

LAW
No. 7659, date 12. 1.1993

ON SEEDS AND SEEDLINGS

Based on the article 16 of the law no 7491, date 29.4.1991 "On main constitutional provisions", with proposal of the Council of Ministers,

The PARLIAMENT OF REPUBLIC OF ALBANIA

DECIDED

CHAPTER I

GENERAL PROVISIONS

Article 1

Seeds, seedlings, portions, offshoots (offsets), tubers, bulbs and every part of plant which serves for planting and their reproducing, will be included in the term "Vegetative planting material" executed by this law.

Article 2

Vegetative planting material is classified in the categories as follows:

- a) Genetic planting material (populations, ecotypes, biotypes, lines, inbreed lines and clones).
- b) Vegetative planting material - grown (new varieties, new parent lines, new hybrids and new clones in arboriculture).
- c) Vegetative planting material - base (super superelits, superelites, elites of all categories as well as hybrids).
- ç) Vegetative planting material for multiplying and generation (all seeds of first and second reproduces).

CHAPTER II

**THE GROWING, REPRODUCING AND MULTIPLYING OF VEGETATIVE
PLANTING MATERIAL**

Article 3

The right on growing of new vegetative planting material, according point 2, letter "b" of this law, with distributing and trading purpose, have only state or private researching and educational institutes, independently or in cooperation with foreigners. The foreign juridical

and physical person has this right too, in all cases but with MAF (Ministry of Agriculture and Food) permission.

Article 4

The right of giving permission, duties and rights that juridical and physical persons have to deal with growing, reproducing and multiplying of vegetative planting material, are defined in a special regulation of MAF, while the standardization clauses, rules and criteria of quality, marketing, packing, labelling, transportation and preservation are defined by the standardisation and quality central organ in cooperation with MAF.

Article 5

According to the article 2, letter "b" of this law, it is known to the growers of every new vegetative planting material, the right of the grower (author), which is guaranteed by law. According this law, the grower's right is registered and issued from state seed and seedling Entity (National Seed Institute), based on the decision of commission in charge of testing the new varieties and hybrids. This commission is attached to the National Seed Institute. It is not allowed the use of grower's rights (patent) from other physical and juridical persons, without permission of this commission.

Article 6

According to the article 2, letters "c" and "ç" of this law, is allowed the reproducing and multiplying of vegetative planting material for every grower of new vegetative planting material, as well as for every albanian or foreigner physical and juridical person either apartly or in cooperation between them, in condition that :

- a) To take a permission for seed reproducing and multiplying or producing of seedlings, according this law.
- b) The vegetative planting material which is reproduced and multiplied must be registered in base Registry for varieties and hybrids of the sorts of cultivated plants.
- c) To sure applying of necessary agrotechnic tests for reproducing and multiplying of vegetative planting material.

Article 7

The reproducing and multiplying of vegetative planting material, not being registered in base Registry of seed and seedlings, in account of foreign physical and juridical persons, is performed only with a permission of National Seed Institute, endorsed by the Minister of MAF

CHAPTER III

TRADING OF VEGETABLE PLANTING MATERIAL

Article 8

Trading of vegetable planting material is allowed for all physical and juridical persons who have licence to grow vegetative planting material, according the article 3 of this law and to reproduce and multiply according the article 6 of this law, as well as for every physical and juridical person who, according the other legal provisions in force, have licence to exercise their activity in trade.

Article 9

The vegetative planting material is allowed to be traded in case that:

- a) It belongs to a variety, hybrid or clone registered in base Registry for varieties and hybrids of the sorts of cultivated plants and the trade deadline of this vegetative planting material is not passed yet.
- b) The control certificate on seed quality indicators and phytosanitary certificate are attached to it.
- c) It is conformed to albanian standards for quality and phytosanitary indicators of the vegetative planting material.

For sorts of particular contingents, in extraordinary cases, with proposal of minister of MAF and authorization of the organ of standards, is allowed trading and planting of vegetative planting material with worse qualitative indicators than the indicators defined in albanian standards.

Article 10

It is not allowed trading and planting of every vegetative planting material, infected by diseases and pests that are object of the carantinee, as well as plants which are grown in order to produce narcotics or toxic materials. These plants are specified in regulations of MAF.

Article 11

The scientific and educational institutes, National Seed Institute and other authorities that deal with growing and protection of vegetative planting material, according the article 3 of this law and only with order of authority or institution, have the right to exchange vegetative planting material in small quantities, for scientific and experimental purposes with scientific institutes, inside or outside the country, as well as foreign physical and juridical persons, who are not subdued to licence and custom duties, except the vegetative planting material with specific genetic values.

The limits of seed quantities according the sorts which are or not allowed to be

exchanged for this purpose, are defined in the regulation of MAF.

CHAPTER IV

THE QUALITY CONTROL ON VEGETATIVE PLANTING MATERIAL AND PROTECTION OF GENETIC MATERIAL

Article 12

Attached to MAF is created National Seed Institute to organise the control of vegetative planting material in all chains and protection of genetic material as well.

Article 13

National Seed Institute, through the network of zonal comparative tests and laboratory methods, controls the reliability of the production quantitative and qualitative indicators and genetic indicators as well, for every new vegetative planting material grown in country, according the article 2, letter "b" of this law, as well as every new vegetative planting material brought in from outside for reproducing and multiplying.

Article 14

The commission of seed and seedling test which is attached to National Seed Institute and appointed by the order of minister of MAF, evaluates and endorses the registration of new vegetative planting material in the base Register of seeds and seedlings, based on results, according the article 13 of this law.

Based on the decision of this commission, National Seed Institute performs the registration of new vegetative planting material and give permission for its reproducing, multiplying and trading.

Article 15

All officially analyses on qualitative indicators of vegetative planting material for every seed contingent, are performed in Central Seed Laboratory as well as in district laboratories which are under this entity. Based on these analyses, is issued the quality certificate and phytosanitary certificate noting in it as this vegetative planting material is or is not allowed for planting. The quantity of every contingent, according the analyzed varieties and qualitative indicators, are defined in specific regulations of MAF.

Article 16

It is not allowed the import of vegetative planting material for reproducing, multiplying and trading purposes, by every albanian or foreign physical and juridical person who has no permission, except the cases provided in the article 11 of this law.

National Seed Institute is the single state authority that has the right for giving the import permission of every vegetative planting material, and export as well, in case that is made control by state.

Article 17

National Seed Institute, through the endorsement of minister of MAF, organizes the relation integrating and membership with international organizations that deal with treating of vegetative planting material, genetic banks, as well as homologous organs of other countries.

Article 18

According the article 2, letter "a" of this law, the state system for protection and treatment of vegetative planting material, is organised by National Seed Institute, through Genetic Bank.

Article 19

Seed and seedling Inspectorate attached to this Entity, through its inspectors in central and district level, monitors all instances during the time is being reproduced, multiplied and traded every vegetative planting material, in order to control:

- Applying of the provisions of this law and respective regulations of MAF.
- Applying of albanian seed and seedling standards.
- Respecting of phytosanitary rules; for this cooperates with carantinee and plant protection service.
- Respecting of necessary agrotecnic conditions for reproducing and multiplying of vegetative planting material.
- Keeping of necessary technical documentation in all chains of the vegetative planting material reproducing, multiplying and trading.

Article 20

The seed and seedling inspectors in districts, after doing verification of the vegetative planting material documentation as well as doing the monitoring of vegetative plant material reproducing and multiplying plots. perform the filed test. Without this last, every vegetative planting material brought in from producer can not be subdued to officially analyses on qualitative indicators and be certificated as well.

LAST PROVISIONS

Article 21

For infringement of the provisions provided by this law, the seed and seedling

inspectors, as well as other persons unauthorized by the minister of MAF, have the right of penalty from 500 to 10.000 lek, and temporary suspension, and not permitting of reproducing, multiplying and trading of vegetative planting material.

Article 22

In opposite of condemnation verdict can be made an appeal within 15 days from the date of giving verdict to the chief-inspector of National Seed Institute, whom verdict is an executive title.

Article 23

Deceiving in terms of varieties, hybrids, line and reproducing for speculation purposes, reproducing and trading of vegetative planting material which produces narcotic or toxic material, as well as giving without permission of vegetative planting material with particular values for the country to the foreign persons, is condemned according the Penal Code.

Article 24

The provisions of this law have force for vegetative planting material of the all sort of cultivated plants, including even forestry and food cultivated mushrooms as well.

Article 25

Applying this law, MAF should issue the relevant regulations for growing, reproducing, multiplying, trading and controlling of every kind of vegetative planting material, as well as for conservating, protecting and treating of genetic planting material.

Article 26

The law no. 7225, date 22.6.1988 "On the organisation of production and distribution of fruit-tree seeds and seedlings", as well as every provision in opposite of this law, is abrogated.

Article 27

This law enters in force immediately.

It is proclaimed by the decree no. 439, date 26.1.1993 of the President of Republic of Albania. Sali Berisha.