

## SECTION I

### REGIONAL REGULATIONS AND LAWS

**DECREE OF THE PRESIDENT OF THE REGIONAL COUNCIL no. 12/R of 1st March 2007, Regulation implementing Regional Law no. 64 of 16th November 2004 (Protection and valorisation of the heritage of local breeds and varieties of agricultural, livestock and forestry interest).**

*In view of article 121 of the Constitution, fourth paragraph, as amended by article 1 of Constitutional Law no. 1 of 22nd November 1999;*

*In view of articles 34, 42, paragraph 2, of the Statute;*

*In view of Regional Law no. 64 of 16th November 2004 (Protection and valorisation of the heritage of local breeds and varieties of agricultural, livestock and forestry interest), requiring the adoption of a special implementation regulation;*

*In view of preliminary decision no. 14 of the Regional Council dated 17<sup>th</sup> October 2005, adopted subject to the acquisition of the opinions of the President of the Planning Technical Committee, the competent regional structures as per article 29 of Regional Law no. 44/2003, transmitted to the President of the Regional Council for the purpose of acquiring the opinion required by article 42, paragraph 2, of the Regional Statute;*

*Having noted the favourable opinion with observations expressed by the 2<sup>nd</sup> council committee;*

*In view of ruling no. 1273 of the Regional Council of 27<sup>th</sup> December 2005, which approved the regulation implementing the aforementioned Regional Law no. 64/2004, taking into account the observations of the 2<sup>nd</sup> council committee;*

*In view of its own note dated 3<sup>rd</sup> April 2006, protocol no. AOOGR/101227/120.3.7.7 with which the European Commission was informed that the aforementioned regulation of implementation constituted state aid, pursuant to Regional Law no. 91 of 29<sup>th</sup> November 1996 (Notification to the EU Commission of proposals involving aid schemes - art. 93, par. 3 of the treaty establishing the EEC);*

*Moreover, in view of its own note dated 3<sup>rd</sup> April 2006, protocol no. AOOGR/101222/120.3.7.7, with which the same regulation of implementation was transmitted to the Ministry of Productive Activities for the purposes of notification pursuant to Directive 98/34/EC;*

*In view of the note of the Permanent Italian Representation to the European Union of 25/08/2006 (protocol no. 8608) communicating the Decision of approval of state aid C(2006)3600 of 02/08/2006 by the European Commission;*

*In view of Regional Council ruling no. 133 of 26<sup>th</sup> February 2007 approving the Regulation implementing Regional Law no. 64 of 16<sup>th</sup> November 2004 (Protection and valorisation of the heritage of local breeds and varieties of agricultural, livestock and forestry interest), with amendments based on the observations formulated by the European Commission pursuant to article 8.2 of Directive 98/34/EC to the previous Regulation implementing Regional Law no. 64 of 16<sup>th</sup> November 2004 (Protection and valorisation of the heritage of local breeds and varieties of agricultural, livestock and forestry interest), approved by Regional Council ruling no. 1273 of 27<sup>th</sup> December 2005;*

*The President of the Regional Council  
HEREBY ISSUES  
the following Regulations:*

*Art. 1  
Subject*

*1. These regulations, implementing Regional Law no. 64 of 16<sup>th</sup> November 2004 (Protection and valorisation of the heritage of local breeds and varieties of agricultural, livestock and forestry interest), shall regulate:*

- a) the methods and procedures of directory registration as per article 4 of Regional Law 64/2004;*
- b) the composition and functioning of the technical-scientific committees as per article 5.1, of Regional Law 64/2004;*
- c) the running of the regional germplasm bank;*
- d) the method of joining the genetic resource conservation and safety network;*
- e) the method of circulating genetic material as per article 8 of Regional Law 64/2004;*
- f) the subjective and objective requisites for becoming a custodian farmer;*
- g) the method for registering on the list of custodian farmers as per article 9.3, of Regional Law 64/2004;*

- h) the method of payment of any reimbursements of expenses for activities carried out by the custodian farmers;*
- i) the regional register of conservation varieties and the running of the same;*
- j) the quantitative restrictions established in article 10.3, of Regional Law 64/2004;*
- k) the content, graphical characteristics and method of obtaining and using the mark as per article 11 of Regional Law 64/2004.*

*2. The activities regulated by these regulations shall be managed by ARSIA within the resources allocated by the Region, through the intervention programmes as per article 3.2, of Regional Law 64/2004.*

*Art. 2*

*Registration on regional directories*

*1. Proposals for registration on regional directories shall be addressed to the Regional Agency for Development and Innovation in Agriculture and Forestry (ARSIA) and formulated on the basis of the form prepared by ARSIA itself.*

*2. Registration shall be carried out in accordance with the said proposal and the documentation related to the resource to be registered, presented by the proposer or acquired by ARSIA, consisting of the following:*

- a) name and any synonyms;*
- b) technical report;*
- c) historical report;*
- d) morphological characterization;*
- e) possible genetic characterization;*
- f) photographic documentation.*

*3. With regard to the name as per article 2 a), the historical name with which each resource is traditionally designated in the places of origin shall be taken into account.*

*4. With regard to the morphological characterization as per article 2 d), this shall be carried out according to the method defined by ARSIA in order to make it possible to compare the same with similar characterizations drawn up by other public or private subjects on a national and international level.*

*5. For registration purposes, a sample of reproduction or propagation material of the resource which is the subject of the proposal shall be made available by the proposer or collected by ARSIA.*

*6. To complete the preliminary investigation, ARSIA shall convene the relevant expert technical-scientific committee for autochthonous genetic resources, which shall meet within forty-five days. ARSIA shall send the Committee a copy of the proposal along with the notice of meeting.*

*7. The commission shall:*

- a) express the binding opinion required by article 5.1, of Regional Law 64/2004;*
- b) provide the methods of in situ and ex situ conservation of the resource;*
- c) evaluate the possible risk of extinction;*
- d) identify the name with which the resource has been registered in the directories;*
- e) indicate the local area in which the circulation of the genetic material of the resources is permitted, pursuant to article 8.1, of Regional Law 64/2004.*

*8. The opinion regarding the registration proposal shall be rendered with the majority of those present.*

*9. The commission may request, through ARSIA, additional information or documents and may consult experts in particular subjects before taking a final decision, or request special studies or analyses from specialized laboratories or experts in order to assess the resources proposed.*

*10. ARSIA shall inform the proposer of the outcome of the procedure and, in the event of non-registration, it shall provide information regarding the grounds for the negative opinion expressed by the committee.*

Art. 3

*Technical-scientific committees*

1. *The following technical-scientific committees shall be set up, appointed with a decree by the relevant ARSIA manager:*

- a) committee for autochthonous animal genetic resources;*
- b) committee for woody fruit species;*
- c) committee for herbaceous species;*
- d) committee for flower and ornamental species;*
- e) committee for species of forestry interest.*

2. *The committees shall remain in office for three years and members may be re-elected.*

3. *Members absent for three consecutive meetings of the committee without valid grounds shall lose their position and the Regional Council shall request the bodies or associations that put forward the lapsed members to provide new names to replace the same.*

4. *ARSIA shall reimburse committee members for any expenses sustained in order to take part in the work of the committee, upon presentation of supporting documentation.*

5. *ARSIA shall carry out all the organizational and administration activities for the committees.*

Art. 4

*Composition of the technical-scientific committees*

1. *The committee mentioned in article 3.1 a) shall consist of:*

- a) a member designated by ARSIA, charged with coordinating the work;*
- b) a member designated by the relevant structure of the Tuscan Regional Government;*
- c) a representative presented jointly by the provincial breeders associations of Tuscany;*
- d) a representative presented jointly by the professional agricultural organizations;*
- e) a representative presented by the Department of Zootechnical Sciences of the University of Florence;*
- f) a representative presented by the Department of Animal Production of the University of Pisa;*
- g) a representative presented by the Department of Agronomy and Agro-Ecosystem Management – Zootechnical Sciences sector of the University of Pisa;*
- h) three representatives presented by the Faculty of Mathematical, Physical and Natural Sciences respectively from the Universities of Florence, Pisa and Siena.*

2. *The committees described in article 3.1 b), c), d) and e), shall consist of:*

- a) a member appointed by ARSIA, charged with coordinating the work;*
- b) ) a member designated by the relevant structure of the Tuscan Regional Government;*
- c) a member presented jointly by the professional agricultural organizations;*
- d) at least three experts on the specific subject representing the universities and research/experimentation institutes operating in Tuscany.*

3. *A representative jointly presented by the producers' associations interested in the subject in question may be invited to participate in the work of the committees as per article 3.1 b), c), d) and e).*

4. *Committee meetings shall be validly convened with the presence of the majority of the members as per paragraphs 1 and 2 respectively.*

Art. 5

*Regional germplasm bank*

1. *The regional germplasm bank shall be divided into sections coordinated by ARSIA.*

2. *ARSIA shall identify the sections of the bank from amongst public and private subjects with structures suitable for the conservation, on behalf of the Regional Government of Tuscany, of the genetic resources registered in the regional directories and shall stipulate agreements with the same for the purposes stated in these regulations.*

Art. 6

*Content of the agreements*

1. *The agreements mentioned in article 5.2 shall regulate:*

- a) the methods of acquisition of the first deposit of genetic material for the bank;*
- b) the safe placement in a protected environment and the safekeeping of all the genetic material acquired by the bank, in compliance, for each accession, with the technical prescriptions of conservation, including the instructions regarding the renewal times and methods of the genetic material established by ARSIA through the technical-scientific committees;*
- c) the immediate notification to ARSIA of the eventual deterioration, even where accidental, of the genetic material conserved;*
- d) the obligation to set up, where possible, renewal or recovery procedures for the original quantity of genetic material deposited;*
- e) the undertaking to hold the genetic material deposited exclusively for the purposes of conservation, and to comply with the procedures set down in article 8 for carrying out studies or research on the material deposited in the section;*
- f) the undertaking not to register genetic resources deposited on the national register of varieties, or on similar EC or international registers;*
- g) the undertaking not to claim intellectual property rights for the genetic material deposited or for genetic material essentially derived from the same;*
- h) the conditions of access to the structures for the purposes of inspection and control by ARSIA staff or subjects appointed by the same;*
- i) the keeping of the register related to the material deposited, including an indication of the quantity, state of conservation and subsequent re-integrations of genetic material, drawn up according to the form provided by ARSIA;*
- j) the economic aspects of the relationship;*
- k) the duration of the agreement;*
- l) cases of early cancellation of the relationship.*

Art. 7

*Deposit of genetic material*

- 1. ARSIA shall deposit the genetic material related to the resource registered on the regional directory at bank sections suitable for conserving the species to which the same belongs.*
- 2. In order to guarantee the maximum protection from events which may prejudice the conservation of the genetic material registered in the directories, ARSIA shall undertake to deposit each resource at two or more sections of the bank, where possible.*
- 3. For each deposit, the bank section shall issue a receipt to ARSIA based on the form provided by the same.*
- 4. ARSIA shall keep a record of all the deposits made at the sections.*

Art. 8

*Access to genetic material*

- 1. Access to the genetic material conserved at each individual section may be granted for the purposes of research and study.*
- 2. Access shall be permitted following a request to ARSIA containing the data of the applicant and the reason for access and shall be subject to the signing of regulations regarding limits to the use of the genetic material, drawn up by ARSIA, taking into account the provisions of the International Treaty on Plant Genetic Resources for Food and Agriculture adopted by the Food and Agriculture Organisation (FAO) on 3<sup>rd</sup> November 2001.*
- 3. ARSIA shall inform the applicant and the section concerned of its motivated decision to consent or deny access within sixty days from receipt of the request.*

Art. 9

*Method of joining the network for the conservation and safety of genetic resources*

1. *The guardian farmers mentioned in article 9 of Regional Law 64/2004 and the sections of the regional germplasm bank shall be members, as of right, of the network for the conservation and safety of genetic resources.*
2. *Public subjects or private subjects, either individually or in an associated form, located in or with at least an operational base in the territory of Tuscany, may also join the network.*
3. *Subjects interested in joining the network should apply to ARSIA using the form provided by the same.*
4. *The said form requires the applicant to indicate the conservation resources for which membership of the network is requested.*

Art. 10

*Circulation of genetic material for reproduction and propagation*

1. *Within one hundred and eighty days from when these regulations come into force, ARSIA shall define the reasonable amounts of reproduction and propagation material, i.e. the quantities necessary for maintaining interest in local varieties, and for spreading knowledge about and valorising the cultural characteristics of the same.*
2. *Members of the network may exchange the genetic material of the resources registered in the regional directories at risk of extinction between themselves, on a non-profit-making basis, within the area identified pursuant to article 2.7 e), in compliance with the limits established for each individual species.*
3. *Under no circumstances may the exchanges mentioned in paragraph 2 become marketing activities pursuant to the relevant current EC regulations.*
4. *This article shall not apply to animal species.*

Art. 11

*Custodian farmers: subjective and objective requisites*

1. *Private subjects, either individually or in an associated form, working and located in the territory of Tuscany, owners of agricultural and forestry land, or holders of the same with a legitimate right that is valid on the date of application, may request registration on the list of custodian farmers as per article 9.3 of Regional Law 64/2004. For the preservation of animal species it is necessary to have suitable livestock farming structures.*
2. *Registration shall be subject to the possession of specific experience or professional skills in one or more of the following fields:*
  - a) *self-reproduction of seeds;*
  - b) *cultivation of woody fruit species;*
  - c) *cultivation of flower and ornamental species;*
  - d) *care and maintenance of species of forestry interest;*
  - e) *rearing of autochthonous species and breeds of zootechnical interest at risk of extinction.*
3. *The professional skills or experience mentioned in paragraph 2 shall be certified in one of the following ways:*
  - a) *possession of a Master's Degree in agricultural sciences or equivalent, as regulated by Ministerial Decree no. 270 of 22<sup>nd</sup> October 2004 (Amendments to the regulations providing rules regarding the educational autonomy of universities, approved by Ministerial Decree no. 509 of 3<sup>rd</sup> November 1999 of the Ministry of Education, University and Scientific and Technological Research), or equivalent qualification according to pre-existent education systems;*
  - b) *possession of a degree in agricultural sciences or equivalent, as regulated by Ministerial Decree 270/2004 or equivalent qualification according to pre-existent education systems;*

- c) possession of the diploma of land surveyor, agricultural technician, or equivalent;
- d) possession of the qualification of professional agricultural entrepreneur pursuant to article 1 of Legislative Decree no. 99 of 23<sup>rd</sup> March 2004 (Provisions regarding subjects and activities, business integrity and administrative simplification in agriculture, pursuant to article 1.2 d), e), f), g), l), of Law no. 38 of 7<sup>th</sup> March 2003);
- e) statement in substitution of an attested affidavit certifying that the applicant has carried out activities for at least five years in one or more of the areas indicated in paragraph 2, or has rediscovered and conserved one or more local varieties or breeds, to be specified in the statement.

Art. 12

*Method of registration on the list of custodian farmers*

1. Registration on the list of custodian farmers shall take place following the presentation of a request, drawn up using the form realized by ARSIA, accompanied by the following:

- a) personal details of the applicant;
- b) statement in substitution of an attested affidavit certifying that the applicant has one of the qualifications mentioned in article 11.3 a), b), c), or a statement in substitution of certification of possession of the qualification of professional agricultural entrepreneur pursuant to article 11.3 d), or statement in substitution of an attested affidavit as per article 11.3 e);
- c) copy of the deed certifying possession of land pursuant to article 11;
- d) name of the species for which the applicant has presented a request for *in situ* conservation.

2. For animal species, in addition to the documentation set out in paragraph 1, the request should contain the following elements:

- a) indication of the registration code of the livestock farm issued by the relevant USL – Local Health Authority;
- b) reference to the location of the barn;
- c) copy of the deed certifying possession of breeding structures pursuant to article 11.

3. ARSIA shall inform the applicant, in writing, of the outcome of the application, within sixty days from receipt of the same, motivating any eventual rejections.

Art. 13

*Criteria for granting the position to custodian farmers*

1. In order to conserve a specific resource at risk of extinction, ARSIA shall confer, through agreements, a special assignment to one or more custodian farmers registered on the list.

2. ARSIA shall identify the custodian farmer to be appointed, taking the following criteria into consideration:

- a) the custodian farmer should carry out his/her activities in the traditional area of cultivation or area of origin of the resource;
- b) the custodian farmer should have contributed to the conservation of the resource or the rediscovery and valorisation of the same.

3. The custodian farmer should inform ARSIA of any variations that may occur with regard to the ownership of the land and, if applicable, the rearing structures as per article 11.1.

4. While carrying out the assignment, the custodian farmer shall follow the instructions provided by ARSIA based on the technical indications expressed by the scientific technical committees during the examination process for directory registration.

5. The failure to comply with the instructions mentioned in paragraphs 3 and 4 shall result in exclusion from the list of custodian farmers.

Art. 14

*Agreements with custodian farmers*

1. The agreements mentioned in article 13 shall regulate:

- a) the methods to be used to carry out the assignment conferred pursuant to article 13;

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- b) a specific indication of the genetic resources for which the custodian farmer is carrying out the in situ conservation activities;*
- c) the technical conservation instructions dictated by ARSIA, availing itself of the technical-scientific committees;*
- d) the obligation to notify ARSIA in the event of the deterioration, even where accidental, of the genetic material conserved;*
- e) the undertaking not to register the genetic resources received for the purpose of conservation on the national register of varieties, or other similar EC or international registers;*
- f) the undertaking not to claim intellectual property rights for the genetic material received from ARSIA or for genetic material essentially derived from the same;*
- g) the conditions of access to the places in which the custodian farmer carries out his/her activities for the purposes of inspection and control by ARSIA staff or subjects appointed by the same;*
- h) the possibility of granting reproduction and propagation material in the possession of the custodian farmer, free of charge, to Network members requesting the same, according to the modalities set down in article 10;*
- i) the economic aspects of the relationship;*
- j) the obligation to notify ARSIA of any changes regarding the ownership of the land and, if applicable, the rearing structures, stated in the request for registration on the list;*
- k) duration of the agreement;*
- l) cases of early cancellation of the relationship.*

**Art. 15**

*Reimbursement of expenses to custodian farmers*

- 1. ARSIA may pay the custodian farmers appointed pursuant to article 13 a flat fee as reimbursement for the expenses sustained in order to conserve the resources assigned to the same.*
- 2. For each species, the maximum amount that can be reimbursed to the custodian farmers shall be defined by ARSIA within one hundred and eighty days from when these regulations come into force.*

**Art. 16**

*Characteristics of the identification mark*

- 1. An identification mark, the use of which shall be granted by ARSIA, may be applied to products obtained from local varieties and breeds at risk of extinction, registered on the regional directories.*
- 2. For the purposes of these regulations, products consisting of, containing or derived from genetic resources registered in the directories shall be considered to have been obtained from local varieties and breeds.*
- 3. The term “consisting of” shall mean the product as it is, i.e. unprocessed.*
- 4. The term “containing” shall mean a multi-ingredient product that, even alternatively, has:
  - a) a main ingredient consisting of or derived from local varieties or breeds;*
  - b) a characterizing ingredient consisting of or deriving from local varieties or breeds;*
  - c) at least two of the other ingredients consisting of or derived from local varieties or breeds as long as the label indicates the ingredients consisting of or derived from local varieties or breeds and these ingredients consist entirely of or are derived entirely from the same.**
- 5. The term “derived from” shall mean a processed product whose main ingredient consists of local varieties or breeds and is present in quantities that strongly predominate over any other ingredients.*
- 6. With regard to the terms “ingredient”, “principal ingredient” and “characterizing ingredient”, reference should be made to current labelling regulations.*
- 7. The mark shall consist of the wording “Obtained from local varieties/breeds – Tuscan Regional Law 64/2004”, placed on the product label, with the specific graphic characteristics defined by ARSIA.*

Art. 17  
Method of use

1. In order to be granted the right to use the mark, the subjects mentioned in article 11.2 of Regional Law 64/2004, should jointly apply to ARSIA and the control body selected for certifying compliance with the conditions set down in Regional Law n. 64/2004.

2. The application should contain:

- a) the applicant's name or company name, address or head office;
- b) the tax code or VAT number;
- c) indication of the local varieties or breeds cultivated or reared and used to obtain the products for which the mark is requested, accompanied by appropriate documentation certifying the origin from genetic resources registered in the regional directories;
- d) a description of the products obtained from the local varieties and breeds described under letter c) using organic production methods as per Council Regulation (EEC) 2092/1991 of 24<sup>th</sup> June 1991 (Council Regulation on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs) or with integrated production methods as per Regional Law no. 25 of 15<sup>th</sup> April 1999 (Regulations for valorising agricultural and food products obtained using integrated production techniques and protection against misleading advertising), including the name with which the same will be placed on the market;
- e) indication of the date on which a control body issued a statement of compliance with organic production methods for the company as per Council Regulation (EEC) 2092/91, or integrated production methods as per Regional Law 25/1999, in the case of a company which has already been included in these control systems;
- f) indication of the control body selected to certify the product's compliance with the conditions set down in Regional Law no. 64/2004;
- g) method of including the wording as per article 16.3 in the labelling of the products for which the application of the mark is requested.

3. For companies already included in the system described in Council Regulation (EEC) 2092/91 or Regional Law no. 25 of 15<sup>th</sup> April 1999, the control body appointed shall notify ARSIA of its acceptance of the assignment to control the conditions established in Regional Law 64/2004 within thirty days from receipt of the notification as per paragraph 1. In the case of companies that first have to be introduced into the systems as per the aforementioned regulations, the term for formulating the notification shall be one hundred and twenty days from receipt of the application.

4. The notification to ARSIA by the control body of its acceptance of the assignment as per paragraph 3 shall be accompanied by the relevant programme of controls.

5. The acceptance or rejection of registration in the list of mark grantees as per Regional Law 64/2004 shall be carried out with a reasoned decree by the ARSIA manager who is an expert on the subject, within thirty days of receiving notification of acceptance of the assignment formulated by the control body pursuant to paragraph 4.

6. Grantees may only apply the mark to their products if the production process has been checked and if the control body has issued the grantee with certification stating that the product complies with the conditions set down in Regional Law 64/2004.

7. By 31<sup>st</sup> March each year, the grantee companies shall notify ARSIA about the quantity of products on which the mark has been placed during the previous solar year, and the quantity and type of packaging used.

8. The use of the mark shall be granted for packaged products. It shall only be permitted for bulk products in the course of sales activities as per article 4 of Legislative Decree no. 228 of 18<sup>th</sup> May 2001 (Orientation and modernisation of the agricultural sector, in accordance with article 7 of Law no. 57 of 5<sup>th</sup> March 2001).



*Art. 18*

*Control and supervision of the use of the mark*

- 1. The control bodies shall carry out controls on the grantees who have been granted use of the mark in order to guarantee the compliance of their products with the conditions set down in Regional Law 64/2004 and the use of the mark in accordance with the conditions set down in these regulations.*
- 2. The control activities shall be carried out in accordance with the modalities described in the programme of controls provided by the control body to ARSIA.*
- 3. ARSIA shall supervise the control bodies, harmonizing these activities with those carried out in application of Council Regulation (EEC) 2092/91 and Regional Law no. 25 of 15<sup>th</sup> April 1999.*
- 4. This supervision shall be aimed at verifying:*
  - a) the application of the programme of controls as per article 17.5;*
  - b) the control activities by means of a sample inspection of grantees;*
  - c) compliance of the product and use of the mark, also through sampling.*

*Art. 19*

*Dissimilarities and non-compliances regarding the use of the mark*

- 1. Dissimilarities in the use of the mark shall refer to breaches of the provisions of articles 16, 17 and 18 that:*
  - a) have no effect on the correct identification of the nature of the product by the final consumer;*
  - b) have no effect on the conditions that led to the use of the mark being granted;*
  - c) have no effect on the correct affixing of the mark on the label.*
- 2. Irregularities and infringements shall be considered to be non-compliances regarding the use of the mark.*
- 3. Irregularities in the use of the mark shall consist of:*
  - a) breaches in the methods of use of the mark as per article 17;*
  - b) the failure to implement the corrective actions requested by the control body in order to remedy the dissimilarities mentioned in paragraph 1;*
  - c) incomplete or omitted registration in the documentation drawn up as part of the self-control activities, which affects the identifiability and traceability of the product or the system of affixing the mark;*
  - d) breaches of any of the other obligations undertaken by the grantee with respect to these regulations, as long as they do not have long-lasting or irreversible effects.*
- 4. Infringements of the use of the mark shall consist of:*
  - a) the repetition of the breaches described in paragraph 3;*
  - b) the loss of the requisites for granting use of the mark;*
  - c) the breach of the obligations undertaken vis-à-vis the control body;*
  - d) the failure to implement the corrective actions requested by the control body in order to remedy the irregularities described in paragraph 3;*
  - e) a second case of non-compliance occurring within three years from the first;*
  - f) false statements contained in the application for being granted use of the mark;*
  - g) false registrations in the documentation drawn up as part of the grantee's self-control activities;*
  - h) conduct aimed at the fraudulent use of the mark.*

*Art. 20*

*Request for corrective action, suspension and revocation of the use of the mark*

- 1. The investigation of dissimilarities and non-compliances in the use of the mark shall fall within the jurisdiction of the control body.*
- 2. In the event that dissimilarities as per article 19.1 are discovered, the control body shall prepare a request for corrective action, establishing the timing for the adoption of the corrective action as well as for assessing the effectiveness of the same.*

3. In the event that irregularities as per article 19.3 are discovered, the control body shall order the suspension of the use of the mark accompanied by a request for corrective action, establishing the timing for the adoption of the corrective action as well as for assessing the effectiveness of the said action, notifying ARSIA of the same.

4. Suspension shall involve the prohibition from using the mark on production batches or lots or the entire production, for a maximum period of twenty-four months.

5. Suspension shall cease once the control body has verified the effectiveness of the corrective action and has notified the results of the same to the grantee and ARSIA.

6. Suspensions requiring an assessment period of more than thirty days shall be ratified by ARSIA. For this purpose, the grantee may send its own documented observations to ARSIA, within seven days from notification of the suspension by the control body.

7. After evaluating any observations made by the grantee, ARSIA shall decide whether or not to ratify the suspension, notifying the control body and grantee of its decision within thirty days from receipt of the control body's notification.

8. In the event that the suspension is confirmed, the control body and grantee shall be notified of the ratification and the grantee shall be suspended from the list mentioned in article 17.5.

9. In the event that the suspension is rejected, it shall cease to be effective.

10. In the event of the discovery of an infringement, suspension of the grantee may also be ordered by the control body on a precautionary and emergency basis, while waiting for the revocation order to be issued.

11. In the event of the verification of an infringement pursuant to article 19.4, the control body shall propose to ARSIA that permission to use the mark be revoked, informing the grantee concerned.

12. The grantee may send its own documented observations to ARSIA within ten days from the notification mentioned in paragraph 11.

13. After assessing any observations provided by the grantee, ARSIA shall decide whether or not to order the revocation of permission to use the mark within thirty days of the notification issued by the control body, informing the grantee concerned as well as the control body of its decision and, where applicable, deleting the grantee from the list mentioned in article 17.5.

14. In the event of revocation, grantees shall not be allowed to request permission to use the mark again for five years from the date of notification of the document revoking permission.

#### Art. 21

##### Public access to information

1. ARSIA shall publish the following information on its website:

- a) an up-to-date list of the resources registered on the directories and relevant notes;
- b) the composition of the technical-scientific committees;
- c) details of all the deposits made at the regional germplasm bank, specifying the individual section where each resource is stored and the methods of access pursuant to article 8;
- d) a list of the members of the conservation and safety network;
- e) a list of the custodian farmers, indicating the species assigned to each one for in situ conservation;
- f) the varieties registered on the regional register of conservation varieties, indicating the companies authorized to commercialize the same;
- g) the list of grantees permitted to use the mark.

2. For the purposes described in paragraph 1, ARSIA shall make available to the public information that is requested by any subject, even if the same is not a stakeholder with a particular interest in the same. Requests for information may be rejected if ARSIA is not in possession of the same, if the terms of the

*request are too generic or if the same refers to documents in the course of being drawn up or that regard confidential internal communications.*

*Art. 22  
Transitional measures*

- 1. All the resources already registered in the directories as per Regional Law no. 50 of 16<sup>th</sup> July 1997 (Protection of autochthonous genetic resources), shall be compulsorily registered in the directories as per Regional Law 64/2004.*
- 2. ARSIA shall deposit in the bank all the genetic resources already entered in the regional directories set up pursuant to Regional Law 50/1997 within two years from when these regulations come into force.*
- 3. The technical-scientific committees appointed pursuant to Regional Law 50/1997 shall continue to function until new committees have been appointed pursuant to article 3.*

*Art. 23  
Deferred repeal*

- 1. Regional Law no. 50 of 16<sup>th</sup> July 1997 (Protection of autochthonous genetic resources) shall be repealed as of the date on which these regulations come into force, pursuant to article 15 of Regional Law 64/2004. These Regulations shall be published in the Official Journal of the Regional Government of Tuscany. All those required to do so shall be obliged to comply with and ensure compliance with these rules as Regulations of the Regional Government of Tuscany.*

*MARTINI*

*Florence, 1<sup>st</sup> March 2007*