

THE LAW OF THE REPUBLIC OF TAJIKISTAN “ON SEEDS-GROWING”

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CHAPTER 1. GENERAL PROVISIONS

Article 1. The goal of the given Law

The given Law determines the legal basics of activity on production or reproduction, processing, certification, sale of seeds, saplings and plants, and also organization and registration of sorts and seed control.

Article 2. The main notions

The following notions are used in the given Law:

- seeds-growing- the activity on production or reproduction, processing, certification, sale of seeds of plants, and also registration of sorts and seed control;
- seeds- the parts of plants (semen, grain, fruit, edible root, bulb, cutting, sprout and others), used for reproduction of plant sorts;
- sort features- the totality of features characterizing the varietal belonging and purity of seeds subjected to field and laboratory tests;
- consignment of seeds- the certain quantity of seeds similar by origin and quality;
- sort- the botanic group of cultured plants making single unit and having distinction, similarity and stability;
- field control of seeds sowing- examination of seed sowings with the goal to establish their belonging to the certain sort, definition of the varietal purity and similarity of the sort, availability of weeds, definition of agricultural crops affected by sickness and pests;
- varietal control- the events to define sort purity, belongings of plants and seeds to the certain sort through the field control of seed sowings, varietal control at special plots and laboratory analysis;
- control of seeds at special plots- defining belonging of plants and seeds to the certain sort, defining varietal purity of plants through sowing seeds at special plots and the following examination of characteristics of seeds;
- seed control- the events to define quality of seeds, control of observance of requirements of the state standards and other normative legal acts in the sphere of seeds- growing;
- certification of seeds- the system of providing quality of seeds including field inspection, control of the sort at special plots and laboratory analysis of the seeds of sorts included in the List of commercial sorts;
- quality of seeds – the totality of features characterizing belonging of seeds to the certain sort of plants and their appropriateness for sowing (for example, purity, germinating capacity and health of seeds);
- laboratory analysis – defining indicators of quality of seeds through laboratory analysis;
- hybrid seeds – the seeds of the first generation received as a result of interbreeding of parents' forms;
- normal seeds of forest plants- the seeds collected from the forest plants;

- improved seeds of forest plants- the seeds produced from the best samples of selected and grown forest plants;
- sort seeds of forest plants- the seeds produced from cultured sorts of the forest plants;
- List of commercial sorts- the list of the sorts allowed for commercial production and usage.

Article 3. The legislation of the Republic of Tajikistan on seeds- growing

The legislation of the Republic of Tajikistan on seeds- growing is based on the Constitution of the Republic of Tajikistan and consists of the given Law, other normative legal acts of the Republic of Tajikistan and also international legal acts recognized by Tajikistan.

Article 4. Relations regulated by the given Law

The given Law regulates relations connected to implementation of the activity on production, reproduction, processing, supply of seeds for sale, import and export of seed sorts and also relations appearing during organization and conduction of the sort and seed control.

Article 5. Financing in the sphere of seeds- growing

The sphere of seeds-growing is funded from the state budget in the frame of the branch programs and also through attracting domestic and foreign investments.

CHAPTER 2. CATEGORIES OF SEEDS

Article 6. Categories of seeds

The following categories of seeds are defined depending on the method of certification of various types of plants:

- original;
- best specimen (elite);
- reproduction (seeds of the first and the following reproductions, and also the hybrid seeds of the first generation).

The authorized state body of administration of the rural economy and forestry defines methods of production of seeds of the corresponding categories.

Article 7. Original seeds

The original seeds are the seeds produced by the selectionist of sort or authorized person.

The selectionist of the sort is the physical or legal entity who developed the sort of the plant providing safety of the sort and its qualities included in the List of commercial sorts.

The authorized state administration body of the rural economy or forestry approves the instruction on registration of the sort.

Article 8. Best specimen or Elite seeds

The elite seeds are the seeds got from the original seeds and the seeds meeting requirements of the state standards and other normative legal acts in the sphere of seeds-growing.

The number of generations of the elite seeds is defined by the authorized administration body of the rural economy and forestry. The elite seeds are used for reproduction of seeds.

Article 9. Reproduction seeds

The reproduction seeds are the seeds of the following generations got from the elite seeds.

The number of generations of reproduction seeds is defined by the authorized state administration body of the rural economy and forestry. The hybrid seeds of the first generation are considered as reproduction seeds.

Article 10. Category of the seeds of forest plants.

The following sorts of the forest plants are defined depending on inherited qualities: normal, improved and varietal.

Belonging of the seeds of the forest plants to the indicated categories of seeds is defined by the authorized administration body of the rural economy and forestry.

CHAPTER 3. ORGANIZATION OF SEEDS-GROWING

Article 11. System of seeds-growing

The system of seeds- growing is the totality of functionally connected physical and legal entities implementing activity on seeds production.

The order of functioning seeds- growing system is defined by the authorized state administration body of the rural economy and forestry.

Article 12. The state support in the sphere of seeds-growing

The state supports the sphere of seeds- growing through the following:

- allocation of the state funds;
- compensation of expanses for production of the original and elite seeds;
- providing privileged credits;
- other measures of economic stimulation

Article 13. Scientific security of seeds-growing

The scientific security of seeds –growing is provided by the scientific- research organizations, scientific organizations and physical entities involved in the scientific research in the sphere of seeds- growing.

Article 14. List of commercial sorts

The sort should be officially tested with the goal to define economic priority, the opportunity to use and propagate sorts in the Republic Tajikistan, and the sort should be included in the List of commercial sorts.

The list of types of plants subjected to official tests for defining their economic priority is defined by the authorized state body on tests and registration of sorts.

The order of conducting official tests for defining economic priority of the sort and also its inclusion or exclusion from the List of commercial sorts are defined by the authorized body on tests and registration of sorts.

The List of commercial sorts should be kept in systematic order and published once a year by the authorized body on tests and registration of sorts.

CHAPTER 4. PRODUCTION AND PROCESSING OF SEEDS

Article 15. Requirements to the production of seeds

It is necessary to use seeds, varietal qualities and categories of which meet the requirements of the state standards and other normative legal acts in the sphere of seeds- growing for production of seeds.

With the goal of production of seeds it is prohibited to use seeds littered by the seeds of quarantine plants, plants infected with quarantine diseases and plants pests.

Article 16. Peculiarities of production of certain seed categories

The original seeds are produced by the selectionist of the sort or the authorized person. The elite and reproduction seeds are produced by the physical or legal entities registered as the producers of the certain categories of seeds.

Registration of production of elite and reproduction seeds with the goal of sale is done in compliance with the corresponding normative legal acts of the Republic of Tajikistan.

The authorized state administration body of the rural economy and forestry makes and keeps the list of producers, importers and exporters of seeds in the systematic order.

The seeds of the certain categories of the forest plants are produced through the order established by the authorized state administration body of the rural economy and forestry.

Article 17. Special zones and farms for seeds production

The government of the Republic of Tajikistan on the request of the authorized state administration body of the rural economy and forestry defines special zones and farms for production of seeds independently of the form of property with the goal to improve production and meet demands of the farms of the republic in high qualitative seeds and creation of more favorable phytosanitary and technological conditions for production of seeds having high varietal qualities. The special order, requirements and conditions of seed production are defined in these zones and farms.

Article 18. Production and processing of seeds

The order of production and processing of seeds is defined by the authorized state administration body of the rural economy and forestry.

The seeds being intellectual property are used through the order anticipated by the legislation of the Republic of Tajikistan.

Article 19. The state seeds fund

The state seeds fund consists of seed stocks, and it is intended for the regions where seeds are not produced or their production capacity is limited, and also for providing assistance to physical and legal entities involved in production of agricultural production or working in the forestry, in situation of natural disasters or extreme situations.

The seeds having certificates of varietal and sowing quality are stocked in the state seeds fund. The state seeds fund is established at the expense of the republican budget and other sources non-prohibited by the law. The state seeds fund is the republican property.

The state seeds fund is established by the authorized state administration body of the rural economy and forestry.

The order of formation and use of the state seeds fund is defined by the Government of the Republic of Tajikistan.

Article 20. Insurance seed fund

The insurance seed fund consists of seed stocks and it was established for cases of failure of crops or other extreme situations. The order of formation and use of the insurance seed fund is defined by the authorized administration body of the rural economy and forestry.

CHAPTER 5. THE ORDER OF CONDUCTION OF VARIETAL AND SEED CONTROL

Article 21. General requirements to the varietal and seed control

The order of organization and activity on varietal and seed control is defined by the given Law.

The varietal and seed control is conducted with the goal to provide observance of legislation of the Republic of Tajikistan on seeds-growing and adopted acts of the authorized state administration body of the rural economy and forestry on its base and also requirements of the state standards and other normative legal acts in the sphere of seeds-growing.

The certification of seeds and seed control is conducted in relation to sowings and seeds belonging to physical and legal entities implementing activity in the sphere of seeds- growing.

Seeds or samplings belong to varietal and seed control.

Methods, terminology and normative legal acts on seeds-growing and also common technical devices are used for defining the sort and quality of seeds.

The quality of seeds is defined on the basis of requirements of the state standards and other normative legal acts in the sphere of seeds-growing. The criterion of the quality is defined in each category and type of plants.

Article 22. Varietal control

The varietal or sorted control represents the totality of events on the field control of seed sowings, sort control at special plots and laboratory analysis.

It is necessary to conduct obligatory field control of seed sowings for the sorts assigned for sale.

The order of conduction of field control of seed sowings, varietal control at special plots and laboratory analysis and also registration of seed sowings is defined by the authorized state administration body of the rural economy and forestry.

Article 23. Seed control

The control of quality of seeds is conducted through selection and analysis of the seed test. The selection and analysis of the quality of seeds is made from the consignment of seeds assigned for the sale by the authorized state administration body on control and certification of seeds or accredited physical and legal entities.

The order of accreditation of the physical and legal entities for the right to select tests and define sowing qualities of seeds of plants is defined by the authorized state administration body of the rural economy and forestry.

The selection of seed tests from the consignment of seeds assigned for export from the Republic of Tajikistan and their analysis are made in compliance with international legal acts.

Article 24. The certification of seeds

The authorized state administration body of the rural economy and forestry defines schemes of certification of seeds for the types of plants subjected to certification.

Each consignment of seeds assigned for sale should be certificated.

The inspection certifications attesting the sort and quality of seeds are issued by the authorized state body on control and certification of seeds.

The order of certification of seeds, allocation of certificates, attesting the sort and quality of seeds is defined by the authorized state administration body of the rural economy and forestry.

Article 25. The certification of seed quality

The certification on quality of seeds is issued by the authorized state body on control and certification of seeds through the order defined by the authorized state administration body of the rural economy and forestry.

The authorized state body on control and certification of seeds can distribute the certificates on varietal purity on the results of the laboratory analysis for the elite and reproduction seeds.

CHAPTER 6. MARKETING OF SEED CONSIGNMENT

Article 26. Sale of seed consignment

The consignment of seeds is sold in compliance with the legislation of the Republic of Tajikistan on seeds- growing.

The consignments of seeds during the sale should be packed and the package and tare should have identification mark of the established form.

The consignments of the seeds treated with chemical or biological drugs should be packed. The tare and package of these consignments of seeds should have corresponding titles and accompanying documents defining the order of treatment with such seeds and containing information about possible negative impact on the health of a human being and environment.

During the sale of each consignment it is prohibited to indicate information about the sort, original and quality of seeds that is not inconsistent with reality on the tare, package and accompanying documents and also to disseminate wittingly false information about the consignment of seeds in mass media.

The order of registration of seed consignments is defined by the authorized state administration body of the rural economy and forestry taking into consideration the demand for seeds.

Article 27. Import and export of consignments of seeds

The import of seed consignments in the Republic of Tajikistan is allowed in cases of availability of varietal and sowing quality of seeds, import quarantine authorization and conformity of the mentioned seed consignments with the requirements of the legislation of the Republic of Tajikistan and norms of international law.

Unpacked consignments of seeds (mound) and also consignment of seeds that are not included in the List of commercial sorts, excluding the sorts assigned for the scientific research, state tests, production of seeds for export from the Republic of Tajikistan are prohibited to bring in.

The seed consignments brought in the Republic of Tajikistan are subjected to seed and phytosanitary control.

The consignment of seeds assigned for the export from the Republic of Tajikistan should have the certificate of varietal and sowing control, phytosanitary control and corresponding normative legal acts.

The export and import of consignments of seeds are prohibited in cases contradicting the legislation of the Republic of Tajikistan.

The phytosanitary certificate and import quarantine permission are issued by the authorized state body on quarantine of plants.

The order of distribution of phytosanitary and import quarantine permission is defined by the authorized state administration body of the rural economy and forestry.

The control of import and export of the consignments of seeds in the Republic of Tajikistan is taken by the authorized state body of the rural economy and forestry.

The order of import and export of the consignment of seeds is defined by the Government of the Republic of Tajikistan.

Article 28. Guarantees of the quality of seeds

Physical or legal entities selling consignment of seeds guarantee compliance of varietal and sowing quality of the sold seed consignment with indicators indicated in the corresponding certificate.

In case of non-compliance of varietal qualities and category of sold seeds with indicators stated in the corresponding certificates, criminal proceedings are instituted against physical or legal entities selling consignment of such seeds in compliance with legislation of the Republic of Tajikistan.

CHAPTER 7. ORGANIZATIONS REGISTERING SORTS, VARIETAL AND SEED CONTROL

Article 29. The republican bodies of the state governing in the sphere of seeds- growing

The state control of activity of the economic subjects independently of their form of property and departmental subordination is conducted in compliance with the Law of the Republic of Tajikistan “On check of the activity of the economic subjects in the Republic of Tajikistan”.

The republican bodies providing state administration in the sphere of seeds –growing consist of the authorized administration body of the rural economy and forestry and its territorial bodies.

The powers of attorney of the republican bodies providing state administration in the sphere of seeds- growing are defined by the Government of the Republic of Tajikistan.

Article 30. Organizations registering sorts, varietal and seeds control

The sorts are registered by the authorized state body on their test and registration. The varietal and seed control in relation to sowings and quality of each consignment of seeds is conducted by the authorized state body on control and certification of seeds.

Article 31. The state seed inspectors in the sphere of seeds- growing

The state seed inspectors in the sphere of seeds- growing within the limits of their competencies have right to:

- to attend physical and legal entities implementing activity in the sphere of seeds – growing in accordance with the order anticipated by the legislation and acquire necessary information free of charge;
- to prohibit sale or usage of seeds in cases of defining violation of the legislation of the Republic of Tajikistan on seeds- growing and to bring the suit on prohibition of their sale or usage;
- to provide physical and legal entities implementing activity in the sphere of seeds- growing with instructions to eliminate violations of the legislation of the Republic of Tajikistan on seeds- growing;
- to implement authorities assigned by the normative legal acts of the Republic of Tajikistan.

Article 32. Providing paid services

The authorized organizations testing and registering sorts, control of quality of seeds and sowings that distribute various certificates and put identification mark have rights to demand payment from the stakeholders for provided services in the frame of the legislation of the Republic of Tajikistan and to define order of further usage of the received funds in compliance with the legislation.

CHAPTER 8. FINAL PROVISIONS

Article 33. Settlement of argument during the activity in the sphere of seeds- growing

The arguments appeared during the activity in the sphere of seeds- growing are solved by the court in compliance with the legislation of the Republic of Tajikistan.

Article 34. Responsibility for violation of legislation of the Republic of Tajikistan on seeds- growing

Physical and legal entities are called for account for violation of the given Law in compliance with the legislation of the Republic of Tajikistan.

Article 35. On recognition of the Law of the Republic of Tajikistan “On seeds-growing” as invalid.

To recognize the Law of the Republic of Tajikistan dated December 2, 2002 “On seeds-growing” (Ahbori Majlisi oli Respubliki Tajikistan, 2002, №11, pages. 693; 2005, №12, page 636; 2007, №6, page. 439) as invalid.

Article 36. The order of putting the given Law in force

To put the given Law in force after its official publication.

President of
the Republic of Tajikistan
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E. Rakhmonov