.

...

## CHAPTER IV

## TRANSITIONAL AND FINAL PROVISIONS

...

Article 29

The provisions of Article 1.2, of Articles 2, 3 and 5, of Article 6.4, of Articles 7 to 10, 11 to 13 and 16 to 19, of Article 26.5 and of Articles 27 and 28 concerning varieties apply mutatis mutandis to the parental constituents of hybrids.

Article 30

This Decree enters into force on the day of its publication.

[Annex IV follows]

## ANNEX IV/ANNEXE IV/ANLAGE IV

LIST OF THE CULTIVATED PLANTS WHOSE CULTIVARS ARE ELIGIBLE  
FOR REGISTRATION OR ENTRY IN THE BOOK

LISTE DES PLANTES CULTIVEES DONT LES CULTIVARS PEUVENT ETRE INSCRITS  
AU REGISTRE OU AU LIVRE

LISTE DER KULTURPFLANZEN, DEREN SORTEN IN DAS REGISTER  
ODER DAS BUCH EINGETRAGEN WERDEN KOENNEN

AGRICULTURAL CROPS / PLANTES AGRICOLES / LANDWIRTSCHAFTLICHE ARTENCereals / Céréales / Getreide

<u>Polski</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Owies	<i>Avena sativa</i> L.	Oats	Avoine	Hafer
Gryka	<i>Fagopyrum esculentum</i> Moench	Buckwheat	Sarrasin, Blé noir	Buchweizen
Jeczmiem	<i>Hordeum vulgare</i> L. sensu lato	Barley	Orge	Gerste
Proso	<i>Panicum miliaceum</i> L.	Common Millet	Millet commun, Panic millet, Panic faux millet	Rispenhirse
Zyto	<i>Secale cereale</i> L.	Rye	Seigle	Roggen
Pszennyto	<i>X Triticosecale</i> Wittmack	Triticale	Triticale	Triticale
Pszenica zwyczajna	<i>Triticum aestivum</i> L. emend. Fiori et Paol.	Wheat, Soft Wheat, Bread Wheat	Blé tendre, Froment	Weichweizen
Kukurydza	<i>Zea mays</i> L.	Maize	Maïs	Mais

Pulses / Légumineuses-graines / Mittel- und Grosskörnige Leguminosen

Soja	<i>Glycine max</i> (L.) Merrill	Soya Bean, Soybean	Soja	Sojabohne
Lubin biały	<i>Lupinus albus</i> L.	White Lupin	Lupin blanc	Weisslupine
Lubin wąskolistny	<i>Lupinus angustifolius</i> L.	Blue Lupin	Lupin bleu	Blaue Lupine
Lubin żółty	<i>Lupinus luteus</i> L.	Yellow Lupin	Lupin jaune	Gelbe Lupine
Groch siewny	<i>Pisum sativum</i> L. sensu lato	Pea	Pois	Erbse
Bobik	<i>Vicia faba</i> L. var. minor Harz	Field Bean, Tick Bean	Féverole	Ackerbohne
Wyka siewna	<i>Vicia sativa</i> L.	Common Vetch	Vesce commune	Saatwicke
Wyka kosmata	<i>Vicia villosa</i> Roth	Hairy Vetch	Vesce velue	Zottelwicke

Fodder Legumes / Légumineuses fourragères / Kleinkörnige Futterleguminosen

Komonica zwyczajna (rozkowa)	<i>Lotus corniculatus</i> L.	Bird's Foot Trefoil	Lotier corniculé	Hornschotenklee
Komonica błotna	<i>Lotus uliginosus</i> Schkuhr	Major Bird's Foot Trefoil	Lotier velu, Lotier des marais	Sumpfschotenklee
Lucerna chmielowa	<i>Medicago lupulina</i> L.	Black Medick, Yellow Trefoil	Luzerne lupuline, Minette	Gelbklee (Hopfenklee)
Lucerna siewna	<i>Medicago sativa</i> L.	Lucerne, Alfalfa	Luzerne (cultivée)	Blaue Luzerne

<u>Polski</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Lucerna mieszańcowa	Medicago X varia Martyn	(Hybrid) Lucerne	Luzerne hybride	Bastardluzerne
Nostrzyk biały	Melilotus albus L.	White Sweet Clover	Mélilot blanc	Weisser Steinklee
Esparceta	Onobrychis viciifolia Scop.	Sainfoin	Sainfoin, Esparcette	Espargette
Seradela	Ornithopus sativus Brot.	Serradella	Serradelle	Serradella
Koniczyna szwedzka	Trifolium hybridum L.	Alsike Clover	Trèfle hybride	Schwedenklee
Koniczyna krwistoczerwona (inkarnatka)	Trifolium incarnatum L.	Crimson Clover	Trèfle incarnat	Inkarnatklee
Koniczyna czerwona	Trifolium pratense L.	Red Clover	Trèfle violet	Rotklee
Koniczyna biała	Trifolium repens L.	White Clover	Trèfle blanc	Weissklee
Koniczyna perska	Trifolium resupinatum L.	Persian Clover	Trèfle de Perse	Persischer Klee

Fodder and Lawn Grasses / Graminées fourragères et à gazon / Futter- und Rasengräser

Mietlica psia	Agrostis canina L.	Velvet Bent	Agrostis des chiens	Hundsstraussgras
Mietlica biaława	Agrostis gigantea Roth	Red Top (Black Bent)	Agrostide blanche, Agrostide géante	Weisses Straussgras
Mietlica pośrednia	Agrostis intermedia Veb.	-	-	-
Mietlica rozłogowa	Agrostis stolonifera L.	Creeping Bent	Agrostide blanche, Agrostide stolonifère	Flechtstraussgras
Mietlica mieszańcowa	Agrostis stolonifera L. X Agrostis canina L. et Agrostis tenuis Sibth. X Agrostis canina	-	-	-
Mietlica pospolita	Agrostis tenuis Sibth.	Brown Top, Common Bent	Agrostide commune	Rotes Straussgras
Wyczyniec czerwono-złoty	Alopecurus aequalis Sobol.	-	-	-
Wyczyniec łakowy	Alopecurus pratensis L.	Meadow Foxtail	Vulpin des prés	Wiesenfuchsschwan
Rajgras wyniosły (franenski)	Arrhenatherum elatius (L.) P. Beauv. ex J.S et K.B. Presl	Tall Oatgrass, False Oatgrass	Fromental, Avoine élevée	Glatthafer
Stokłosa bezostna	Bromus inermis Leyss.	Smooth Brome (Awnless Brome)	Brome inerme	Wehrlose Trespe
Stokłosa uniolowata	Bromus unioloides H.B.K.	Rescue Grass	Brome de Schrader	Horntrespe
Kupkówka pospolita	Dactylis glomerata L.	Cocksfoot, Orchard Grass	Dactyle	Knaulgras
Kostrzewa trzcinowa	Festuca arundinacea Schreb.	Tall Fescue	Fétuque élevée	Rohrschwinge
Kostrzewa różnolistna	Festuca heterophylla Lam.	Shade Fescue	Fétuque hétéro-phyllle	Borstenschwinge, Verschiedenblättriger Schwinge
Kostrzewa owcza	Festuca ovina L. sensu lato	Hard Fescue, Sheep's Fescue	Fétuque durette, Fétuque ovine, Fétuque des moutons, Poil de chien	Schafschwinge

<u>Polski</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Kostrzewa lakowa	<i>Festuca pratensis</i> Huds.	Meadow Fescue	Fétuque des prés	Wiesenschwingel
Kostrzewa czerwona	<i>Festuca rubra</i> L. sensu lato	Red Fescue, Creeping Fescue	Fétuque rouge	Rotschwingel
Zycica mieszańcowa (rajgras oklen- burski)	<i>Lolium X boucheanum</i> Kunth	Hybrid Ryegrass	Ray-grass hybride	Bastardweidelgras, Oldenburgisches Weidelgras
Zycica wielok- wiatowa (rajgras włoski)	<i>Lolium multiflorum</i> Lam.	Italian Ryegrass, Westerwold Ryegrass	Ray-grass d'Italie	Welsches Weidel- gras, Italieni- sches Raygras
Zycica wielok- wiatowa wester- woldzka (rajgras holenderski)	<i>Lolium multiflorum</i> Lam. ssp. <i>gaudini</i> (Parl.) Schintz et Kell.	Westerwold Ryegrass	Ray-grass de Westerwold	Welsches Weidel- gras
Zycica trwała (rajgras angielski)	<i>Lolium perenne</i> L.	Perennial Ryegrass	Ray-grass anglais	Deutsches Weidel- gras
Mozga trzcinowata	<i>Phalaris arundinacea</i> L.	Reed Canary Grass	Alpiste roseau	Rohrglanzgras
Tymotka dzika	<i>Phleum bertolonii</i> DC.	Timothy	Fléole diploïde, Petite fléole	Zwiebellieschgras
Tymotka lakowa	<i>Phleum pratense</i> L.	Timothy	Fléole des prés	Wiesenlieschgras
Wiechlina roczna	<i>Poa annua</i> L.	Annual Meadow- grass	Pâturin annuel	Einjähriges Rispengras
Wiechlina spłaszczona	<i>Poa compressa</i> L.	Canada Bluegrass, Flattened Meadow- grass	Pâturin comprimé	Flaches Rispengras
Wiechlina błotna	<i>Poa palustris</i> L.	Swamp Meadow- grass	Pâturin des marais	Sumpfrispengras
Wiechlina lakowa	<i>Poa pratensis</i> L.	Kentucky Blue- grass, Smooth Stalked Meadow- grass	Pâturin des prés	Wiesenrispengras

Root and Tuber Crops /Plantes à racines et tubercules / Wurzel- und Knollenpflanzen

Barak cukrowy	<i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>altissima</i> Doell	Sugar Beet	Betterave sucrière	Zuckerrübe
Barak pastewny	<i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>crassa</i> Alef.	Fodder Beet	Betterave fourragère	Runkelrübe
Brukiew pastewna	<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Swede	Chou-navet, Rutabaga	Kohlrübe
Rzepa	<i>Brassica rapa</i> L. var. <i>rapa</i> (L.) Theil.	Turnip	Navet	Herbstrübe
Cykoria korzeniowa	<i>Cichorium intybus</i> L. var. <i>sativum</i> DC.	Large-rooted Chicory	Chicorée à café	Wurzelzichorie
Marchew pastewna	<i>Daucus carota</i> L.	Fodder Carrot	Carotte fourragère	Futtermöhre
Ziemniak	<i>Solanum tuberosum</i> L. sensu lato	Potato	Pomme de terre	Kartoffel

Oil Crops / Plantes oléagineuses / Oelpflanzen

<u>Polski</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Gorczyca sarepska	<i>Brassica juncea</i> (L.) Czern. et Coss. in Czern.	Brown Mustard	Moutarde brune	Sareptasenf
Rzepak	<i>Brassica napus</i> L. ssp. <i>oleifera</i> (Metzg.) Sinsk	Swede Rape, incl. Oilseed Rape	Colza	Raps
Rzepak	<i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs	Turnip Rape	Navette	Rübsen
Slonecznik	<i>Helianthus annuus</i> L.	Common Sunflower	Tournesol, Soleil	Sonnenblume
Len oleisty	<i>Linum usitatissimum</i> L.	Flax, Linseed	Lin	Lein
Mak	<i>Papaver somniferum</i> L.	Opium Poppy	Oeillette, Pavot	Mohn
Rzodkiew oleista	<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Fodder Radish	Radis oléifère, Radis chinois	Oelrettich
Gorczyca biała	<i>Sinapis alba</i> L.	White Mustard	Moutarde blanche	Weisser Senf

Fibre Crops / Plantes à fibres / Faserpflanzen

Konopiec	<i>Cannabis sativa</i> L.	Hemp	Chanvre	Hanf
Len włóknisty	<i>Linum usitatissimum</i> L.	Flax, Linseed	Lin	Lein

Special Industrial Crops / Plantes industrielles particulières / Besondere Industripflanzen

Chmiel	<i>Humulus lupulus</i> L.	Hop	Houblon	Hopfen
Machorka	<i>Nicotiana rustica</i> L.	Syrian Tobacco	Nicotiane rustique	Bauerntabak
Tyton szlachetny	<i>Nicotiana tabacum</i> L.	Tobacco (common)	Tabac	Tabak

Miscellaneous Crops / Plantes diverses / Verschiedene Pflanzen

Kapusta pastewna	<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>viridis</i> L. + var. <i>medullosa</i> Theil.	Fodder Kale	Chou fourrager	Futterkohl
Rzepak (mieszance pastewne)	<i>Brassica rapa</i> L.	Turnip Rape (Fodder Hybrids)	Navette (hybrides fourragers)	Rübsen (Futterhybriden)
Facelia błękitna	<i>Phacelia tanacetifolia</i> Benth.	Scorpion Weed	Phacélie à feuilles de tanaisie	Phazelia

Medicinal and Seasonal Plants / Plantes médicinales et aromatiques / Arznei- und Gewürzpflanzen

Malwa czarna (prawosłaz wysoki)	<i>Althaea rosea</i> Cav. var. <i>nigra</i> hort.	Hollyhock	Rose trémière	Stockmalve, Stockrose
Rumianek rzymski	<i>Anthemis nobilis</i> L.	Roman Chamomile, English Chamomile	Anthémis noble, Camomille romaine	Römische Kamille, Edelkamille
Pokrzyk wilcza jagoda	<i>Atropa bella-donna</i> L.	Belladonna	Belladone	Tollkirsche
Pieprzowiec roczny	<i>Capsicum annuum</i> L.	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika
Kminek zwyczajny	<i>Carum carvi</i> L.	Caraway	Carvi, Cumin des prés	Kümmel

<u>Polski</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Glistnik jaskółcze ziele	Chelidonium majus L.	Celandine	Chélidoine, Herbe-aux-verruës	Schöllkraut
Kolendra siewna	Coriandrum sativum L.	Coriander	Coriandre	Koriander
Bielun indyjski	Datura innoxia Mill.	Datura, Thorn Apple	Datura	Stechapfel
Naparstnica welnista	Digitalis lanata Ehrh.	Grecian Foxglove	Digitale laineuse	Wolliger Fingerhut
Naparstnica purpurowa	Digitalis purpurea L.	Common Foxglove, Purple Foxglove	Digitale pourpre	Roter Fingerhut
Koper włoski	Foeniculum capillaceum Gilib.	Fennel	Fenouil	Fenchel
Siwiec żółty	Glaucium flavum Crantz	Yellow Horn Poppy	Glaucie jaune	Gelber Hornmohn
Dziurawiec zwyczajny	Hypericum perforatum L.	Common Saint John's Wort	Millepertuis perforé	Johanniskraut
Rumianek pospolity	Matricaria chamomilla L.	German Chamomile, Wild Chamomile	Matricaire camomille	Echte Kamille
Mieta pieprzowa	Mentha piperita L.	Peppermint	Menthe poivrée	Pfefferminze
Majeranek ogrodowy	Origanum majorana L.	Sweet Marjoram	Marjolaine	Majoran
Rzewień chiński	Rheum palmatum L.	Sorrel Rhubarb, Chinese Rhubarb	Rhubarbe palmée, Rhubarbe de Chine	Medizinalrhabarber
Szałwia lekarska	Salvia officinalis L.	Common Sage	Sauge officinale	Echter Salbei
Czaber ogrodowy	Satureja hortensis L.	Summer Savory	Sarriette commune	Bohnenkraut, Pfefferkraut, Kölle
Ostropest platemisty	Silybum marianum L.	Milk Thistle, Saint Mary's Thistle	Chardon-Marie	Mariendistel
Tymianek pospolity	Thymus vulgaris L.	Common Thyme	Thym ordinaire	Gartenthymian
Kozłek lekarski	Valeriana officinalis L.	Common Valerian	Valériane officinale	Gemeiner Baldrian

VEGETABLES / PLANTES POTAGERES / GEMUESEPFLANZENAlliums / Alliées / Lauch

Cebula	Allium cepa L.	Onion	Oignon	Zwiebel
Por	Allium porrum L.	Leek	Poireau	Porree
Czosnek pospolity	Allium sativum L.	Garlic	Ail	Knoblauch

Cucurbits / Cucurbitacées / Kürbisgewächse

Melon	Cucumis melo L.	Melon	Melon	Melone
Ogórek	Cucumis sativus L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
Dynia olbrzymia	Cucurbita maxima Duch.	Pumpkin	Potiron, Giraumon	Riesenkürbis
Dynia zwyczajna	Cucurbita pepo L.	Pumpkin, Marrow, Courgette, Vegetable Marrow	Courge, Courgette, Pâtisson, Citrouille	Gartenkürbis, Oelkürbis, Zucchini

Brassicas / Choux / Kohl

<u>Polski</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Kalarepa	<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>gongylodes</i> L.	Kohlrabi	Chou-rave	Kohlrabi
Jarmuz	<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>sabellica</i> L.	Curly Kale	Chou fris�	Gr�nkohl
Kalafior	<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i>	Cauliflower	Chou-fleur	Blumenkohl
Brokuł	<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>cymosa</i> Duch.	Sprouting Broccoli, Calabrese	Brocoli (� jets)	Brokkoli, Spargelkohl, Sprossenbrokkoli
Kapusta glowiasta biala	<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>capitata</i> L. f. <i>alba</i> DC.	White Cabbage	Chou cabus	Weisskohl
Kapusta glowiasta czerwona	<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>capitata</i> L. f. <i>rubra</i> L.	Red Cabbage	Chou rouge	Rotkohl
Kapusta wloska	<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.	Savoy Cabbage	Chou de Milan	Wirsing
Kapusta brukselska	<i>Brassica oleracea</i> L. convar. <i>oleracea</i> var. <i>gemmifera</i> DC.	Brussels Sprouts	Chou de Bruxelles	Rosenkohl

Root Vegetables / L gumes-racines / Wurzelgem se

Sełer korzeniowy	<i>Apium graveolens</i> L. var. <i>rapaceum</i> (Mill.) Gaud.	Celeriac	C�leri-rave	Knollensellerie
Chrzan	<i>Armoracia rusticana</i> Gaertn., Mey. et Scherb.	Horse Radish	Raifort sauvage	Meerrettich
Burak cwikłowy	<i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>conditiva</i> Alef.	Garden Beet, Beetroot	Betterave rouge, Betterave potag�re	Rote R�be
Marchew jadalna	<i>Daucus carota</i> L.	Carrot	Carotte	M�hre
Pietruszka korzeniowa	<i>Petroselinum crispum</i> (Mill.) Nym. ex A.W. Hill ssp. <i>tuberosum</i> (Bernh. ex Rchb.) Soo.	Turnip-rooted Parsley	Persil � grosse racine	Wurzelpetersilie
Skorzonera	<i>Scorzonera hispanica</i> L.	Black Salsify	Scorson�re, Salsifis noir	Schwarzwurzel

Cruciferous Root Vegetables / Crucif res potag res   racines / Kreuzbl tler-Wurzelgem se

Brukiew jadalna	<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Swede	Chou-navet, Rutabaga	Kohlr�be
Rzepa	<i>Brassica rapa</i> L. var. <i>rapa</i> (L.) Thell.	Turnip	Navet	Mair�be
Rzodkiew	<i>Raphanus sativus</i> L. var. <i>niger</i> (Mill.) S. Kerner	Black Radish	Radis d'�t�, d'automne et d'hiver	Rettich
Rzodkiewka	<i>Raphanus sativus</i> L. var. <i>sativus</i>	Radish	Radis de tous les mois	Radieschen

Leaf Vegetables / Légumes-feuilles / Blattgemüse

<u>Polski</u>	<u>Latine</u>	<u>English</u>	<u>Francais</u>	<u>Deutsch</u>
Cykoria salatowa	Cichorium intybus L. var. foliosum Hegi	Salad Chicory	Chicorée amère	Salatzichorie
Salata	Lactuca sativa L.	Lettuce	Laitue	Salat
Rabarbar	Rheum rhabarbarum L.	Rhubarb	Rhubarbe	Krauser Rhabarber
Szczaw	Rumex acetosa L.	Garden Sorrel	Oseille	Gartensauerampfer
Szpinak	Spinacia oleracea L.	Spinach	Epinard	Spinat

Solanaceae / Solanacées / Nachtschattengewächse

Papryka	Capsicum annum L.	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika
Pomidor	Lycopersicon lycopersicum (L.) Karst. ex Farwell	Tomato	Tomate	Tomate
Oberzyna	Solanum melongena L.	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine

Edible Pulses / Légumineuses potagères / Gemüseleguminosen

Fasola wielokwiatowa	Phaseolus coccineus L.	Runner Bean, Kidney Bean	Haricot d'Espagne	Prunkbohne
Fasola zwyczajna	Phaseolus vulgaris L.	French Bean	Haricot	Gartenbohne
Groch	Pisum sativum L. sensu lato	Pea	Pois	Erbse
Bób	Vicia faba L. var. major Harz	Broad Bean, Horse Bean	Fève	Dicke Bohne (Puffbohne)

Miscellaneous Vegetables / Plantes potagères diverses / Verschiedene Gemüsepflanzen

Koper ogrodowy	Anethum graveolens L.	Dill	Aneth	Dill
Szparag	Asparagus officinalis L.	Asparagus	Asperge	Spargel
Kukurydza pekajaca	Zea mays L. ssp. everta Sturt.	Popcorn	Popcorn	Puffmais, Perl- mais, "Popcorn"
Kukurydza cukrowa	Zea mays L. ssp. saccharata Koern.	Sweet Maize	Maïs sucré	Zuckermais

ORNAMENTAL PLANTS / PLANTES ORNEMENTALES / ZIERPFLANZENGARDEN PLANTS / PLANTES DE JARDIN / GARTENPFLANZENAnnual Plants / Plantes annuelles / Einjährige Pflanzen

Zeniszek meksykański	Ageratum houstonianum Mill.	Ageratum, Flossflower	Ageratum du Mexique	Leberbalsam
Wyzlin wiekszy, Iwia paszcza	Antirrhinum majus L.	Common Snapdragon	Muflier, Gueule de loup, Gueule de lion	Löwenmaul
Begonia stale kwitnaca	Begonia semperflorens-cultorum Krauss	Perpetual Begonia	Bégonia semper- florens	Immerblühende Begonie



<u>Polski</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Nagietek lekarski	<i>Calendula officinalis</i> L.	Pot Marigold	Souci des jardins	Gartenringelblume
Aster chiniski	<i>Callistephus chinensis</i> (L.) Nees	China Aster	Aster, Aster de Chine, Reine-marguerite	Sommeraster
Złocien maruna	<i>Chrysanthemum parthenium</i> (L.) Bernh.	Feverfew	Grande camomille, Matricaire	Falsche Kamille
Koleus Blumego	<i>Coleus blumei</i> Benth.	Coleus, Flame Nettle	Coleus	Coleus, Buntnesse
Nachylek barwierski	<i>Coreopsis tinctoria</i> Nutt.	Plains Coreopsis	Coréopsis élégant	Zweifarbige Mädchenaug
Goździk chiniski	<i>Dianthus chinensis</i> L.	Chinese Pink, Indian Pink	Oeillet de Chine	Chinesische Nelke
Eszoleja kalifor- nijska	<i>Eschscholzia californica</i> Cham.	California Poppy	Eschscholtzie de Californie, Pavot de Californie	Schlafmützchen, Kappenmohn
Godecja wielkok- wiatowa	<i>Godetia grandiflora</i> Lindl.	Godetia	Godétie	Godetie, Atlasblume
Kocanka ogrodowa	<i>Helichrysum bracteatum</i> (Vent.) Willd.	Everlasting	Immortelle à bractées	Gartenstrohblume
Niecierpek balsamina	<i>Impatiens balsamina</i> L.	Garden Balsam	Balsamine des jardins	Gartenbalsamine
Niecierpek waleriana	<i>Impatiens wallerana</i> Hook. f.	Busy Lizzie	Impatiente	Fleißiges Lieschen
Groszek pachnacy	<i>Lathyrus odoratus</i> L.	Sweet Pea	Pois de senteur, Gesse odorante	Wohlriechende Wicke
Lobelia przyładkowa	<i>Lobelia erinus</i> L.	True Lobelia of Gardens	Lobélie des jardins	Lobelia
Lobularia nadmorzka, smagliczka	<i>Lobularia maritima</i> (L.) Desv.	Sweet Alyssum	Alysse maritime, Alysse odorante	Duftsteinrich
Lewkonia letnia	<i>Matthiola incana</i> (L.) R. Br.	Common Stock	Giroflée d'hiver	Levkoje
Petunia ogrodowa	<i>Petunia X hybrida</i> Vilm.	Petunia	Pétunia	Petunie
Szałwia błyszczaca	<i>Salvia splendens</i> Sello ex Nees	Scarlet Sage	Sauge éclatante du Brésil	Scharlachrote Salbei
Aksamitka wyniosła	<i>Tagetes erecta</i> L.	African Marigold, Aztec Marigold	Rose d'Inde	Aufrechte Studentenblume
Aksamitka rozpierzchła	<i>Tagetes patula</i> L.	French Marigold	Oeillet d'Inde	Ausgebreitete Studentenblume
Aksamitka waskolistna	<i>Tagetes tenuifolia</i> Cav.	Striped Mexican Marigold	Tagète taché, Tagète maculé	-
Werbena ogrodowa	<i>Verbena X hybrida</i> Voss	Common Garden Verbena, Florists' Verbena	Verveine hybride	Gartenverbene
Cynia wytworna	<i>Zinnia elegans</i> Jacq.	Youth-and-old-age, Youth and Age	Zinnia élégant	Zinnie

Biennial Plants / Plantes bisannuelles / Zweijährige Pflanzen

<u>Polski</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Prawoslaz różowy, malwa	<i>Althaea rosea</i> (L.) Cav.	Hollyhock	Rose trémière	Stockmalve, Stockrose
Stokrotka pospolita	<i>Bellis perennis</i> L.	True Daisy, English Daisy	Pâquerette	Gänseblümchen, Tausendschön
Gozdzik brodaty	<i>Dianthus barbatus</i> L.	Sweet William	Oeillet de poète	Bartnelke
Niezapominajka alpejska	<i>Myosotis alpestris</i> F.W. Schmidt	Alpine Forget- me-not	Myosotis des Alpes	Alpenvergiss- meinnicht
Bratek ogrodowy	<i>Viola X wittrockiana</i> Gams	Pansy	Pensée	Veilchen, Garten- stiefmütterchen

Non-winterhardy Perennial Plants / Plantes pérennes sensibles au froid /  
Nichtwinterfeste ausdauernde Pflanzen

Begonia bulwiasta	<i>Begonia X tuberhybrida</i> Voss	Tuberous Begonia	Bégonia tubéreux	Knollenbegonie
Dalia	<i>Dahlia X cultorum</i> Thorsr. et Reis.	Dahlia	Dahlia	Dahlie
Mieczyk	<i>Gladiolus X hybridus</i> hort.	Gladiolus	Glaïeul	Gladiole
Pelargonium rabatowa	<i>Pelargonium X hortorum</i> L.H. Bailey	Zonal Pelargonium	Géranium, Pelargonium zonale	Zonalpelargonie
Pelargonium bluszczolistna	<i>Pelargonium peltatum</i> hort. non (L.) L'Hér. ex Ait.	Ivy-leaved Pelargonium	Géranium-lierre	Efeupelargonie

Perennial Plants / Plantes pérennes / Ausdauernde Pflanzen

Zlocien	<i>Chrysanthemum</i> L.	Chrysanthemums, Daisies	Chrysanthèmes, Marguerites	Chrysanthemen, Margueriten
Krokus	<i>Crocus</i> L.	Crocus	Crocus	Krokus
Hiacynt wschodni	<i>Hyacinthus orientalis</i> L.	Common Hyacinth	Jacinthe	Hyazinthe
Kozaciec	<i>Iris</i> L.	Iris	Iris	Iris, Schwertlilie
Lilia	<i>Lilium</i> L.	Lily	Lis	Lilie
Narcys	<i>Narcissus</i> L.	Narcissus, Daffo- dil, Jonquil	Narcisse, Jonquille	Narzisse
Piwonia chinska	<i>Paeonia albiflora</i> Pall.	Chinese Paeony	Pivoine de Chine	Chinesische Paeonie
Tulipan	<i>Tulipa</i> L.	Tulip	Tulipe	Tulpe

Shrubs / Buissons / Sträucher

Forsycja	<i>Forsythia</i> Vahl	Forsythia, Golden Bell	Forsythia	Forsythie, Goldflieder, Goldglöckchen
Jasminowiec	<i>Philadelphus</i> L.	Mock Orange	Seringa	Pfeifenstrauch, Falscher Jasmin
Roza	<i>Rosa</i> L.	Rose	Rosier	Rose
Lilak	<i>Syringa</i> L.	Lilac	Lilas	Flieder
Krzewuszka	<i>Weigela</i> Thunb.	Diervilla	Weigela	Weigelia

## GREENHOUSE PLANTS / PLANTES DE SERRE / GEWAECHSHAUSPFLANZEN

<u>Polski</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Alstremeria	Alstroemeria L.	Alstroemeria, Herb Lily	Alstroèmère, Lis des Incas	Inkalilie
Anturium uprawne	Anthurium X cultorum Birdsey	Anthurium, Tail Flower	Anthurium	Grosse Flamingo- blume
Anturium ogrodowe	Anthurium X hortulanum Birdsey	Anthurium, Tail Flower	Anthurium	Kleine Flamingo- blume
Begonia	Begonia L.	Begonia	Bégonia	Begonie
Pantofelnik ogrodowy	Calceolaria X herbeohybrida Voss	Slipperwort, Slipper Flower	Calcéolaire hybride	Pantoffelblume
Zlocien ogrodowy	Chrysanthemum X hortorum L.H. Bailey	Chrysanthemum	Chrysanthème	Chrysantheme
Cyklamen perski	Cyclamen persicum Mill.	Ivy-leaved Cyclamen, Persian Cyclamen	Cyclamen de Perse	Alpenveilchen
Goździk szklarniowy	Dianthus caryophyllus L. semper- florens fl. pl. hybridus hort.	Carnation	Oeillet	Nelke
Frezja	Freesia Eckl. ex Klatt	Freesia	Freesia	Freesie
Gerbera Jamesona	Gerbera jamesonii H. Bolus ex Hook. f.	Gerbera	Gerbera	Gerbera
Zwartnica posrednia	Hippeastrum X hortorum Maatsch	Amaryllis	Amaryllis	Ritterstern, Amaryllis
Kalanchoe	Kalanchoë X hybrida hort.	Kalanchoë	Kalanchoë	Kalanchoë
Pierwiosnek zwyczajny	Primula vulgaris Huds.	Primrose	Primevère	Kissenprimel
Starzec popielny	Senecio cruentus (Masson ex L'Hér.) DC.	Florists' Cine- raria	Cinéraire hybride	Kreuzkraut
Skretnik ogrodowy	Streptocarpus X hybridus Voss	Streptocarpus, Cape Primrose	Streptocarpus	Streptocarpus, Drehfrucht

FRUIT TREES / ARBRES FRUITIERS / OBSTBAEUME

Leszczyna	Corylus L.	Hazelnut, Filbert	Noisetier, Coudrier	Haselnuss
Orzech włoski	Juglans regia L.	Walnut	Noyer	Walnuss
Jablon	Malus domestica Borkh.	Apple	Pommier	Apfel
Morela	Prunus armeniaca L.	Apricot	Abricotier	Aprikose
Czeresnia	Prunus avium (L.) L.	Sweet Cherry	Cerisier (cerises douces: guignes, bigarreaux)	Süsskirsche
Wisnia	Prunus cerasus L.	Morello, Sour Cherry	Cerisier (cerises acides: griottes, amarelles)	Sauerkirsche
Sliwa	Prunus domestica L.	Plum	Prunier	Pflaume
Brzoskwinia	Prunus persica (L.) Batsch	Peach	Pêcher	Pfirsich
Grusza	Pyrus communis L.	Pear	Poirier	Birne

SOFT FRUIT / PLANTES A BAIES / BEERENOBSTPFLANZENShrubs / Buissons / Sträucher

<u>Polski</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Agrest	Ribes grossularia L.	Gooseberry	Groseillier à maquereau	Stachelbeere
Porzeczka czarna	Ribes nigrum L.	Black Currant	Cassis	Schwarze Johannisbeere
Porzeczka biala	Ribes niveum Lindl.	White Currant	Groseillier blanc	Weisse Johannisbeere
Porzeczka czerwona	Ribes sylvestre (Lam.) Mert. et W. Koch	Red Currant	Groseillier rouge	Rote Johannisbeere
Malina i jezyna	Rubus L.	Raspberry, Bramble	Framboisier, Ronce	Himbeere, Brombeere
Borówka i zurawina	Vaccinium L.	Bilberry, Whortle- berry, Cranberry Cowberry	Airelle, Myrtille	Heidelbeere, Preiselbeere, Moosbeere
Winorosl	Vitis L.	Vine	Vigne	Rebe

Perennial Plants / Plantes vivaces / Ausdauernde Pflanzen

Poziomka	Fragaria x ananassa Duch.	Pine Strawberry	Fraisier des jardins	Gartenerdbeere
Truskawka	Fragaria vesca L.	Wild Strawberry	Fraisier des bois	Walderdbeere

OTHER PLANTS / AUTRES PLANTES / ANDERE PFLANZEN

Kanar	Phalaris canariensis L.	Canary Grass, Canary Seed	Alpiste des Cana- ries, Phalaris	Kanariengras
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