

No 669

Seed Trade Act

Promulgated in Helsinki on August 25, 1975

The following is decreed in accordance with a decision by Parliament:

§ 1

This Act is concerned with imports, sales and exports of field and horticultural plant seed. The Act shall only apply to the sale of seed by the grower himself, however, when the sale occurs publicly.

Whatever this Act prescribes regarding the sale of seed shall also be valid when seed is otherwise surrendered for contract cultivation.

Seed refers to the seeds of plants mentioned under paragraph 1 intended for sowing or planting, and other propagation material. What is meant by the public sale of seed will be prescribed by statute.

§ 2

Compliance with this Act and the regulations and orders issued under it shall be supervised by the State Seed Testing Station and the National Board of Agriculture and, on the latter's orders, by the agricultural offices of agricultural districts and municipal agricultural boards. Apart from the aforementioned authorities, compliance with prohibitions and restrictions relating to imports and exports of seed shall also be supervised by the Customs Office. Advisory agricultural organizations can be used to assist with supervision.

§ 3

He who intends to engage in the kind of activity referred to under paragraph 1 of § 1, should give notice of this to the State Seed Testing Station at least one month before starting operations. Notification is not required, however, if sales involve only seed which is packed in retailing packages and about which the buyer is provided the information referred to under paragraph 1 of § 11 by another party required to give notice, nor when the grower only occasionally sells seed produced by himself publicly.

§ 4

The Ministry of Agriculture and Forestry may decide what seed shall be allowed on retail sale on the basis of a permit referred to under paragraph 2, packed in retailing packages, or produced and packed under supervision of the State Seed Testing Station.

The packing permit referred to above under paragraph 1 shall be granted by the National Board of Agriculture. The permit may be granted if the applicant for the permit has the necessary equipment and skilled staff at his disposal and the applicant also meets the other conditions required for the proper discharge of packing. The National Board of Agriculture may cancel a granted permit when the conditions for granting it no longer exist or when the receiver of the permit or the person otherwise responsible for packing has been convicted and sentenced for violation of this Act or regulations and orders issued under it.

§ 5

The person required to give notice referred to above under § 3 and the packer referred to under § 4 shall keep books, which provide the information necessary for supervision, in accordance with instructions issued by the Ministry of Agriculture and Forestry.

§ 6

Imported seed shall be kept in a place approved by the State Seed Testing Station until the Seed Testing Station has carried out an inspection of it on the basis of a sample, or in some other way, or has given notice that the measures mentioned will not be carried out. The importer shall report the importation to the State Seed Testing Station in good time.

In carrying out the inspection the Seed Testing Station shall be entitled to receive service assistance from other authorities. Seed, which is found to be unfit for importation during the inspection, shall be returned or destroyed by the importer, or some other procedure approved by the Ministry of Agriculture and Forestry shall be adopted with regard to it.

The National Board of Agriculture can require that imported seed be appropriately marked when it is necessary to distinguish it from corresponding Finnish seed.

§ 7

The Ministry of Agriculture and Forestry may, on having consulted the National Board of Agriculture, issue prohibitions and restrictions regarding imports or exports of seed until further notice or for a fixed period. A condition for issuing a prohibition or restriction on imports or exports of seed is that the properties of its species and variety, are such that they are unsuitable for cultivation in Finland or that their importation would result in the spread of pests or harmful weeds. A condition for issuing a prohibition or restriction on exports is that unrestricted exports result in a shortage of seed in Finland.

The Ministry of Agriculture and Forestry may, on application, grant exceptions to the prohibition referred to under paragraph 1.

§ 8

The National Board of Agriculture shall keep a list of the varieties of the most important plant species, the cultivation of which has proved to be practical.

The Ministry of Agriculture and Forestry may decide in the case of particular plant species that only seed of varieties entered in the list referred to under paragraph 1 may be offered for sale. For specific reasons the Ministry of Agriculture and Forestry may, on application, grant an exception to this restriction.

The Ministry of Agriculture and Forestry shall appoint a plant varieties committee for three years at a time, whose task is to submit proposals to the National Board of Agriculture regarding plant varieties to be included in the list referred to under paragraph 1. The State Seed Testing Station experimental and counselling services, growers producing seed and those using them, the foodstuffs industry, horticulture and the seed trade shall be represented on the committee.

§ 9

Of the plant species and varieties referred to under paragraph 1 of § 8, only seed from the plant breeder's breeding stock or from among the varieties approved by the State Seed Testing Station and produced in accordance with the quality classification system, the basic principles of which shall be laid down by decree, may be offered for sale. The National Board of Agriculture may, however, if the

availability of an adequate supply of seed for sale is considered to require it, decide that seed of the kind referred to under paragraph 1 of § 8, produced other than in accordance with the quality classification system, may be offered for sale.

§ 10

The National Board of Agriculture shall lay down quality requirements for the most important seeds. Seed, which does not meet the quality requirements shall not be sold or otherwise surrendered for use as seed. The National Board of Agriculture may, however, for specific reasons, permit the sale or surrender of seed which does not meet the quality requirements set.

§ 11

The seller shall provide the buyer information on the seed offered for sale, as stipulated by statute. The information shall be based on an inspection carried out by the State Seed Testing Station, which shall be carried out, unless the State Seed Testing Station directs otherwise, on a sample taken of the goods by a person authorized by the Station. In the case of seed imported from abroad, the State Seed Testing Station may accept that the buyer be given information provided by a foreign authority.

The National Board of Agriculture may also entitle the seller to provide the information referred to under paragraph 1 on the basis of an inspection carried out by the seed-testing laboratory of the State Granary.

§ 12

A buyer, who seeks assurance that the seed purchased complies with the information provided on it, shall send, within the time limit laid down by statute, a sample taken by a sampler authorised by the State Seed Testing Station to that Station for investigation.

Notification of the time and place where the sample is to be taken shall be made to the seller or his representative, who shall be entitled to be present when the sample is taken.

The National Board of Agriculture shall lay down the permissible tole-

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rance for inspection results in a post-control of seed of the kind referred to under paragraph 1. The buyer is not obliget to accept delivery of goods, which, considering the tolerance do not comply with the information provided.

§ 13

The investigations and inspections referred to under this Act shall be paid for by charges to be laid down by statute, which shall be determined in accordance with the general principles prescribed by the Act (980/73) on the basis for charges by the State, promulgated on December 29, 1973. No charges shall be levied, however, when the investigation or inspection is carried out on the initiative of the control authorities.

§ 14

For purposes of supervising compliance with this Act and the regulations and orders issued under it, the control authorities shall be entitled to access to areas under crops for seed and to places where seed is cleaned, packed, stored and sold, to take samples of seed for examination purposes free of charge, to inspect the books kept on trade in seed and, when the seed does not meet the conditions prescribed for sale by this Act, to prohibit sale of the seed and provide the goods with a seal or mark of the State Seed Testing Station in order to prevent sale. The prohibition shall be in force until the State Seed Testing Station, to which a sample of the suspected seed shall be sent immediately, has confirmed that the seed complies with the information provided on it.

For the purposes mentioned under paragraph 1, representatives of the control authorities are also entitled to access to any cultivation or area located close to the seed crop being inspected, which may bear upon approval of the area under crops for seed, and to take any sample necessary from there. In such cases, however, no more damage or harm shall be caused than that unavoidable in carrying out the task.

The representative of the control authorities shall not divulge to others any business or professional secrets he may come to know in the course of carrying out his duties.

§ 15

If anyone violates this Act or the regulations and orders issued under it, he shall be sentenced, unless a more severe sentence is prescribed for the act elsewhere in law, to a fine or, if the circumstances involved are very aggravating, to a maximum prison sentence of six months. Furthermore, the seed and its packaging or part of the goods or its value may be sentenced to forfeiture by the State.

Notification of initiation of legal proceedings for a violation of the kind referred to under paragraph 1 is carried out on behalf of the State by State Seed Testing Station. When the violation is minor, however, the State Seed Testing Station may omit such notification.

§ 16

Any damage sustained by the user of the seed as a result of the fact that the seed does not comply with the information provided on it, shall be compensated for by the seed processor and packer of the goods. The same responsibility falls on the seller if he has caused the damage through carelessness.

§ 17

More detailed directives regarding enforcement of this Act shall be issued by statute.

§ 18

This Act shall come into force on September 1, 1975, and it repeals the Act (148/37) on imports, exports and sales of seed promulgated on April 9, 1937 and the regulations and orders issued under it.

He who, at the moment of this Act's coming into force, is engaged in the kind of activity referred to under § 3, shall give the notice referred to under said clause to the State Seed Testing Station, within three months of the Act's coming into force.

Helsinki, August 25, 1975

Urho Kekkonen

President of the Republic

Weikko Ihamuotila
Minister of Agriculture
and Forestry