

SEED SECTOR LAW OF REPUBLIC OF TAJIKISTAN

CHAPTER I. - General provision

Article 1 The purpose of the present law

The present law establishes a legal basis for production or reproduction, processing, certification, marketing of seeds, seedlings and plants, and also the organization and implementation of the variety registration and seed control.

Article 2 The basic terms (to be modify when text is agreed)

In the present law the following terms are used:

Seed sector: activities on reproduction or production, processing, storage, and marketing of seeds, seedling and plants, and also the variety and seed control;

Seeds: parts of plants (a seed, a grain, a fruit, tuber, a root crop, a bulb, a shank, sprouts, seedlings and others), used for production or reproduction of varieties;

Categories of seeds: set of the attributes describing the genealogy of seeds for planting;

Catalogue of commercial varieties – catalogue, where the varieties recommended for commercial use are listed.

Seed lot: the certain quantity of seeds homogeneous by origin and quality;

Variety control: actions of control of varietal purity and for identification of the variety through field inspection, post control and laboratory control;

Seed control: actions of control of the quality of seeds, the control of compliance with the requirements of state standards and other normative legal acts in the field of seed production;

Field inspection: Inspection of fields to determine specific purity, varietal purity and uniformity, presence of weeds and infection of the crop by diseases and pests;

Post control: identification of specific purity and varietal purity through planting of seeds on special sites and the following testing;

Laboratory control of variety: control of specific purity and varietal purity of seeds through the laboratory analysis;

Varietal characteristics: a set of characteristics and features characterizing varietal identity and purity of seeds Introduce DUS / VCU

Article 3 The seed sector legislation of Republic of Tajikistan

The seed sector legislation of Republic of Tajikistan is based on the Constitution of Republic of Tajikistan, consists of the present law, other legal acts of Republic of Tajikistan, and also of the international legal acts recognized by Republic of Tajikistan.

Article 4 The activities regulated by the present law

The present law regulates the activities connected with production or reproduction; processing of seed, offering for sale, sale or other marketing, importing and exporting of seeds of varieties of which are included in the Catalogue of commercial varieties, and also relations connected with the organization and implementation of the variety and seed control.

The relations, connected with production or reproduction; processing of the seed, offering for sale, sale or other marketing, importing and exporting of seeds in forestry, are regulated by the present law if other is not mentioned by the forest legislation of Republic of Tajikistan.

The property and administrative relations, which are carried out of seed sector, are regulated by the civil and administrative legislation of Republic of Tajikistan.

Article 5 Financing in the seed sector

Financing in the seed sector is carried out of the state budget, and also out of the budgets of physical and legal persons who are carrying out activities in the activity of seed sector.

Article 6 The state support of seed sector

The state support of the seed sector, not depending on the form of property, is carried out by:

- allocation of the state investments;
- compensations of expenses for production of original and elite seeds;
- grant of soft loans;
- applications of other measures for provision of economic incentives.

CHAPTER II. Categories of seeds

Article 7 Categories of seeds

Depending on the scheme of certification of the different species the following categories of seeds are identified:

- Pre Basic Seed
- Basic Seed;
- Certified Seed (seeds of the first and the subsequent generations, and also hybrid seeds of the first generation).

Methods of production of seeds of the appropriate categories are established specially by the authorized state control body of agriculture sector of republic.

Article 8 Pre Basic Seed

Pre basic seeds are the seeds produced by the breeder of the variety or by the person authorized by him.

Breeder of the variety is the physical or legal person who has created a variety, provides conservation of the variety and stability of information included to the Catalogue of commercial varieties that allows using the variety.

The regulation on registration of a variety shall be approved by the specially authorized state control body of agriculture sector of republic.

Article 9 Basic Seed

Basic seeds are the seeds harvest from the reproduction of Pre Basic Seed and compliant with the requirements of state standards and other legal acts of seed sector.

The number of generations of basic seeds that should be produced is determined by the specially authorized state control body of agriculture sector of republic.

Basic seeds are used to produce Certified Seeds.

Article 10 Certified seeds

Certified seeds are seeds of the subsequent to the basic seeds generations.

The number of generations of certified seeds is determined specially by the specially authorized state control body of agriculture sector of republic.

Hybrid seeds of the first generation are considered as certified seeds.

Article 11 Categories of seeds of forest plants

Depending on hereditary properties the following categories of seeds of forest plants are defined: normal, improved and high-quality.

Specially authorized state control body of forestry of republic defines specified categories of seeds of forest plants.

CHAPTER III. Catalogue of commercial varieties

Article 12 Catalogue of commercial varieties

In order to be eligible for use and further reproduction in the Republic of Tajikistan a variety shall pass an official test for economic usefulness and shall be included in the Catalogue of commercial varieties for use in the Republic of Tajikistan.

The list of plant species subject to official tests for economic usefulness shall be established by the specially authorized state body for variety testing and registration.

The procedure of organization of the official tests for economic usefulness of a variety, and its inclusion into and deletion from the Catalogue of commercial varieties shall be established by the specially authorized state body for variety testing and registration.

The Catalogue of commercial varieties shall be maintained and published at least once a year by the specially authorized state body for variety testing and registration.

CHAPTER IV. Scientific support to the seed sector

Article 13 Scientific support to the seed sector

Scientific maintenance of seed sector is carried out by the research organizations, the scientific organizations and the physical persons engaged in scientific research in the seed sector.

CHAPTER V. Production and processing of seeds

Article 14 Requirements for seed production

For production of seeds, should be used only seeds, which variety and categories correspond to the requirements of state standards and other legal acts of seed production.

It is prohibited to use the seeds polluted by seeds of quarantine plants, infected with quarantine diseases and pests for seed production activities.

Article 15 Features of seed production of separate categories

Pre basic seeds are produced according to Article 6 of the present law.

Basic seeds and certified seeds are produced by the physical or legal persons registered^[A3] for production of the specified seeds.

Registration for production of basic seeds and certified seeds intended for marketing is established in the procedure stipulated by legal acts of Republic of Tajikistan. All interested ^[A5]physical and legal persons can produce basic seeds and / or certified seeds.

The certified seeds intended for marketing, are produced by the physical and legal persons registered for production of certified seeds.

The specially authorized state control body of agriculture sector of republic shall keep a register of seed producers, seed importers and seed exporters

Seeds of separate categories of forest plants are produced in the procedure established by specially authorized state control body of forestry of republic.

Article 16 *Seed producers*

Seed producers are the physical and legal persons who produce seeds according to the present law.

The subject and the purposes of their activities are defined in constituent documents of seed producers.

Article 17 *Special zones and facilities for production of seeds*

In order to improve the production and satisfaction of needs of republican enterprises in high-quality seeds and to create adequate phytosanitary and technological conditions for production of seeds, possessing high variety qualities, the Government of Republic of Tajikistan, upon presentation by the specially authorized state control body of agriculture sector of republic, could defines special zones for seed production irrespective of their types of property. The special mode of seed production is established in these special zones and organizations (farms).

Article 18 *Production and processing of seeds*

The procedure of production and processing of seeds and seeds of forest plants is defined by the specially authorized state control body of agriculture sector of republic and by the specially authorized state control body of forestry of republic.

Article 19 *The state funds of seeds for SCVT and RSI yes*

The seeds, variety and sowing qualities of which are certified, are prepared for the state funds.

The state funds of seeds are formed by the means of the republican budget and other sources not prohibited by the law.

The state funds of seeds are the republican property.

The order of formation and use of the state funds of seeds is defined by the Government of Republic of Tajikistan.

Article 20 *Insurance funds of seeds*

Insurance funds of seeds represent stocks of seeds and forest plants and are formed for the cases of a poor harvest and other extraordinary situations.

The order of formation and use of insurance funds is defined by the specially authorized state control body of agriculture sector of republic.

The order of formation and use of resource funds of seeds of forest plants is defined by the specially authorized state control body of forestry of republic.

Article 21 *Natural disaster and extraordinary situations*

In case of natural disaster and or extraordinary situations that drive to a shortage of necessary available seed, the specially authorized state control body of agriculture sector of republic will make a decision to fulfil the requirement of the market.

These proposals will be submitted to the approval of Ministry of agriculture (?)

Derogation to the regulation for:

- The number of generation of certified seeds, permit a reproduction in addition
- The level of germination or purity
- The importation or certification of varieties not yet registered in the catalogue

CHAPTER VI. Procedure of control and identification of varieties and quality of

seeds

Article 22 *The general requirements of variety and seed control*

The variety and seed control are carried out with the purpose of maintenance of observance of the legislation of Republic of Tajikistan on seed sector, the acts approved on its basis by the specially authorized state control body of agriculture sector of republic and by specially authorized state control body of forestry of republic, and also requirements of state standards and other legal acts of seed sector.

The variety and seed control are carried out to concerning crops and the seeds belonging to physical and legal persons, carrying out activities of seed sector.

Seeds and or seedlings are subject to identification of variety and qualities.

Methods, terminology and legal acts of seed sector, along with other universal technical facilities are used for identification of variety and qualities of seeds.

Categories of seeds are identified on the basis of requirements of state standards and other legal acts of seed sector. The criteria of qualities are defined for each category and species.[JLD11]

Article 23 *Variety control*

Variety control is carried out by fields' inspection, post control plots and laboratory varietal control.

Varieties that are intended for marketing are subject to obligatory crops' field inspection when control scheme apply.

The procedure of field inspection, post control plots and laboratory variety control, and registration of seed production^[A12], is defined by the specially authorized state control body of agriculture sector of republic.

Article 24 *Seed quality control*

Seed quality control is carried out by sampling and the analysis of seed samples.

Sampling of seeds is carried out by the specially authorised control body for variety and seed quality control from the seed lot intended for marketing.

The analysis of seed samples is carried out by the State seed inspectors and also by the accredited physical and legal persons.

The procedure of accreditation of physical and legal persons for the identification of qualities of seeds and seeds of forest plants is established by the specially authorized state control body of agriculture sector of republic and by the specially authorized state control body of forestry of republic.

Sampling of seeds from seed lot intended for export from Republic of Tajikistan and its analysis are carried out accordingly to the international legal acts.

Article 25 Seed certification

Specially authorised State control body for agriculture sector of republic will define the species subject to a scheme of certification, for this species:

Each lot of seeds intended for marketing, should have the certificate stating variety and categories of seeds.

Each seed lot, intended for export from Republic of Tajikistan, should have the certificate of variety and quality, phytosanitary certificate and the export quarantine results according to the international legal acts.

Issue of certificates of variety and categories of seeds is carried out by the specially authorised State body responsible for variety and seed quality control; phytosanitary certificate and the export quarantine results are issued by the specially authorised State body responsible for quarantine inspection.

The procedure of seed certification and the procedure of issue of export quarantine sanctions are defined by the specially authorized state control body of agriculture sector of republic.

Article 26 *Seed quality certificate*^[A15]

Certificates will be issued for the seeds intended for producer's needs, and for the seeds which are not complying with the requirements of state standards and other legal acts of seed production.

Seed quality certificates are issued by the specially authorised State body responsible for variety and seed quality control in the procedure established by the specially authorized state control body of agriculture sector of republic.

CHAPTER VII. Marketing of seed lots

Article 27 *Marketing of seed lots*

Marketing of seed lots are carried out according to the legislation of Republic of Tajikistan on in the field of seed production.

Each seed lots at their marketing are packed.

Seed lots for marketing in packed condition require their container and package have labels of the established forms.

The seed lots treated by chemical or biological agents should be in packed. Container and package of these seed lots should have corresponding inscriptions and the accompanying documents identifying the procedure of use of such seeds, possible negative effects on health and environment.

It is prohibited to market seed lots are with information not corresponding to the correct names of crop varieties, origin and quality of seeds, and also to distribute obviously false advertising about seed lots in mass media.

The procedure of marketing of seed lots and seed lots of forest plants is established accordingly by the specially authorized state control body of agriculture sector of republic and specially authorized state control body of forestry of republic.

Article 28 *Import and export of seed lots*

Import of seed lots to Republic of Tajikistan is permitted with the presence of the variety and sowing quality certificate and conformity of the specified seed lots to the requirements of the legislation of Republic of Tajikistan and international regulations.

Import to Republic of Tajikistan of seed lots in non-packed (bulk) conditions and also seed lots of varieties are not included in the Catalogue of commercial varieties is prohibited, except for seed intended for scientific research, the state tests, seed production for export from Republic of Tajikistan.

Each seed lots imported to Republic of Tajikistan are subjects for seed and phytosanitary control.

The import and export of seed lots of varieties protected in case of non-complying with the legislation of Republic of Tajikistan are prohibited.

The control over import and export of seed lots to and from Republic of Tajikistan is carried out by the specially authorized state control body of agriculture sector of republic and specially authorized state control body of forestry of republic.

The procedure of import and export of seed lots to and from republic is established by the Government of Republic of Tajikistan.

Article 29 *Quality guarantee of seeds*

Physical or legal persons marketing seed lots guarantee conformity of variety and qualities of seeds sold to the parameters specified in the corresponding certificate.

In case of discrepancy of variety and categories of seeds sold to the parameters specified in the corresponding certificate, the physical or legal person marketing of seeds bears the responsibility according to the legislation of Republic of Tajikistan.

CHAPTER VIII. Organisations involved on variety registration and variety and seed quality control

Article 30 *State bodies in the seed sector*

The bodies which manage the activities in the seed sector include specially authorized state control body of agriculture sector of the republic, specially authorized state control body of forestry of republic and their territorial bodies.

Tasks and responsibilities of the bodies, which manage the activities in the seed sector, are defined by the Government of Republic Tajikistan.

Article 31 *The organizations conducting the variety registration and variety and seed control*

The registration of varieties carried out by the specially authorised State body responsible for variety testing and registration.

The variety and seed control is carried out by the specially authorised State body responsible for variety and seed quality control.

Article 32 *State seed inspectors in the activity of seed production*

State seed inspectors in the activity of seed production within the limits of their competence have the right to:

- freely visit the physical and legal persons carrying out the activities in the field of seed production, and to receive necessary information from the specified persons gratuitously;
- stop marketing or use of seeds in case of identified infringements of the legislation of Republic of Tajikistan on seed sector;
- give instructions about elimination of infringements of the legislation of Republic of Tajikistan on seed sector to physical and legal persons carrying out activities in the field of seed sector;
- carry out other powers (tasks and responsibilities) established by the legislation of Republic of Tajikistan.

The procedure of activities of the state seed inspectors of seed sector is established by the Government of Republic Tajikistan.

Article 33 *Payment for services*

The organizations conducting the variety testing and registration, field inspection, seed quality control and issuing the different certificates and the labels have the ability to require a payment for those services to the party who request it.

CHAPTER IX. Settlement of disputes during the implementation of seed sector

Article 34 *The settlement of disputes during the implementation of seed sector*

The disputes, arising during the implementation of seed production activities, are settled by the Court according to the legislation of Republic Tajikistan.

CHAPTER X. Responsibility for infringement of the Seed sector Legislation

Article 35 *The responsibility for infringement of the seed sector legislation of Republic of Tajikistan*

Infringement of seed sector legislation of Republic of Tajikistan entails the responsibility according to the legislation of Republic of Tajikistan.

Article 36 *Order of implementation of the present law*

The present law is implemented after its official publishing.

The President of Republic of Tajikistan

E. Rahmonov