

**ENACTMENT OF THE MINISTRY OF AGRICULTURE AND FOODSTUFFS
OF THE REPUBLIC OF BELARUS
September 19, 2006, № 61**

**ON THE APPROVAL OF THE INSTRUCTION ON PERMISSION ISSUING FOR
IMPORT AND EXPORT OF SEEDS**

In accordance with article 19 of the Act of the Republic of Belarus from February, 14, 1997 “On seeds” and on the basis of the Regulation on the Ministry of Agriculture and foodstuffs of the Republic of Belarus, approved by the enactment of the Council of Ministers of the Republic of Belarus from October 31, 2001 № 1590, the Ministry of Agriculture and Foodstuffs of the Republic of Belarus enacts:

1. Approve the enclosed instruction on the order of the permissions issuing for import and export of seeds.
2. Cease to be in force the enactment of the Ministry of Agriculture and Foodstuffs of the Republic of Belarus from November 27, 2001 № 38 “On the approval of the Regulation on the pacify of import and export of seeds” (National Register of Legal Acts of the Republic of Belarus, 2001, № 115, 8/7498).
3. The present enactment comes into operation since the moment of its official promulgation.

Minister

L.Rusak

COORDINATED

Chairman

Of the Presidium of the National

Academy of Sciences

Of the Republic of Belarus

M.Myasnikovich

September 18, 2006

APPROVED
Enactment
Of the Ministry of Agriculture and
Foodstuffs
Of the Republic of Belarus
September, 19, 2006 № 61

**THE INSTRUCTION
ON PERMISSION ISSUING
FOR IMPORT AND EXPORT OF SEEDS**

Chapter 1
COMMON REGULATIONS

1. The present Instruction is worked out in accordance with the Act of the Republic of Belarus from February 14, 1997 “On seeds” (the Journal of the National Assembly of the Republic of Belarus, 1997, № 9, art. 191; the National Register of Legal Acts of the Republic of Belarus, 2006, № 122, 2/1259), the Act of the Republic of Belarus from January 9, 2006 “On genetic engineering activities safety” (the National Register of Legal Acts of the Republic of Belarus, 2006, № 9, 2/1193). It regulates the order of the permissions issuing for import and export of seeds.

2. The requirements stated in the present Instruction are obligatory (sine qua non) for legal bodies and individuals, possessing the right to produce, store-up and sell seeds, mentioned in the National Register of Manufacturers, Preservers of Seeds and legal bodies and individuals engaged in genetic engineering activity (onwards – “applicant”).

3. The present Instruction contains the following terms (expressions) and their definitions:

Applicant – a legal body or an individual (including individual entrepreneurs) possessing the right to produce, store-up and sell seeds, as well as engaged in genetic engineering activity;

Import quarantine permission – the official document regulating the terms and conditions of import and usage of quarantined production on the territory of the Republic of Belarus;

Seeds – generative and vegetative organs including meristematic materials, fruits, segments of complicated fruits, seed-balls, bulbs, clods, planting materials of all the agricultural, horticultural, fruit, berry, decorative, flower, officinal cultures.

4. The permission issuing for import of seeds is acceptable under the following conditions:

Attribution of seeds to a certain variety that passed the state variety test procedure and included in the National Register of varieties and timber-dumetous plants or considered to be perspective;

Inclusion of genetically engineered plants varieties in the National Register of genetically engineered plants varieties, genetically engineered animals species and races of nonpathogenic genetically engineered microorganisms, excluding import of their seeds for experiments and with scientific purposes.

5. Organization and performing complex works for acceptance and consideration of the documents presented by an applicant for permission acceptance for import and export of seeds, is carried out by the state establishment “Head State Inspection for seed farming, Quarantine and Plants Preservation” and its regional representatives.

Chapter 2
ORDER OF SUBMISSION
FOR IMPORT AND EXPORT OF SEEDS

6. To get the permission for import of seeds an applicant should present the following documents to the state establishment “Head State Inspection for seed breeding, Quarantine and Plants Preservation” or its regional representatives:

Application with specification of:

Type of import seeds, their variety and hybrid composition;

Quantity of import seeds (weight and quantity);

State of prospective purchase;

Prospective supply terms;

Customs office (State border) access gates of supply;

Seeds appropriation and place of use;

The following documents should be presented in the meantime:

Copy of the seeds supply contract;

In case of supply of genetically engineered seeds for:

Industrial use – a copy of the certificate of state registration of genetically engineered plants varieties, genetically engineered species of animals and races of nonpathogenic genetically engineered microorganisms. The procedure of issuing of this certificate is preset by the enactment of the Council of Ministers of the Republic of Belarus from September, 12, 2006, № 1195 “On approval of the Regulations on the state registration procedure for genetically engineered plants varieties, genetically engineered species of animals and races of nonpathogenic genetically engineered microorganisms” (the National Register of Legal Acts of the Republic of Belarus, 2006, № 149, 5/22920);

Release into the environment with experimental purpose – permission (or its legal copy) for release of nonpathogenic genetically engineered organisms into the environment with experimental purpose, issued by the Ministry of Natural Resources and Ecology of the Republic of Belarus.

7. To get the permission for export of seeds an applicant should present the following documents:

Application with specification of:

Type of import seeds, their variety and reproduction composition;

Supply volume;

A copy of the seeds supply contract;

For export of seeds of genetically engineered plants varieties – import permission issued by an authorized body of the destination state (or its legal copy).

8. The copies of the documents are to be legalized by a legal body or an individual entrepreneur head officer and a stamp.

9. The state establishment “Head State Inspection for Seed Breeding, Quarantine and Plants Preservation” or its regional representatives have the right to request some other documents related to seeds planting quality, their quantity and origin, in case of necessity.

10. The applicant is responsible for reliability of the documents presented for permission issuing for import or export of seeds.

Chapter 3
ORDER OF PERMISSION PROCESSING
FOR IMPORT AND EXPORT OF SEEDS

11. Applications with the enclosure of all the necessary documents for permission for import and export of seeds are processed within ten days since the moment of their registration in the log-book.

The log-book should contain:

Index number;

Documents inbox date;

Application title;

List of received documents;

Number and date of issuing of the permission;

Name of the executive and the authority signed the permission.

12. Permission for import and export of seeds is given separately per each contract.

13. Permissions for import and export of seeds are issued on the official form of the state establishment “Head State Inspection for Seed Breeding, Quarantine and Plants Preservation” or its regional representatives, signed by their head officers or authorized deputies and stamped.

One copy of permission for import or export of seeds is issued to the applicant, the other one, together with the application and enclosed documents, is enclosed to the file. The period of custody of the file is 3 years since the moment of the permission expiration.

14. In case of refusal in permission issuing for import or export of seeds the state establishment “Head State Inspection for Seed Breeding, Quarantine and Plants Preservation” or its regional representatives make motivated conclusion.

One copy of the conclusion is issued to the applicant, the other one, together with the application and enclosed documents, is kept in the file for 3 years since moment of the conclusion issuing.

The refuse in permission issuing for import or export of seeds can be challenged in court.

15. The permission for import and export of seeds lapses:

On the date of the issued period expiry;

By the decision of the state establishment “Head State Inspection for Seed Breeding, Quarantine and Plants Preservation” or its regional representatives on its abolition (in case when the permission is issued with the use of incorrect data presented by the applicant). In case of permission abolition the state establishment “Head State Inspection for Seed Breeding, Quarantine and Plants Preservation” or its regional representatives inform the applicant within 3 days.

16. Information on permission issuing for import and export of seeds of genetically engineered plants varieties, signed by an authorized administrative official and stamped, is forwarded to the state science establishment “Institute of genetics and cytology of the National Academy of Sciences of the Republic of Belarus” within 5 days in form coordinated with the National Academy of Sciences of the Republic of Belarus.