

Norge, lov om s vare etc., 1970
(S vareh ven)

Act on Seeds etc. of December 4, 1970.

(Norway)

1970

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1.

This Act applies to reproductive material consisting of seeds or plants or parts of plants for further cultivation by means of seeds and or by vegetative propagation. It also applies to seed potatoes. The Crown decides to which seed and plant species this Act shall apply.

In addition, the Crown may decide that certain kinds of material and lots of less than a certain quantity shall be exempted from the provisions of this Act.

2.

The production, importation, exportation and marketing of material to which this Act applies shall be subject to supervision and control in accordance with the Crown's further provisions.

In order to supervise and control, the Crown may:

- a. Lay down regulations for production, location and site of cultivation, control and official approval of material under this Act.
- b. Lay down regulations for trade in material under this Act and prohibit the sale or other disposal of such material which has not been subjected to control according to the regulations or which does not meet the required standards of quality.
- c. Lay down regulations for importation and exportation.
- d. Prohibit the importation of foreign material under this Act which by reason of variety, strain or provenance is deemed to be unsuitable for cultivation in Norway or which fails to meet the required standards of quality involves the risk of spreading plant diseases or especially noxious weeds.
- e. Lay down regulations for staining and labelling of foreign seeds and plant species which are allowed to be imported.
- fg. Decide that wholesale firms trading in material under this Act shall be approved by the Ministry and direct that such firms shall have qualified staff in addition to storage rooms and cleaning and sorting equipment which have been approved by the Ministry.

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- h. Lay down regulations for the packing of material under this Act and decide that retail dealers may sell material under this Act only in the original sealed container or container delivered by an approved firm.
- i. Decide that grain and seed cleaning establishments cleaning seed commercially shall be approved by the Ministry.
- k. Require, in respect of grain and seed cleaning establishments, that samples of cleaned seed lots shall be taken for analysis, and that screenings and seed lots which do not conform to the required standards of purity shall not be returned to the owner or otherwise disposed of, unless the viability of the weed seed has been destroyed.

The Crown may decide that anyone who produces for sale, imports, exports or deals in material under this Act, shall notify the Ministry of this and keep the records deemed to be necessary by the Ministry for effective control.

3.

Any person offering for sale or selling material under this Act shall - either on the invoice or by labelling the container or otherwise - inform the buyer of its contents and the quality of the material according to official guarantee analysis or test.

Further regulations concerning the analysis and test, the form and kind of information to be given, the labelling of the container etc., for the various kinds of material are to be prepared by the Crown.

These provisions shall not apply to growers selling material of their own production, unless they operate a trade in the material referred to by this Act.

If the grower sells such material to consumer at a market place, by auction or if the sale is advertised in a newspaper or a periodical, circular letter, price list or in any other public way, the sale shall be regarded as trade and be subject to this Act.

If there is reason to believe that a sale - which according to the provisions mentioned above cannot be considered as a sale within the meaning of the Act - may cause considerable damaging effect, the Ministry may prohibit such sale.

4.

When material under this Act has arrived from abroad the Customs Authorities shall notify the seed sampler concerned without delay, so that the consignment may immediately be sampled or otherwise checked as prescribed.

The consignment must not be released by the Customs Authorities until it has been sampled or inspection has been carried out.

5.

The State Seed Testing Stations, the Police and the Customs Authorities are to supervise the implementation of this Act and the provisions issued thereunder. The Ministry may also entrust the supervision to others and appoint specially authorized inspectors to be made available to the supervisory authority in question.

Those authorized to supervise the implementation of the Act shall be admitted to any place of cultivation, storage or cleaning establishment where material subject to this Act is dealt with and shall have the right, without payment, to take samples for examination.

The said authorities have the right to require that the records mentioned in section 2, be submitted to them.

Anyone who, in virtue of his position as a supervisory authority in the implementation of this Act, has gained knowledge of business matters or methods of production or other information not commonly known, shall, within the limitations of his authority under this Act, keep professional secrecy concerning such information and must not make use of it off duty.

The Ministry may issue further regulations for the taking and examination of samples and for other kinds of control pursuant to the provisions of this Act.

6.

The Crown may impose on those who produce, import, export or deal in material subject to this Act, the payment of a levy to cover, in full or in part, the expenses incurred in connection with sampling, analysis, investigation, control and supervision in order to implement the Act and the regulations issued in pursuance of the Act. The levy may be fixed in the form of tariffs for sampling, analysis and examination, and on a land area basis in the case of growth control. For other control and supervision the levy may be fixed according to quantity, weight or volume of produced, imported, exported or sold material.

The Ministry may make further provision for the calculation, collection and payment of the levy and for the control thereof. The Ministry may also decide that a levy which has been imposed on a producer may be subject to collection from the trading firm or any other who purchases the material from the producer or receives it for sale, storage etc., or who, on behalf of the producer, receives payment for material delivered.

Seed dealers may demand that the required tests shall be carried out at the State Seed Testing Stations upon payment of a fee.

The levy may be enforced by distraint.

7.

Anyone who wilfully or inadvertently violates the provisions of this Act or any prohibition, directive or other regulation issued in pursuance of this Act, shall be punished with fines insofar as the case does not come under a more severe penal clause.

Attempted violation shall be punished in the same way.

Importers and dealers failing to comply with the provisions of section 2, subsection 3, regarding notification and maintenance of records may for a period of time be refused permission by the Ministry to import, export or sell the material in question.

8.

The Crown or a person authorized by the Crown, may lay down further regulations for the implementation of this Act.

9.

1. This Act shall enter into force from such time as the Crown may prescribe.
2. As from the date of the enforcement of this Act, the Act of 17 July, 1953, No. 7, on Seeds etc. as well as the regulations and provisions issued in pursuance of section 6 of the Act, shall be repealed.
3. Regulations and provisions made under the Act of 17 July 1953, No. 7, on Seeds etc., shall apply - with the exception mentioned under point 2 above - until they are repealed or superseded by other regulations or provisions under this Act.