

**MINISTRY OF  
AGRICULTURE AND  
RURAL DEVELOPMENT**  
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**THE SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**  
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No. 26/2019/TT-BNNPTNT

*Hanoi, December 27, 2019*

**CIRCULAR**

**STORAGE OF PLANT VARIETY SAMPLES; FIELD INSPECTION, SAMPLING OF  
PROPAGATING MATERIALS; STATE INSPECTION OF QUALITY OF IMPORTED  
PLANT VARIETIES**

*Pursuant to the Government's Decree No. 15/2017/ND-CP dated February 17, 2017  
defining the functions, tasks, powers and organizational structure of the Ministry of  
Agriculture and Rural Development;*

*Pursuant to the Law on Crop Production dated November 19, 2018;*

*At the request of the Director General of the Department of Crop Production;*

*The Minister of Agriculture and Rural Development hereby promulgates a Circular on  
storage of plant variety samples; field inspection, sampling of propagating materials;  
state inspection of quality of imported plant varieties.*

**Chapter I**

**GENERAL**

**Article 1. Scope**

This Circular provides for storage of plant variety samples upon applying for the decision on recognition of plant variety circulation and the decision on recognition of privileged circulation of plant varieties; field inspection, sampling of propagating materials; state inspection of quality of imported plant varieties.

**Article 2. Regulated entities**

This Circular applies to domestic and foreign organizations and individuals whose operations involve the contents mentioned in Article 1 hereof.

**Chapter II**

**STORAGE OF PLANT VARIETY SAMPLES**

### **Article 3. Storage of samples of sexually propagated varieties**

1. Before carrying out testing to apply for the decision on recognition of plant variety circulation or the decision on recognition of privileged circulation of plant varieties, organizations and individuals shall send stored samples, technical declarations of plant variety samples specified in the Appendix I and statement of weight of stored samples specified in the Appendix II enclosed herewith to the recognized organization in charge of testing distinctness, uniformity and stability (hereinafter referred to as “the sample storage facility”).
2. Upon receiving stored samples, the sample storage facility shall make a record of transfer of stored samples according to the Appendix III hereof; inspect their quality according to National technical Regulation on quality of seeds within 20 working days from the date on which variety samples are received; send information about variety name, organizations or individuals having stored samples and sample storage facility to the Department of Crop Production so that it will be posted on the web portal of the Department of Crop Production if the variety samples are unqualified. If variety samples are unqualified, organizations or individuals are required to send new ones.
3. On an annual basis, every sample storage facility shall inspect quality of stored samples. The sample storage facility shall request the organizations or individuals having varieties to send additional seed samples if such samples are unqualified as prescribed in National technical Regulation on quality of seeds or the weight of remaining stored samples is less than 50% as prescribed in the Appendix II hereof. Additional seed samples shall comply with National technical regulation on quality of seeds and varietal trueness.

### **Article 4. Storage of samples of vegetatively propagated varieties**

1. Samples of vegetatively propagated varieties shall be stored by organizations and individuals applying for the decision on recognition of plant variety circulation or the decision on recognition of privileged circulation of plant varieties.
2. The minimum number of cultivars of stored samples shall comply with National standard (TCVN) for testing for distinctness, uniformity and stability of plant varieties.

### **Article 5. Disposal of variety samples**

1. Variety samples shall be disposed of in the following cases:
  - a) The decision on recognition of plant variety circulation has not been issued; the decision on recognition of plant variety circulation or the decision on recognition of privileged circulation of plant varieties is invalidated;
  - b) Organizations and individuals having varieties fail to send additional stored samples within 06 months from the date on which they are requested.

2. The Department of Crop Production shall publish the disposal of variety samples on its web portal.

### **Chapter III**

#### **FIELD INSPECTION; SAMPLING OF PROPAGATING MATERIALS**

##### **Article 6. Provision of training in field inspection; sampling of propagating materials**

1. Persons in charge of field inspection and persons in charge of sampling of propagating materials shall be trained and issued with the certificate of training in field inspection/sampling of propagating materials (hereinafter referred to as “the Certificate”).
2. Training in field inspection and sampling of propagating materials shall focus on: regulations on management of quality of plant varieties; methods for field inspection method and sampling of propagating materials prescribed in TCVN; practice in field inspection and sampling of propagating materials.
3. The Department of Crop Production shall design and promulgate framework documents about training in field inspection and sampling of propagating materials; cooperate with organizations licensed to provide training in field inspection and sampling of propagating materials in providing training.
4. Organizations licensed to provide training in field inspection and sampling of propagating materials shall, according to framework documents promulgated by the Department of Crop Production, design detailed documents and provide training in field inspection and sampling of propagating materials, issue Certificate according to the Form in the Appendix IV hereof and send a list of Certificate holders to the Department of Crop Production 03 working days after the date of issue.

### **Chapter IV**

#### **STATE INSPECTION OF QUALITY OF IMPORTED PLANT VARIETIES**

##### **Article 7. Entities subject to inspection**

Imported plant varieties belonging to group of main plant species on the list of group 2 commodities promulgated by the Minister of Agriculture and Rural Development for the purposes of production and trading, except for the cases mentioned in Points a, b, c and d Clause 3 Article 29 of the Law on Crop Production.

##### **Article 8. State inspection of quality of imported plant varieties**

1. State inspection of quality of imported plant varieties shall be carried out by assessing and certifying conformity of shipments of imported plant varieties. The conformity

assessment and certification shall be carried out the certification body designated by the Department of Crop Production.

2. Importers of plant varieties shall apply for conformity certification by a certification body designated by the Department of Crop Production; submit the Certificate of conformity of shipments of imported plant varieties to the customs authority for customs clearance.

### **Article 9. Handling of shipments of unqualified imported plant varieties**

If the shipments of imported plant varieties are unqualified as prescribed in the national technical regulation, the certification body shall notify the department of crop production and propose measures for handling them. The Department of Crop production shall, according to the nature and severity of the violations, compel the violators to re-export, destroy or recycle the shipments of imported plant varieties and notify the customs authority and importers thereof.

## **Chapter V**

### **IMPLEMENTATION**

### **Article 10. Responsibilities of the Department of Crop Production**

1. Organize the implementation of this Circular nationwide. Manage the storage of plant variety samples; field inspection, sampling of propagating materials; state inspection of quality of imported plant varieties.
2. Post information about stored varietal samples specified in Clause 2 Article 3 and Clause 2 Article 5, and list of Certificate holders prescribed in Clause 4 Article 6 hereof on its web portal.
3. Promulgate framework documents about training in field inspection and sampling of propagating materials.
4. Organize inspection and settlement of complaints and denunciations about storage of plant variety samples, field inspection, sampling of propagating materials and state inspection of quality of imported plant varieties in accordance with laws.

### **Article 11. Responsibilities of provincial Departments of Agriculture and Rural Development**

1. Organize the implementation of this Circular within their provinces. Inspect and supervise self-storage of samples by organizations and individuals; cooperate in handling unqualified imported plant varieties within their provinces.

2. Take charge and cooperate with sample storage facilities in completing varietal descriptions in accordance with TCVN for testing for distinctness, uniformity and stability of plant varieties specified in the decision on recognition of privileged circulation of plant varieties.

#### **Article 12. Responsibilities of relevant organizations and individuals**

1. Organizations and individuals storing samples shall:

- a) store plant variety samples as prescribed in this Circular;
- b) provide variety samples to regulatory authorities in charge of inspection and settlement of disputes over plant varieties; ensure the uniformity between stored samples and samples provided to regulatory authorities;
- c) cooperate with Departments of Agriculture and Rural Development of provinces where plant varieties specified in the decision on recognition of privileged circulation of plant varieties are available to complete varietal descriptions in accordance with TCVN for testing for distinctness, uniformity and stability of plant varieties.

2. Organizations and individuals having stored samples shall provide variety samples to sample storage facilities and organizations testing value of cultivation and use to ensure the uniformity.

3. Importers of plant varieties shall:

- a) provide customs declarations and certificates of origin of variety shipments to certification bodies; cooperate with conformity assessment bodies in sampling and certifying conformity of variety shipments.
- b) comply with the decision on handling of shipments of unqualified imported plant varieties issued by the Department of Crop Production.

### **Chapter VI**

#### **IMPLEMENTATION CLAUSE**

#### **Article 13. Transitional clause**

The certificate of training in field inspection/sampling of plant varieties issued before the effective date of this Circular is equivalent to the certificate of training in field inspection/sampling of propagating materials in accordance with regulations of this Circular.

#### **Article 14. Effect**

1. This Circular comes into force from December 10, 2020.

2. This Circular supersedes:

a) Regulations on person in charge of inspection and persons in charge of sampling of plant varieties specified in Clause 4, Clause 8, Clause 11, Clause 16 and Clause 17 Article 5 of the Circular No. 17/2011/TT-BNNPTNT dated April 06, 2011 of the Minister of Agriculture and Rural Development.

b) Regulation “A certificate of conformity of shipment of imported plant varieties issued by the certification body or the inspection result given by the designated inspection body is the groundwork for clearance of imported plant varieties by customs authorities” specified in Point a Clause 1 Article 4 and Point b Clause 2 Article 7 of the Circular No. 46/2015/TT- BNNPTNT dated December 15, 2015 of the Minister of Agriculture and Rural Development.

3. Difficulties that arise during the implementation of this Circular should be promptly reported to the Ministry of Agriculture and Rural Development for consideration./.

**PP. THE MINISTER  
THE DEPUTY MINISTER**

**Le Quoc Doanh**

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