

## Supreme Decree N° 23.069

Courtesy translation provided by WIPO, © 2011

*Luis Ossio Sanjines*  
*Interim Constitutional President of the Republic*

*Whereas:*

Ministerial resolutions 189/82 and 491/83 of the Ministry of Rural and Agricultural Affairs created six Regional Seed Councils, for the purposes of coordinating the various elements or specific programs and organizing certification services;

The Regional Seed Councils have generated their own resources and used them to strengthen certification services, so that these may provide more effective technical support to the multiplication chain;

One of the most important roles of the seed certification services is to audit production, processing and trade, so that farmers have available certified seeds of crop varieties proven to be superior and adapted to the different ecological conditions of the country;

The past five years have seen great progress achieved in the production and use of improved seeds, going from less than 100 tons to over 15,000 tons of certified oilseed and cereal seeds, thus raising the productivity of several important crops;

It is the role of the national Government to promote the development of the country's seed industry and protect agriculture from the inherent risk associated with the indiscriminate introduction of plant material, by means of a national body responsible for coordinating the activities of the Regional Seed Councils with the National Seed Directorate of the Ministry of Rural and Agricultural Affairs.

*In Council of Ministers,*

*Decrees:*

**First.** The National Seed Council is created as part of the Ministry of Rural and Agricultural Affairs, as the body to coordinate and manage seed policies at the national level, chaired by the Head of the Seed Directorate and made up of two representatives from each Regional Seed Council (one from the public sector and one from the private sector).

**Second.** The National Seed Council, having analyzed the evidence of the case, shall issue a reasoned resolution to authorize the establishment and functioning of new Regional Councils.

**Third.** The following shall be the responsibilities of the National Seed Council:

- a) Defining national policies of seed activity, coordinated and harmonized with the policies of the Regional Seed Councils.
- b) Coordinating with relevant agencies all the necessary actions involved in the promotion of research, production, multiplication, marketing and use of seeds.
- c) Acting as arbitrator in the event of differences among Regional Seed Councils.
- d) Managing financing for the functioning of the National Seed Council itself.

*e)* Submitting a shortlist of candidates to the Ministry of Rural and Agricultural Affairs for the appointment of Head of the Seed Directorate.

**Fourth.** The following are created as independent institutions of the Ministry of Rural and Agricultural Affairs, with private participation: the Regional Seed Councils of the Departments of La Paz, Santa Cruz, Cochabamba, Tarija, Chuquisaca, Potosí and of the Province of Gran Chaco and the Department of Tarija, as agencies authorized to encourage and develop the necessary efforts to standardize the production, processing, marketing and/or distribution of seeds in Bolivia. The auditing activities shall be carried out by the Regional Seed Certification Services, which shall be administratively subordinate to the Regional Seed Councils.

**Fifth.** The Regional Seed Councils shall be made up of the following institutions or organizations:

- One representative from the Ministry of Rural and Agricultural Affairs.
- One representative from the University.
- One representative from the Regional Development Corporation.
- One representative from the regional entity for agricultural research.
- Four representatives from the associated private sector involved in seed activity, while respecting the associations of agricultural producers currently active in Regional Seed Councils.
- The Director of the Regional Seed Certification Service shall act as Secretary of the Regional Seed Council, with the right to speak but not vote. A Plant Health representative with the right to speak but not vote.
- In regions where there are no institutions or agencies relating to seed activity, they may be replaced by others involved with agricultural issues. The number of members of each Regional Seed Council shall be determined by common agreement, in accordance with the specific needs of each region, while maintaining parity of representatives with voting rights between the public and private sectors.

**Sixth.** The responsibilities of the Regional Seed Councils shall be as follows:

- a)* To define regional policies for the production, marketing and promotion of seeds.
- b)* To carry out all necessary activities for the promotion of research, production, multiplication, marketing and use of seeds.
- c)* To oversee the certification and production of seeds of national and imported origin, under the responsibility of the Regional Seed Certification Services.
- d)* To determine the technical and administrative structure of the Regional Seed Certification Services and other services that may come under that.
- e)* To manage and arrange technical support within and outside the country, in accordance with established regulations.
- f)* To enforce this Decree and its regulations.

**Seventh.** The following shall be audited: all seeds from arable species, which shall comply with the minimum quality requirements (genetic purity, physical purity, health and germination) in order to be marketed, distributed and/or donated. Seed shall be understood to mean any grain, tuber, bulb or any other part of a plant that can be used for its multiplication.

**Eighth.** Seed certification shall be understood to mean the technical process of overseeing and verifying the genealogy, production, processing and final quality analysis, carried out directly by regional seed certification services in accordance with specific regulations.

**Ninth.** Regional Seed Certification Services shall be prohibited from participating directly in the production, processing and trade of seeds, in order to guarantee the effective performance of auditing responsibilities.

**Tenth.** The Regional Seed Councils shall be authorized to establish charges for services provided in seed certification or other services that may be in its remit. The funds collected under these headings and those from other sources of financing shall be used to maintain and improve the Regional Seed Councils.

**Eleventh.** In all cases not specified in this Decree, the Ministry of Rural and Agricultural Affairs, on the basis of the recommendations and suggestions of the National Seed Council, shall be authorized to issue the legal rules needed to improve control and auditing of the production, multiplication, trade and use of seeds.

**Twelfth.** The specific roles of the Regional Councils and Regional Seed Certification Services, as well as their structure and roles, seed categories, trade regulation, penalties and other aspects, shall be stipulated in the corresponding regulations.

**Thirteenth.** The National Seed Registry is established, so that each person or collective dedicated to the creation, production, multiplication, processing, distribution, import, export or trade of seeds shall be obliged to register. Regional Seed Councils shall be responsible for receiving, considering, approving and submitting requests for registration to the National Seed Council.

**Fourteenth.** Infringers of the rules contained in this Supreme Decree shall be subject to financial penalties and the suspension of activities as specified in the appropriate regulations.

**Fifteenth.** All provisions that contradict this Supreme Decree are repealed.

The Minister of Rural and Agricultural Affairs shall be responsible for the implementation and enforcement of this Supreme Decree.

Done at the Government Headquarters in the city of La Paz, on the twenty-eighth day of the month of February of the year nineteen ninety two.

---