

NATIONAL SEED POLICY

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ISLAMIC REPUBLIC OF AFGHANISTAN NATIONAL SEED POLICY

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II. DEFINITIONS

3.1. Definitions: For the purposes of this Law, the following terms shall be construed, respectively, to mean:

1. **Breeder Seed:** seed of the first generation of seed multiplication, produced under the direct control of the Breeder and/or his assigned representative.
2. **Certified Seed:** seed produced from multiplication of Foundation and/or Registered seed.
3. **Commercial Seed:** (1) seed or planting material which is offered for sale, sold, advertised, or entered into marketing channels; (2) non-Certified seed so offered.
4. **Entity or Person:** individual, association, partnership and/or corporation.
5. **External Seed Quality Control:** control and regulation of the quality of seed and the operations of entities which produce, handle, and/or market seed, by the official agency of the Government of Afghanistan, as established hereunder.
6. **Field Inspection:** inspection of the growing plants in the field by a qualified inspector, following specific procedures, for the purpose of determining the varietal purity of a seed crop, plants affected by diseases or pests, presence of undesirable plants, and general condition of the seed crop.
7. **Formal Seed Sector:** legal or physical entities engaged in any aspect of the production, handling, distribution and marketing of seed as a business. All formal sector seed and operations shall be subject to the provisions of this Law, and shall be eligible for all guidance and support provided by the Government.
8. **Foundation Seed:** seed generation obtained from reproduction of Breeder Seed, and meeting all requirements and standards.
9. **Genetic (Varietal) Quality:** the combination of characteristics which show the degree of genetic or varietal purity of seed.
10. **Government:** the Government, or any agency or activity thereof, of the Republic of Afghanistan.
11. **Hybrid Seed:** seed produced by the first generation obtained from crossing parental forms.
12. **Informal Seed Sector:** farmers or any group of farmers who produce seed for their own use or for use by their neighbors or others in their immediate area. Such seed and

operations shall be exempt from Government controls on seed but shall be eligible for all Government guidance and support, so as to improve the quality of their seed and operations. Notwithstanding, if (1) such seed are advertised and promoted for sale in a manner which indicates that the informal operation has become a commercial activity; or (2) as otherwise provided by Regulations hereunder, the Informal status no longer applies, and the operation has entered the Formal Seed Sector. Provided, that village seed production and supply groups shall be classified as the Informal Sector, so long as the above descriptions apply.

13. **Insect Pests:** insects or other invertebrates injurious to plants and plant products.
14. **Inspector:** a trained and competent specialist who is an official of the Seed and Plant Quality Assurance Service and has the authority and responsibilities of conducting the work of inspection, sampling, testing, supervising, guidance and control in the implementation of this Law on Seed.
15. **Internal Seed Quality Control:** control and assurance of seed quality by sub-programs within and under the control of the entity which produces, handles and/or markets the seed.
16. **International Seed Testing Norms and Procedures:** those established and recommended by the International Seed Testing Association (hereinafter ISTA).
17. **Introduction Into Sale or Into Market Channels:** offering, making available, supplying, handling, storage, delivery and/or shipment of seed for sale, as well as for barter or any other type of delivery or offer to deliver which makes the seed available for use.
18. **List of Recommended Varieties:** list maintained by an appropriate agency of the Ministry of Agriculture and Livestock of crop varieties which have been field-tested in Afghanistan, found to be adapted and high-yielding, and are recommended for planting by Afghan farmers.
19. **Lot (Seed Lot):** a determined and specifically identified quantity of seed which are covered by one set of documents.
20. **MOAL or Ministry of Agriculture and Livestock:** the official agency of the Government of the Republic of Afghanistan which has responsibility in the field of agriculture and livestock, including seed and plant matters.
21. **Official:** a duly-authorized program, agency, officer, requirement or action of the Government of the Republic of Afghanistan, as provided under this Law and its Regulations, and in the implementation thereof.
22. **Originator of a Variety:** a legal or physical entity which created, obtained, or bred the variety, or who has the right for the production of Breeder Seed in conformity with legislative acts.

23. **Patent-Holder (License-Holder):** Owner of the variety or hybrid, having the right to it by law.
24. **Places (or Locations):** Vessels, cars and/or other vehicles, buildings, docks, nurseries, storages, sales areas, orchards, fields, and/or any other premises where seed, plants and/or plant products are grown, kept or handled.
25. **Plant Diseases:** fungi, bacteria, nematodes, and/or viruses which are injurious to plants and plant products, and the pathological condition in plants and plant products caused thereby. This definition shall also include plants which are parasitic or partially parasitic on other plants.
26. **Plant Quality:** the quality of plants shall refer to freedom from harmful and/or designated plant insect pests and diseases, varietal purity, and general health condition.
27. **Planting Quality:** combined indices which define the value of seed for planting.
28. **Plants:** trees, shrubs, vines, forage and cereal plants, and all other plants.
29. **Plant Products:** cuttings, grafts, buds and all other parts of plants, fruits, vegetables, roots, bulbs, seeds, wood, timber and all other plant products.
30. **Plant Quarantine:** the control and/or restriction of movement of seed and/or any plant part in such a manner as to prevent the introduction or movement of specified plant diseases and/or pests.
31. **Post-Control Plots:** process of identifying the variety of seed by planting “grow-out plots” in the field and subsequent identification of the variety and genetic purity of the progeny as it grows in the field.
32. **Protected Variety:** a variety for which a patent or sole rights is held under the Plant Variety Protection Law of Afghanistan or any other country, in accordance with the procedures of UPOV.
33. **Sale:** any act of advertising, promoting, selling, or offering for sale, any seed or planting material covered under this Law.
34. **Sample:** a small amount of seed, as specified in international procedures, taken from a larger lot of seed for testing purposes. The sample shall be taken in such a specified or standardized manner that it is accurately representative of the entire lot.
35. **Seed:** botanical seed or other parts of crop plants which are used for reproduction purposes.
36. **Seed Categories:** the generation of seed, in terms of its descent from Breeder seed. These shall be the same as used in international usage: Breeder, Foundation (Elite, Basic), (sometimes Registered), Certified, and Non-Certified.

37. **Seed Law of Afghanistan:** This Law and Regulations issued hereunder for the implementation of this Law, including Standards, Procedures, Norms, and other requirements.
38. **Seed Producer:** the person or entity producing crops for use as planting seed.
39. **Seed and Plant Quality Assurance Service:** the official organ of the Government of the Republic of Afghanistan, its main or any subsidiary office, the official seed testing and quality assurance agency. This agency shall be responsible for implementing this Law and Regulations issued hereunder, seed Certification, seed quality and health testing, and plant quarantine.
40. **Seed Quality:** shall refer to and include physical quality as measured by physical purity and freedom from undesirable materials, physiological purity as measured by germination and vigor, genetic purity as measured by varietal purity, and health quality as measured by freedom from insects, pests and diseases.

III. THE NATIONAL SEED POLICY

CHAPTER 1: OBJECTIVES AND APPROACH

Article 1: Objective

This National Seed Policy shall guide the content, meaning and intent of all provisions of all Laws which relate to seed. All Government officers shall, under the implementation of any Law (except plant quarantine) in no way delay, impede or interfere with the use or movement of seed for planting purposes.

1.1. Recognizing the critical role of improved seed as an input to reduce crop losses and production costs, increase productivity, and improve farmer economics, the Government of the Islamic Republic of Afghanistan (hereinafter termed Government), acting under authority established by Law No. ____ of _____, herewith enacts this National Seed Policy of the Islamic Republic of Afghanistan (hereinafter termed National Seed Policy).

1.2. To maximize supply of improved seed to farmers, Government herewith establishes this stable, consistent, long-range National Seed Policy, and shall guide and conduct all seed-related operations under the conditions established herein. This policy is intended to support agricultural development, improve employment and the national economy, and ensure adequate food supply:

1.2.1. Government has the primary responsibility to ensure that adequate and timely supplies of high-quality seed are available to farmers at reasonable prices. Government has the lead support role, to develop pilot operations, maintain infrastructural and public service support required to maintain efficient seed supply, create farmer demand for improved seed, and create an operating and economic environment favorable for investment in seed.

1.2.2. To conserve Government funds and ensure efficient service to farmers, Government shall encourage the private sector to conduct those seed operations suitable to private enterprise.

Article 2: Applicability

2.1. All activities related to production and supply of seed, corollary and supporting operations thereto, and components thereof, conducted by Government agencies and/or the domestic and/or international private sector, conducted wholly or in part within the national territory, shall be governed by the provisions of this National Seed Policy.

Article 3: Quality Orientation

3.1. Government recognizes that planting value of seed depends on its quality, as measured by internationally-established procedures. Seed activities shall focus on providing the highest-quality seed (genetic, physical, physiological, and phyto-sanitary quality components) which is economically feasible. To ensure maximum benefits to farmers, all seed offered for sale shall comply with all applicable quality requirements, and all seed operations and activities shall seek to provide seed of maximum quality.

CHAPTER 2: FORMAL AND INFORMAL SEED SECTORS

Article 4: Formal and Informal Seed Sector Roles

4.1. Government recognizes that there is an essential role for both the “formal seed sector” and the “informal seed sector”. Government activities, controls, and support shall be tailored to the needs of the sector to which they apply, help the sector operate efficiently and best serve the needs of farmers while ensuring THE maximum seed quality which is economically feasible.

CHAPTER 3: GOVERNMENT AND PRIVATE SECTOR ROLES

Article 5: Sectorial Participation

5.1. Government recognizes that a complex infrastructure is required to maintain a continuing flow of improved seed of superior varieties. Government shall ensure that essential infrastructural components are established and operated so as to benefit national agricultural and economic development. Cooperative and supportive participation of both Government and private sector are required to ensure efficient use of national resources, while providing effective service to agriculture. Each sector shall have the responsibility to conduct those activities in which it is most competent, in close coordination with other participants.

Article 6: Private Sector

6.1. The private sector has a major role in seed supply. Government shall provide all possible support, and shall encourage and support the private sector to produce the seed

required for farmer use. Activities of a commercial, market-responsive nature shall be the responsibility of the private sector. Government shall ensure that its agencies do not generate competition to private-sector operations.

Article 7: Multinational and Domestic Private Sector

7.1. Multinational private-sector seed firms can benefit the seed industry with new genetic materials and technology in addition to seed supply, but sometimes do not supply specific local needs, which may be best-supplied by local domestic seed firms, including some crop seed of lower profit. For maximum technology development, operating and cost efficiency and supply of seed needs, both multinational and wholly-national seed firms, and firms which provide services and products which support seed supply, shall be encouraged and supported equally.

Article 8: Government Seed Supply

8.1. Government's first responsibility is to ensure that adequate stocks of high-quality seed of improved varieties are provided to farmers, to ensure production of the required food, feed and fiber. Activities of a public-service nature shall be conducted by Government. Also, Government recognizes that seed production of some crops does not meet the criteria for investment by the private sector. Government organizations shall produce the amounts and kinds of such seed as are required to ensure that farmer needs are met, when such seed are not provided by the private sector. Government shall produce only seed which are required but not supplied by the private sector. As the private sector develops the capability to provide the needed activities and high-quality seed, Government shall reduce or terminate its production correspondingly, in order to prevent Government-subsidized competition and to conserve Government funds. Government shall not competitively produce seed of any kind supplied by the private sector. As much as possible, Government shall produce seed under contract with private farmers in a manner which helps them develop financially, technologically, and in their ability to organize seed production and become private-sector seed operations.

CHAPTER 4: GOVERNMENT SUPPORT

Article 9: Government Support and Initiation

9.1. Government has the responsibility to establish pilot operations, initiate development, and ensure that essential activities/components are established and operated. To maximize participation by the private sector and thereby reduce government expenditures, Government shall provide the maximum support to the private sector permitted by applicable Laws. Where necessary and as possible, Government shall actively seek to modify and/or amend appropriate laws and regulations in order to encourage maximum private-sector seed supply.

Article 10: Coordination and Cooperation

10.1. To ensure efficient operation and minimize use of national resources, Government shall ensure that Government and private-sector agencies cooperate and work toward the

common goal of improved agricultural efficiency, and that competition to the private sector in specific activities shall not be generated by Government. Such coordination shall include, but not be limited to, seed industry conferences, newsletters, bi-sectorial advisory committees, exchange of information, training programs, seed trade and/or technical associations, etc.

Article 11: Seed Use/Need Data and Statistics

11.1. Up-to-date data on seed use and needs is essential to plan production and distribution. Farmers also need information on seed availability. Government shall establish and maintain a system to collect and disseminate such information on a timely basis, to support management by seed suppliers and users. Government shall also support development of management information and data systems suitable for seed programs to improve their operating efficiency.

Article 12: Special Promotional Benefits

12.1. To encourage private-sector agencies to invest in a specified manner in seed supply activities, they shall be eligible to receive such incentives as tax exemptions, import and export privileges, special-rate loans and financing, guaranteed repatriation of profit, etc., as are offered by Government to promote investment in priority areas.

CHAPTER 5: RESEARCH AND VARIETIES

Article 13: Crop and Seed Research

13.1. The base of seed supply is to give farmers improved genetic materials in a form which can improve their yields. Many aspects of crop research are nonprofit public-service-type operations; these shall be the responsibility of Government. However, some aspects of research directly support profit-generating operations, and certain private-sector firms may conduct such research to the benefit of the nation's agriculture. Any qualified private-sector agency shall be permitted, encouraged and supported in conducting such research. Research results of Government agencies shall be available to, and exchanged with, the private sector. As plant patent laws are developed, their requirements, including royalty payments, shall apply thereto.

Article 14: Variety Development, Testing and Release

14.1. To ensure that superior materials as new varieties and hybrids are offered to farmers, they must be tested under farmer conditions. Such testing is a public-service and shall be conducted by Government, in accordance with specified procedures adequate to ensure identification of superior varieties. This, however, in no way limits the testing activities of private-sector agencies. Test results from officially-recognized private-sector programs may be included in the testing requirements for release of new varieties.

14.2. Varieties/hybrids developed by the private sector may be included but are not required to be included, in Government trials, and shall be considered solely on their merits. Varieties and hybrids which qualify shall be included on recommended or

officially-notified lists of varieties, and shall be eligible for Certification. As improved varieties benefit farmers, a private-sector breeder shall not be charged for including a specified number of materials in test trials.

Article 15: Stock Seed Maintenance and Supply

15.1. Maintenance and supply of stock seed of improved varieties and hybrids are the responsibility of the developing agency. Within Government breeding programs, a special unit shall be established with adequate staff/facilities/budgets to ensure supply of the required seed. Government-produced stock seed shall be allocated at reasonable cost to qualified private-sector agencies upon request, as it is available, and in accordance with established requirements and in compliance with Variety Protection Laws which may be enacted.

Article 16: Control of Varieties and Variety Ownership

16.1. Considerable expense is involved in developing an improved variety, even though the ultimate benefit derives to farmers and the national food supply. To encourage variety development and permit recovery of development costs, appropriate laws in accordance with international Plant Variety Protection policies may be established. The breeder shall have the means to benefit financially from his investment, while serving the needs of farmers.

CHAPTER 6: QUALITY CONTROL

Article 17: Seed and Seed Field Quality Control

17.1. Achieving adequate seed quality requires constant supervision and testing. To assure quality, every seed producer shall be assisted by Government to maintain its own internal quality control. In addition, Government shall maintain and the external quality control operations required to protect both seed suppliers and farmers.

17.2. To ensure high seed quality and operating cost-efficiency, quality control of both seed fields and seed lots is necessary. Standards for different categories of seed production fields and seed lots shall be established, achieving a balance between the needs of farmers for high quality vs. realistic production capabilities, and can be improved as technological, operational, and infrastructural developments permit.

Article 18: Seed Testing

18.1. Accurate seed testing is essential for orderly seed supply and development of the private sector and seed export/import. Government shall establish a network of official seed testing laboratories located so as to permit samples to be delivered within 24 hours after sampling, physical tests to be completed and germination testing begun within 24 hours after the lab receives the sample. These labs shall be adequately equipped and staffed with trained qualified analysts, and shall conduct tests according to procedures of the International Seed Testing Association (ISTA).

18.2. To ensure standardized procedures and repeatable test results, a national referee seed testing and analyst training program will be established and maintained by Government as a public service.

Article 19: Seed Law

19.1. A Seed Law which reflects current capabilities is essential to ensure reliable seed quality, protect seed suppliers and farmers, and develop a quality-oriented seed industry. Government shall establish a Seed Law which reflects long-term quality-oriented policy. Details shall be established through Regulations under the Law, and issued in accordance with Government procedures. An adequate implementation agency shall be maintained, a regular sampling and testing program shall be conducted, and all seed offered for sale shall be subject to the Seed Law.

Article 20: Certification

20.1. To help develop a quality-oriented seed industry and achieve high seed quality, seed Certification shall be developed, and seed suppliers encouraged to participate. Certification standards, procedures, and methodology shall comply with international usage.

20.2. While Certification of seed is recommended, it shall not be compulsory. Seed which complies with Seed Law requirements may be sold without Certification.

CHAPTER 7: TECHNICAL OPERATIONS

Article 21: Training and Technology Application

21.1. Production and supply of improved seed requires practical application of high technology. Development, transfer, application, and training in appropriate up-to-date technology shall be actively supported by Government. Such improved technology shall be available to any agency in the seed industry. It shall include but not be limited to research, training courses, conferences, publications, etc. Any private-sector seed firm shall have access to any Government program, materials specialists.

CHAPTER 8: MARKETING AND PROMOTION

Article 22: Seed Marketing

22.1. Marketing so as to promote farmer use of superior seed is encouraged. Government shall seek to support and coordinate marketing efforts in both government and private sectors. This shall include, but not be limited to, assistance in marketing campaigns, promotional methods and materials, emphasizing seed in agricultural extension and farmer training programs, etc.

Article 23: Seed Extension and Promotion

23.1. To educate farmers in use of improved varieties and seed, Extension shall maintain special programs to (1) promote and encourage farmer use of improved seed, (2) guide and assist the informal seed sector, and (3) assist and encourage the formal seed sector. Such promotion shall include improved seed and varieties without regard to origin or supplier. However, marketing/sales promotion shall be the responsibility of the agency selling seed.

CHAPTER 9: CREDIT, PRICING AND SUBSIDIES

Article 24: Credit

24.1. Government shall maintain crop production credit for farmers, including credit for purchase of improved seed. Such credit shall permit farmer to select the supplier of his seed.

24.2. Government shall establish credit for seed industry firms at concessional rates to promote investment in seed supply. Such credit shall be for capital expenditures, operating expenses, and seed inventories, with minimum reasonable collateral required.

Article 25: Seed Pricing

25.1. Pricing of seed, or the determination of the selling price, shall be the responsibility of the agency selling seed in response to market factors. Government shall in no way be involved in, or shall set, prices of seed.

Article 26: Subsidies on Seed

26.1. Government shall not subsidize the selling or purchase price of seed; these shall be determined by market factors. All Government actions shall be in support of developing and maintaining a market-driven seed industry. However, in special cases such as ensuring provision of improved seed to low-income groups, Government may assist on a short-term or long-term basis in such a manner that the Government-provided subsidy is clearly indicated and is applied so that it will not interfere with normal business practices in pricing and/or selling seed, or with the development of a seed industry which serves the national interest.

CHAPTER 10: IMPORT AND EXPORT

Article 27: Seed Import

27.1. It is in the national interest to import stock seed, seed for research purposes, and some seed for farmers. All possible Government assistance shall be provided to any agency which requests import clearance of such seed. Procedures required shall be minimized so delays do not occur. Only seed quality standards, in both Afghanistan and the country of origin, and internationally-recognized plant quarantine standards, shall be required.

Article 28: Seed Export

28.1. Local conditions may be ideally suited to produce high-quality seed of special crops. Production of such seed for export increases farmer income, supports national economic policy, exports farm labor, and earns foreign exchange. Government shall provide to domestic and multinational private-sector agencies producing seed for export, all officially-provided incentives and supports available to other promoted and/or export-oriented activities. Administrative procedures required shall be minimized so delays do not occur. The "Seed Industry Development Office" established under this National Seed Policy shall serve as a focal point of support and assistance.

Article 29: Import and/or Supply of Equipment and Supplies

29.1. It is most efficient to import certain equipment and supplies for seed operations. Government shall minimize or eliminate duty and other restrictions on such imports, and shall expedite procedures to ensure quick and economic import.

29.2. When domestic manufacture of such equipment and supplies is possible and economic, Government shall encourage domestic manufacture and establishment of joint ventures, licensing agreements, etc. Provided, that such manufacture shall be in compliance with internationally-recognized protection of patents and intellectual property rights, to maintain Afghanistan's international reputation at a respected level.

CHAPTER 11: ADMINISTRATION OF THIS POLICY

Article 30: Implementation

30.1. To implement this National Seed Policy, Government shall, as of the date hereunder, begin to establish and bring into effective operation the following activities, and others as deemed appropriate:

30.1.1. Establish and operate the "Seed Industry Development Office" within the Ministry of Agriculture and Livestock. It shall (1) provide direct support, guidance, and assistance to any private-sector agency interested in the seed industry; (2) serve as a focal point for providing assistance from other agencies and/or investment promotions; (3) cooperate with, and coordinate seeking support for, the private sector; (4) assist in developing the private sector; (5) study and modify or propose for enactment such laws and other official acts to provide incentives for investment; assist agencies to establish, conduct and maintain public-support activities essential for efficient supply of improved seed.

30.1.2. Ensure that no law or regulation hampers the production, supply, import or export of high-quality seed. Any law, regulation, decree or other official act whose provisions are contrary to this National Seed Policy and/or create constraints to the objectives hereof, shall be modified and/or amended as required to ensure its full conformance with the objectives of this National Seed Policy.

Article 31: Force

31.1. This National Seed Policy shall be effective as of the date hereunder specified, shall have the force of Law as provided in Law No. _____ of _____. All parts hereof shall have long-term application, and shall continue in force indefinitely, until specifically modified by Ministerial Decree under provisions of this Policy and the said Law No. _____ of _____. However, such modifications shall not change the intent or force of this National Seed Policy.

Article 32: Notices and Rules

32.1. To ensure effective application, the Minister of Agriculture and Livestock shall, as deemed necessary in the interests of agriculture and seed industry, issue modifications and rules under this National Seed Policy. This shall be done after due public notice and in accordance with official procedures. Such rules and modifications shall become a part of this National Seed Policy.

Article 33: Integration

33.1. This National Seed Policy shall become a part of, and shall operate in support of, the National Development Policy and National Agricultural Policy.

Article 34: Policy Advisory and Updating

34.1. To keep this National Seed Policy current and applicable to changing conditions, a National Seed Advisory Committee shall be established, with membership from representative agencies of both Government and the private sector. This Committee shall meet regularly, deliberate on all factors affecting the seed industry, and advise the Minister directly on modifications needed to keep this Policy current and supportive. The Minister shall consider such recommendations, discuss them as appropriate, and issue modifications to improve its suitability without changing its long-term intent and validity.

ISSUED this _____ day of _____, 19__.

PRESIDENT OF THE REPUBLIC OF AFGHANISTAN