

## ESTONIA

Contribution received in reply to UPOV Circular E-24/047 of April 22, 2024

**From:** Laima Puur <[Laima.Puur@pta.agri.ee](mailto:Laima.Puur@pta.agri.ee)>

**Sent:** Thursday, May 30, 2024 12:26 PM

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**Subject:** RE: \*\*EXTENSION OF DEADLINE:\*\* Action by May 31, 2024: call for replies to questions by the WG-SHF (UPOV Circular E-24/047)

Dear Martin,

I apologise for the last minute reply.

Estonian answers are in red:

1. Is your country/intergovernmental organization implementing the exception “acts done privately and for non-commercial purposes”? If so, how is it implemented?

Yes, we are implementing this exception. Estonia is a small country with small market and we have a private use of fruit and berry crops. This is what is referred to in the UPOV Convention Article 15 (i) as acts done privately and for non-commercial purposes. This means that sales are mainly to private individuals for home gardening.

For the purposes of safeguarding agricultural production, farmers are authorized to use for some species (list is added below) farmed saved seed for propagating purposes in the field, on their own holding the product of the harvest which they have obtained by planting, on their own holding, propagating material of a variety other than a hybrid or synthetic variety.

The list of species which are allowed for FSS:

(1) The seed of the protected varieties of the following fodder plant species may be produced in small quantities:

- 1) *Cicer arietinum* L. – chickpea milkvetch;
- 2) *Lupinus luteus* L. – yellow lupin;
- 3) *Medicago sativa* L. – lucerne;
- 4) *Pisum sativum* L. (partim) – field pea;
- 5) *Vicia faba* L. (partim) – field bean;
- 6) *Vicia sativa* L. – common vetch.

(2) The seed of the protected varieties of the following oil and fibre plant species may be produced in small quantities:

- 1) *Brassica napus* L. (partim) – swede rape;
- 2) *Brassica rapa* L. var. *silvestris* (Lam.) Briggs – turnip rape;
- 3) *Linum usitatissimum* L. – common flax.

(3) The seed of the protected varieties of the following cereal species may be produced in small quantities:

- 1) *Avena sativa* L. – oat;
- 2) *Hordeum vulgare* L. – barley;
- 3) *Secale cereale* L. – rye;
- 4) x *Triticosecale* Wittm. – triticale;
- 5) *Triticum aestivum* L. emend. Fiori et Paol. – wheat.

(4) The propagating material of the protected variety of potato (*Solanum tuberosum* L.) may be produced in small quantities.

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2. Concerning this exception, are there definitions for the following term: “acts done privately and for non-commercial purposes”?  
**Farm Saved Seed.**  
In Estonia, seed and propagating and planting material produced for personal use for that purpose are not subject to the Act.  
This Act does not apply to the seed and propagating and cultivating material which is:  
1) produced for one’s own use;
3. Please specify legislation/regulation and jurisprudence concerning this exception.  
**Plant Propagation and Plant Variety Rights Act.**  
<https://www.riigiteataja.ee/en/eli/504102023002/consolide>  
  
List of plant species the seed and propagating material of protected varieties of which may be grown in small quantities:  
<https://www.riigiteataja.ee/en/eli/529052015001/consolide>
4. Are there any challenges and/or opportunities in implementing this exception in your jurisdiction?  
Please explain.  
**Collecting royalties is the biggest challenge for plant breeders.**

If you have any further questions, please do not hesitate to contact us.

Kind regards

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Agriculture and Food Board

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