



**ISLAMIC REPUBLIC
OF
AFGHANISTAN
MINISTRY OF JUSTICE**

OFFICIAL GAZETTE

Extraordinary Issue

Law On Seeds Cultivation

**Date: 16th DECEMBER 2009
ISSUE NO: (1005)**

**Decree
Of the President of Islamic Republic of Afghanistan on Signing the Seed Law**

No: 6

Date: 16/12/2009

Article One:

In accordance with Paragraph 16 of Article 64 and Article 100 of the Afghanistan Constitution, the Afghanistan Seed Law which was approved under the Act number 149 dated 21/10/2009 by the Parliament in 4 chapters and 29 articles is signed.

Article Two:

This decree is enacted from date of signature and along with the Law and the Act of both the National Assembly and Senate shall be published in the official Gazette.

Hamed Karzai

President of Islamic Republic of Afghanistan

National Assembly of Islamic Republic of Afghanistan

ACT

Act No: 149

Date of Approval: 21/10/2009

In accordance to the law cited in Article 100 of the Constitution, integrated panel of five persons from each council have decided on the Seed Law which is 4 chapters and 29 articles on 21/10/2009.

Chairman of the Integrated Panel
Aziz Ahmad Nadem

Deputy Chairperson of the Panel
Mohammad Zaman Bohlul

Table of Contents
Seed Law

<u>Articles</u>	<u>Subject</u>	<u>Page</u>
	Chapter One – General Provisions	4
Article One	Purpose	4
Article Two	Objectives	4
Article Three	Definitions	4
Article Four	Establishment of National Seed Board	5
Article Five	Establishment of Official Seed Testing Laboratories	5
Article Six	Seed Cleaning Facilities	6
Article Seven	Information Registration:	6
Article Eight	Functions of Seed Certification Officers	6
Article Nine	Providing Receipt	7
Article Ten	Seed Classes	7
Article Eleven	Publishing of National Variety List	7
	Chapter Two – License for Certified Improved Seeds	7
Article Twelve	Source for Issuance of License	7
Article Thirteen	License	7
Article Fourteen	Obligations of the License Holder	8
Article Fifteen	Cancellation of Certified Seed Gower’s Licence	8
Article Sixteen	Reinstatement of Licence	8
Article Seventeen	Sampling	9
Article Eighteen	Seed Certification Appeal	9
Article Nineteen	Post-Control Plot Testing	9
Article Twenty	Non-Certified Seed	10
	Chapter Three – Import and Export	10
Article Twenty One	Possession of License	10
Article Twenty Two	Acquiring of Seeds Import License:	10
Article Twenty Three	Importer’s Obligations	11
Article Twenty Four	Seed Exports	11
Article Twenty Five	Offences and Penalties	11
	Chapter Four – Miscellaneous Provisions	11
Article Twenty Six	Dispute Settlement	12
Article Twenty Seven	Making regulations, bylaws and procedures	12
Article Twenty Eight	International Agreements	12
Article Twenty Nine	Entry into Force	12

In the Name of Allah, the most Compassionate and Merciful

CHAPTER ONE

General Provisions

Purpose

Article One:

This Law is enacted to regulate the production, quality assurance, sale, trade, sowing and multiplication of seeds and other matters connected therewith.

Objectives

Article Two:

The objectives of this Law are:

1. Development of agricultural seeds and planting materials.
2. Protection of genetic material and plant germplasm sources.
3. Guidance on scientific research of seeds.
4. Self-sufficiency of the country in agricultural products.

Definitions

Article Three:

Defined meanings as follows:

1. Seed: True botanical seed, including seedlings, bulbs, rhizomes, roots, and cuttings.
2. Breeder seed: the earliest generation seed, which is produced under direct control of the breeder or breeding station and is used for the production of foundation seed.
3. Foundation seed: seed produced from breeder seed and fulfils all established requirements for such seed, and is used for the production of registered and certified seed classes.
4. Registered seed: seed produced from foundation or breeder seed.
5. Certified seed: seed that is produced from foundation or registered seed.
6. Commercial seed: any seed affixed with a non-certification tag.
7. Certified seed grower: a person who has been issued a license for production of certified seed.
8. Genetically-modified organism: means any living organism that possesses a novel combination of genetic matter obtained through the use of genetic engineering.
9. Genetic engineering: techniques for artificial manipulation or modification of genetic material in order to modify an organism or population of organisms.

-
10. Isolation distance: the established distance between varieties for growing certified seed as per the scientific criteria.
 11. Label: any written or pictorial matter permanently affixed to a container of seed.
 12. National List of Varieties: the list of varieties created, maintained and published.
 13. Person: any natural person or legal entity
 14. OECD: Organization for Economic Cooperation and Development.
 15. Seed lot: a specified quantity of seed which is of one variety and whose origin, history and weight are known.
 16. Tag: any written or pictorial matter describing the character, quality, variety and type of seed attached to a container of seed but which can be removed.
 17. Germplasm: The basic genetic materials of plants.

Establishment of National Seed Board

Article Four:

- (1) To ensure the proper enforcement of this Law, the National Seed Board will be established with the following structure:
 1. Technical Deputy of the Ministry of Agriculture, Irrigation and Livestock as the Chairperson
 2. Advisor to the Ministry of Agriculture, Irrigation and Livestock as the Deputy Chairperson
 3. Director of Agricultural Research Institute as member
 4. Director of Plant Protection and Quarantine as member
 5. Director of Extension as member
 6. Dean of Faculty of Agriculture, Kabul University as member
 7. Two elected representatives of seed producers as members
 8. One elected representative of agricultural cooperatives as member
 9. Two elected representatives of trade unions engaged in seed distribution as members
 10. Two elected representatives of farmers from agro-ecological zones of Afghanistan as members
- (2) Director of Seed Certification Agency will organize the related affairs as Secretary of the Board.
- (3) The manner of National Seed Board functions will be regulated through a separate procedure adopted by leadership of the Ministry of Agriculture, Irrigation and Livestock.

Establishment of Official Seed Testing Laboratories

Article Five:

Official Seed Testing Laboratories with recognized international standards will be established under the provisions of this Law.

Seed Cleaning Centres**Article 6:**

- (1) Persons can establish seed cleaning centres for processing of seeds. Ministry of Agriculture, Irrigation and Livestock shall make necessary arrangements for establishment of seed processing centres, these centres shall be registered in the Ministry of Agriculture, Irrigation and Livestock.
- (2) The machinery in seed cleaning centres under the paragraph (1) of this article shall be inspected by the Ministry of Agriculture, Irrigation and Livestock.
- (3) Responsible persons in seed cleaning centres are obliged to report the process of seed cleaning to Seed Board and shall submit the certified seed to the Ministry of Agriculture, Irrigation and Livestock for sampling.

Information Registration (Database):**Article Seven:**

- (1) Seed Certificates containing the following information shall be maintained in the related agency:
 1. the name and address of the certified seed grower;
 2. the form number;
 3. the farm map;
 4. the field number where the seed crop will be or is being grown;
 5. the variety and class of the seed being grown;
 6. all laboratory test results;
 7. the results of field inspection;
 8. Information mentioned in paragraph (1) of this article shall be given to public.

Functions of Seed Certification Officers**Article 8:**

- (1) Seed Certification Officers have the following responsibilities and authorities:
 1. Inspecting land in accordance with paragraph (1) of article 13 of this Law.
 2. Inspection of certified seeds.
 3. Drawing samples from seed lots and submitting them to an official laboratory for testing.
 4. Investigating offences and taking decisions under this Law.
 5. Entering the stores or other places that seed is being stored; entering private houses is an exception under this Law.
 6. Opening any container in which any seed may be contained.
 7. Decision making on continuation of certified seed demonstration more than 30 days
 8. Collecting any infested seed and submitting to official seed testing laboratory for further testing. If the owner of such seed does not agree with this action, he may choose to use the seed for food or feed, or to destroy the seed if it has been treated with chemicals.
 9. Seizing any seed which is against the provisions of this law.
 10. Keeping related documents and records.

- (2) Seed Certification Officers shall have special cards which is valid while carrying out official duties.
- (3) Ministry of Agriculture, Irrigation and Livestock can designate the tasks under the paragraph (1) of this article to private organizations or individuals; paragraph 1 (4) of this article is excluded from this action.

Providing Receipt**Article Nine:**

- (1) Seed Technical Officers are obliged to provide receipts to the persons whose goods are seized and notify the appropriate authorities within 14 days.
- (2) The seized goods shall be returned to the owner once any investigation has been completed, unless, in the case of seed that is treated with chemicals.

Seed Classes**Article Ten:**

Classes of seed are categorized as below:

1. Breeder Seed
2. Foundation Seed
3. Registered Seed
4. Certified Seed

Publishing National List of Varieties**Article Eleven:**

National List of Varieties eligible for Certification shall be published regularly after consulting the National Seed Board and certified by the related office.

CHAPTER TWO

License for Certified Seeds

Source for Issuance of License**Article Twelve:**

Ministry of Agriculture, Irrigation and Livestock is the source for issuance of License for growing, sale and trade of improved seeds.

License**Article Thirteen:**

- (1) License for selling, growing, and trade of seeds is issued on the request of any person under the rules of this Law.

-
- (2) The Ministry of Agriculture, Irrigation and Livestock can evaluate the application under the paragraph (1) of this article and decide on its acceptance or denial. In case of acceptance of an application, license shall be issued for five years.
 - (3) On the occasion where an application under the paragraph (1) of this article is denied, Ministry of Agriculture, Irrigation and Livestock is obliged to assess the reasons of the denial and inform the applicant in maximum period of one month.
 - (4) Applicants whose applications are denied may resubmit their applications to the Ministry of Agriculture, Irrigation and Livestock with valid reasons.

Obligations of the License Holder

Article Fourteen:

- (1) The holder of the certified seed grower's license shall provide the following facilities:
 1. Provide facilities for periodic field inspection by Seed Certification Officers.
 2. Provide seed samples to the Seed Certification Officers for testing in official seed testing laboratories.
 3. Provide other necessary facilities under this Law.
- (2) The holder of the certified seed grower's license is obliged to consider the isolation distance between varieties, as per criteria defined by the Ministry of Agriculture, Irrigation and Livestock, while growing seed.

Cancellation of Certified Seed Gower's Licence

Article Fifteen:

- (1) The License for growing, sale and trade of certified seeds shall be cancelled if the following conditions occur:
 1. In case of failure to comply with the provisions of this Law.
 2. In case conviction of an offence under this Law.
 3. In case the land indicated in the grower's license as possession, is partly or totally dispossessed as per article 40 of the constitution, or is evicted due to flood and earthquake.
 4. In case the bearer of the license dies or the legal entity is dissolved.
 5. In case the submitted seed consistently fails any of the field or laboratory inspections.
 6. In case of failure to maintain clear identification of the seed lots between harvest and cleaning.
- (2) In the event of cancellation under paragraph (1) 2 & 3 of this article, the successor-in-interest to the certified seed grower may continue growing any crops extant at the time of such repeal.
- (3) In the event certified seed growers cannot continue their activities, they are obliged to surrender their licence by notice in writing to the Ministry of Agriculture, Irrigation and Livestock.

Reinstatement of Licence**Article Sixteen:**

The license of certified seed grower which might be cancelled due to events specified in paragraph 1 of article fifteen could be reinstated if the grower takes remedial action.

Sampling**Article Seventeen:**

- (1) Samples taken by Seed Certification Officers under the Articles of this Law shall be sealed and marked and shall be submitted to an official laboratory for testing within the defined period.
- (2) Where the result of the test specified in the paragraph (1) of this article is accepted based on the data provided by a technical employee, the following shall be carried out:
 1. Issuance of certification tags based on the classification of the license and under the Articles of this Law.
 2. Downgrade the seed lot and issue certification tags for one class below the class upon which authorization was granted.
 3. Where the sample testing result specified in paragraph (1) of this article does not meet the established certification standards, non-certification tags in accordance with Articles of this Law will be issued.

Seed Certification Appeal**Article Eighteen:**

- (1) In conditions stated in paragraph 2 (2) & 3 of article 17, the applicant may appeal to the National Seed Board based on the reasons of non-compliance of the rules of this Law.
- (2) The National Seed Board shall investigate the appeal and take the final decision.

Post-Control Plot Testing**Article Nineteen:**

- (1) To verify varietal purity of the seed varieties grown, the Seed Certification Agency shall lay control plots occasionally and in the event of non-compliance, corrective measures should be taken.
- (2) If, after control plot testing as specified in paragraph (1) of this article, the seed does not meet the established standards, the Seed Certification Agency shall:
 1. Downgrade the seed
 2. Reject the seed as certified seed
 3. Promptly notify the buyers as well as sellers of the seed through public media or other means.

Non-Certified Seed**Article Twenty:**

- (1) In the event where standards could not be met for certification of seeds, Ministry of Agriculture, Irrigation and Livestock may generate standards in consultation with the National Seed Board.
- (2) Seed indicated in the paragraph (1) of this article shall be labelled as “commercial seed”.

**CHAPTER THREE
Import and Export****Possession of License****Article Twenty One:**

- (1) Applicant for import of seeds is obliged to apply for license of import of seeds from the Ministry of Agriculture, Irrigation and Livestock in accordance with article 12 of this Law.
- (2) Importer of certified seeds is obliged to import those seeds that bear specific certifications.
- (3) Importer of certified seeds is obliged to ensure that the seed has been certified under an OECD or other comparable international scheme and the variety is listed in the National List of Varieties of Afghanistan.

- (4) Any variety imported into the country under the paragraph (2) of this Article shall be tested at research stations under different agro-ecological conditions for a certain number of years or growing seasons as specified in article 22 of this Law.

Acquiring of Seeds Import License:**Article Twenty Two:**

- (1) An Importer, who imports seeds for testing, multiplication and enlisting in the National Variety List, is obliged to acquire its license from Seed Certification Agency
- (2) An importer, who imports seeds for multiplication and export, is obliged to acquire its license from the Seed Certification Agency.

The Seed Certification Agency shall ensure that such varieties and their growing do not pose a risk to the farmers in the country.

Importer's Obligations**Article Twenty Three:**

Importers of seeds shall ensure that:

1. All requirements under this Law and other legislation in force in the country are complied with.

2. The species and variety of such imported seed, as well as the country of origin, are attached to the seed.
3. The containers, labels and tags meet any other established seed requirements.
4. The National Seed Board is notified regarding any genetically-modified organisms in the proposed import.

Seed Exports**Article Twenty Four**

Any person intending to export seed shall submit the exportable seed sample to an official laboratory of Ministry of Agriculture, Irrigation and Livestock for testing and to determine whether it meets the requirements of the international standards.

Offences**Article Twenty Five:**

Any person, who commits the following actions, considering the committed action, shall be sentenced to imprisonment or payment of fine or both by court:

1. Sell certified seed with no container and against the specifications under this Law.
2. With the intention of selling, use in the description or name of any seed the word "certified", in relation to seed which is not certified in accordance with this Law.
3. Identify himself as a certified seed grower with no possession of a valid licence.
4. Export seed with no proper license, or illegally selling the seeds.
5. Submit for testing any seed sample which to his knowledge does not represent the stock from which it was taken, or play tricks in seed sampling which are against the provisions of this Law.
6. Alter, deface or create any tag, label, certificate, receipt or other official record against the context of this Law.
7. Obstruct a Seed Certification Officer in the exercise of his or her powers under this Law.
8. Refusing to provide information or by providing false or misleading information to the Seed Certification Officers.

CHAPTER Four**Miscellaneous Provisions****Dispute Settlement****Article Twenty Six:**

- (1) In the event of a dispute between the buyer and seller of seed, before initiating action in a court, either party shall file a notice of arbitration claim with the nearest responsible district office of the Ministry of Agriculture, Irrigation and Livestock.
- (2) Methods of dispute settlement through arbitration shall be regulated in a separate bylaw

(3) In the event where a dispute is not settled through arbitration, parties have the right to refer to an authorized court.

Making regulations, bylaws and procedures

Article Twenty Seven:

Ministry of Agriculture, Irrigation and Livestock may compose regulations, bylaws and regulations to ensure the better application and compliance of this Law.

International Agreements

Article Twenty Eight:

If an international agreement signed by the Islamic Republic of Afghanistan contradicts this Law, the provisions of the international agreement shall apply.

Entry into Force

Article Twenty Nine:

This Law, in four chapters and twenty nine articles is signed and is enforced from the date enacted and shall be published in the Official Gazette.