

Seed Law

**The Law Amending the Seed Law
(PyidaungsuHluttaw Law No.5, 2015)
The 1st Waning of Tabaung , 1376. M.E.
(18th February, 2015)**

The PyidaungsuHluttaw hereby enacts this Law.

1. This Law shall be called the Law Amending the Seed Law.

2. In section 2 of the Seed Law:

(a) After sub-section (e), sub-section (e-1) and (e-2) shall be inserted as follows:

“(e-1) Parental Line means the Line used as parent to breed and produce plant variety.

(e-2) Perennial Crop means crop that is cultivated continually and which is enable to obtain benefit till a certain period of the category of plant respectively.

(b) The expression “commercial distribution” contained in sub-section (i) shall be substituted by the expression “or commercial distribution either by exporting.”

(c) The expression “weight or volume stipulated” contained in sub-section (j) shall be substituted by the expression “weight or volume stipulated of the crop category respectively”

3. The expression “National Seed Committee” contained in the Seed Law shall be substituted by the expression “National Seed-related Committee”.

4. The expression “Myanmar Agriculture Service” shall be substituted by the expressions “Department of Agriculture” and the expression “Managing Director” contained in the Seed Law shall be substituted by the expression “Director General” respectively.

5. After sub-section (g) of section 5, sub-section (h) of the Seed Law shall be inserted as follows and sub-section (h) contained in the original Law shall be renumbered as sub-section (i):

“(h) prescribing the registration certificate fee, the registration certificate renewal fee, licence fee, licence renewal fee and other fees with the approval of the Ministry;

6. The expression “Deputy Director General of the Department of Agriculture Research” contained in sub-section (a) of section 6 of the Seed Law shall be substituted by the expression “Director (Seed Division), Department of Agriculture”.

7. Section 8 of the Seed Law shall be substituted as follows:

“8. (a) a person desirous of importing for adaptability test to obtain recognition certificate of new plant variety shall apply to the National Seed-related Committee with complete facts together with seed sample in accord with the stipulations to obtain recommendation for new plant variety that he desires to import.

(b) The National Seed-related Committee may, in respect of application under sub-section (a), issue recommendation to import of new plant variety after causing the Technical Seed Committee to scrutinize in accord with the stipulations.

8. Section 9 of the Seed Law shall be substituted as follows:

“9. (a) Any person desirous of producing or importing the new plant variety for commercial purpose shall apply to the National Seed-related Committee in accord with the stipulation by submitting complete facts of the new plant variety together with

seed sample to obtain the recognition certificate for the new plant variety which he desires to produce or import.

(b) The National Seed-related Committee shall, in respect of application under sub-section (a), assign duty to the Technical Seed Committee to submit it after adaptability test. In assigning so, adaptability test on the parental line of hybrid and perennial crop may be exempted.

9. Section 10 of the Seed Law shall be substituted as follows:

“10. The Technical Seed Committee shall:

(a) recognize as the new plant variety after adaptability test in three locations at least one season which have different ecosystem and is appropriate for the plant variety, scrutinize whether or not to recognize based on the following facts:

(i) whether or not adaptable to cultivate in local;

(ii) whether or not the new plant variety in adaptability test has better significance than the existing plant variety and has distinct quality;

(iii) Whether or not the new plant variety may affect the natural environment and biodiversity.

(b) submit to the National Seed-related Committee together with the remarks whether or not to issue recognition certificate after scrutinizing the new plant variety under sub-section (a) or complete records of quality characters and information records relevant to parental line and perennial crops after scrutinizing.

10. The expression “recommended” contained in sub-section (a) of section 11 of the Seed Law shall be substituted by the expression “with remarks” and the expression “applied to produce or introduce” shall be deleted.

11. The expression “seed category” contained in sub-section (b) of section 16 of the Seed Law shall be substituted by the expression “crop category”.

12. After sub-section (d), clause (viii) of section 18 of the Seed Law, new clause (viii-a) shall be inserted as follows.

“(viii-a) the recommendation of the Seed Quality Testing Laboratory obtained the registration certificate recognized by the National Seed-related Committee.

13. The expression “two hundred thousand kyats” contained in section 28 of the Seed Law shall be substituted by the expression “ten hundred thousand kyats”.

14. The expression “one hundred thousand kyats” contained in section 29 of the Seed Law shall be substituted by the expression “ten hundred thousand kyats”.

15. In section 31 of the Seed Law:

(a) the expression “distribution and sale” contained in sub-section (a) shall be substituted by the expression “distribution and sale of seed which is not for commercial purpose”.

(b) the expression “not for multiplication” in sub-section (b) shall be substituted by the expression “grain not for multiplication”.

16. The expression “the peasants and seed researchers who produce seed” contained in section 32 of the Seed Law shall be substituted by the expression “the farmers and seed researchers who produce seed not for commercial purpose”.

17. Section 33 of the Seed Law shall be substituted as follows: “33. The Department of Agriculture may, if the necessity of plant variety to recultivate the crop arises due to the natural disaster and other damage, allow to recultivate the grains which should be used as plant varieties.”

18. The expression “any government department and organization contained in section 34 of the Seed Law shall be substituted by the expression “government departments”.

19. After the expression “desirous of introducing” contained in section 37 of the Seed Law, the expression “or desirous of exporting” shall be inserted.

20. Section 39 of the Seed Law shall be substituted as follows: “39. (a) The office work of the National Seed-related Committee and the Technical Seed Committee shall be carried out by the Department of Agriculture.

(b) The office work of sub-committees formed under section 7 shall be carried out by the relevant department under the Ministry.

I hereby sign under the Constitution of the Republic of the Union.

Sd/ Thein Sein

President

Union of Myanmar

The Republic of the Union of Myanmar
Ministry of Agriculture and Irrigation
Naypyitaw

Notification No. 6 /2016

Fullmoon of Tapodwe 1377 M.E

(23rd February , 2016)

Chapter I

Title and Definition

1. This law shall be called Regulations relating to the Seed Law.
2. The expressions contained in these regulations shall have the same meanings as are assigned to them in the Seed Law. In addition, the following expressions shall have the same meanings given hereunder.
 - (a) Breeder Seed means seed and propagable parts of plant being under direct supervision of breeder and that is in conformity with the seed standards being promulgated additionally by National Seed-related committee from time to time.
 - (b) Foundation Seed means the seed produced from Breeder seed with the varietal purity that is in conformity with the seed standards being promulgated additionally by National Seed-related committee from time to time.
 - (c) Registered Seed means the seed produced from foundation seed with the varietal purity that is in conformity with the seed standards being promulgated additionally by National Seed-related committee from time to time.
 - (d) Certified Seed means the seed produced from foundation seed or registered seed with the varietal purity that is in conformity with the seed standards being promulgated additionally by National Seed-related committee from time to time.
 - (e) Hybrid means the first generation from the hybridization of two different parents which can be used for commercial production and that is in conformity will the seed standards being promulgated additionally by National Seed-related committee from time to time.

Chapter II New Plant Variety

3. Any person desirous of introducing the new plant variety for the recognition certificate shall apply to the National Seed-related Committee with the seed sample, copy of seed quality analysis certificate from relative Department after scrutiny in accordance with the procedures of the International Seed Testing Association, original of Phytosanitary Certificate from relative country or origin, characters of new plant variety which he desires to introduce and copy of company registration on **form 1**.

4. In respect of application according to clause 3;

(a) National Seed-related Committee shall assign Technical Seed Committee to securitize the requirements.

(b) Technical Seed Committee shall submit the requirements with their remarks after securitizing.

5. National Seed-related Committee to the submission of Technical Seed Committee shall;

(a) issue the recommendation certificate to introduce the new

plant variety for adaptability test to the relevant applicant on **form 2** if it is decided to recommend.

(b) inform by the letter with description of the reason for rejection made under Sub-clause (a) if it is decided to reject.

6. Any person desirous of introducing or producing the new plant variety and parental line, perennial crop for commercial purpose shall apply to the National Seed-related Committee on **form 3** to obtain recognition certificate for the new plant variety which he desires to produce or introduce.

7. National Seed-related Committee shall assign Technical Seed Committee to submit and securitize after adaptability test in respect of application according to clause 6.

8. Technical Seed Committee shall –

(a) Scrutinize the application after adaptability test in three locations which have different ecosystems that is suitable to new plant variety for at least one season at under his supervision, better significance than existing plant variety, usefulness and value as to whether or not it is appropriate to recognize.

(b) Submit to the National Seed-related Committee after scrutiny based on; the finding of the scrutiny of new plant variety , the complete record of information and characters that is related to crop for parental line and perennial crops, whether or not it may affect the natural environment and biodiversity, whether or not it is appropriate to recognize together with remarks.

9. After scrutiny of submitted the new plant variety of seed sample and information with the remark of Technical Seed Committee, National Seed-related Committee shall,

(a) Issue recognition certificate to the applicant on **form 4** after causing the prescribed fee to be paid if it is decided to issue.

(b) Inform by the letter with description of the reasons for rejection if it is decided to reject.

Chapter III

The Seed Testing Laboratory

10. Any person desirous of establishing the Seed Testing Laboratory who may hold at least bachelor or degree and Seed quality testing technique training certificate holder which is organized by Department of Agriculture, Ministry of Agriculture and Irrigation.

11. Government Department, Organization and private company desirous of establishing the seed testing laboratory shall apply to the National Seed-related Committee on **form 5**.

12. National Seed-related Committee shall securitize the application under clause 2 based on the followings;

(a) Type of building for the seed testing laboratory shall be at least (80'x55'x15'), concrete floor, the roof with brick tile, at least four rooms including stored room.

(b) Site for Seed Testing Laboratory

(c) Whether or not it may complete with apparatus and furniture that will be used in Seed Testing Laboratory.

(d) Whether or not it may be enough skillful staff in the seed testing for each crop.

13. To establish Seed Testing Laboratory, after securitizing under clause 12 by the National Seed-related Committee shall:

- a. Issue registration certificate to the applicant on **form 6** after causing the prescribed fee to be paid if it is decided to issue.
- b. Inform by the letter with description of the reasons for rejection if it is decided to reject.

14. The registration certificate holder shall, if he desires to continue to establish Seed Testing Laboratory when the term of the registration certificate has expired, apply to the National Seed-related Committee on **form 7** at least 60 days prior to the expiry of the term of such certificate.

15. National Seed-related Committee may allow or refuse to the renewal of the term of registration shall;

- a. issue registration certificate to the applicant on form 6 if it is allowed to renew the term of registration, it shall cause the prescribed renewal fees to be paid.
- b. inform by the letter to the applicant with description of the reasons for rejection if it is renew decided.
- c. renewal of the term of registration certificate after securitizing if the applicant requested again with the complete information of justification for rejected facts prior to the expiry.

16. Seed Testing Laboratory shall keep the records and seed samples which is divided correctly and taken systematically by seed inspectors in accord with the rules of International Seed Testing Association.

17. Seed Testing Laboratory shall test genetic purity, seed purity percentage, germination, moisture content percentage, free from pest and disease and seed quality standards prescribed by National Seed-related Committee from time to time.

18. Seed Testing Laboratory shall release the results within 15 days after receiving the samples. Copy of result shall be submitted to Technical Seed Committee. The results shall be kept systematically in the seed testing laboratory itself.

19. Seed Testing Laboratory is totally responsible for the results he tested.

20. Seed Testing Laboratory shall be checked by the Technical Seed Committee from time to time whether or not it complies with respect to prescribed regulations.

Chapter IV Seed Business

21. A person desirous of carrying out the seed business to obtain a License shall apply to Technical Seed Committee on **form 8** separately for each crop category together with acre and region that will be grown or amount and region that will be distributed, recommendation for seed quality, seed sample, record with photo and remarks of breeder or recognition certificate holder or organization.

22. It shall be allowed to apply a seed business licence only for variety, parental line and perennial crops that have been recognized by National Seed-related Committee.

23. Relating to the application under **clause 21**, Technical Seed Committee shall assign the relevant Seed Quality Inspection Body to examine and submit whether or not it is in conformity with the seed standards.

24. After securitizing the submission of Seed Quality Inspection Body, the National Seed-related Committee shall;

a. Issue seed business licence to the applicant on **form 9** after causing the prescribed fee to be paid if it is allowed.

b. Inform by the letter with description of reasons for rejection.

25. Licence holder, if he intends to produce the seeds by himself shall be inspected by the relevant Seed Quality Inspection Body whether or not it is in conformity with the prescribed standards in the field.

26. Seed Business licence holder shall test the seed in the seed testing laboratory that will be distributed. The enough seed samples shall be given to the Seed Quality Inspection Body.

27. Seed Business licence holder shall distribute only the seed that is in conformity with the standards.

28. Licence holder shall apply to Technical Seed-related Committee on **form 10** at least 60 days prior to expiry of the term of licence if he desires to continue to carry out seed business.

29. After securitizing relating to the application under clause 28, Technical seed Committee;

- a. Shall issue the licence on **form 9** after causing the prescribed renewal fees to be paid if it is allowed to renew the term of licence.
- b. Shall inform by the letter with description of reasons for rejection if it is decided to reject to renew the term of licence.
- c. May after securitizing, allow the renewal if the applicant has totally amended the reasons for rejection and applied again before the term of licence is expired.

30. Any person desirous of importing or exporting shall allow to import or export only variety, parental line and perennial crop for which the recognition certificate is issued by the National Seed-related Committee. Concerning with Rubber, any person desirous of carrying out seed business shall comply in accord with regulations promulgated by relevant Department.

31. Seed business licence holder who desires to export abroad or import to local to obtain recommendation, shall apply to Technical Seed Committee on **form 11** for importing, **form 12** for exporting together with the followings;

- a. Seed Sample
- b. Copy of seed quality certificate
- c. Characters of varieties
- d. Phytosanitary Certificate
- e. Copy of recognition certificate
- f. Copy of Company registration certificate
- g. Copy of Pro-forma invoice and sale contract.

32. Technical Seed Committee shall, made under clause 31 issue recommendation on **form 13** after scrutiny of the application if it is allowed, it shall cause the prescribed fees to be paid.

Chapter V

Taking Administrative Action

33. The Technical Seed Committee to the licence holder who fails to comply with any facts contained in **section 18, sub-section (a, b and c)** may.

a. temporary suspend from a minimum of three months to a maximum of six months the seed business which has been permitted for the first time fail to comply.

b. Suspend the licence from a minimum of one year to a

maximum of three years for the second time fail to comply.

c. take action to the cancellation of the licence for the third time fail to comply.

34. Technical Seed Committee to the licence holder who fails to mention correctly any facts on materials in which the seed is packed or put may;

a. allow to continue to carry out the seed business, it shall cause the fines and amend the necessary facts, after making announcement of such amendment for the first time fail to comply.

b. temporary suspend the seed business which has been permitted from a minimum of three months to a maximum of six months for the second time fail to comply.

c. temporary suspend the seed business which has been permitted from a minimum of one year to a maximum of three years for the third time fail to comply.

d. take action up to the cancellation of the licence for the fourth time fail to comply.

Chapter VI

Appeal

35. A person dissatisfied with an order or decision under clause 33, 34 may file an appeal to National Seed-related Committee within 30 days from the date of the receipt of such order or decision. In appealing so, the following facts shall be submitted together with application form;

a. True copy of order of Technical Seed Committee

b. Justification to cancel the order by what causes.

36. National Seed-related Committee may with respect to the appeal under clause 35 approve, cancel or amend the order or decision passed by Technical Seed Committee. The decision of National Seed-related Committee shall be final and conclusive.

Chapter VII

Prosecution

37. If an exhibit involved in any offence is not easily produceable before the court, such exhibit need not be produced before the Court. However, a report or other relevant documentary evidence may be submitted. There shall be kept for record in relevant Department of Agriculture up to the decision on the offence has been made.

Chapter VIII

Miscellaneous

38. Technical Seed Committee shall reply the seed quality testing result and comments to the relevant group after scrutiny if prosecuted organization requested.

39. Technical Seed Committee shall scrutinize and submit to the National Seed-related Committee the distribution and sale of seed by farmers each other whether or not it is commercial purpose together submit with seed sample and farmers that are conducting.

40. Technical Seed Committee shall observe and submit to the National Seed-related Committee the distributor whether or not it is a distribution and sale of grain, fruit, flower, plant and parts of plant not for multiplication.

41. Seed buyer may have the right to sue the relevant seed

distributor for profits, production cost including the cost for seed to when he faces losses due to low seed quality.

42. Seed distributor shall also have the right to sue proportionally for the amount that has been fined from the seed producer and merchants if it is evidence that the losses is due to carelessness of seed producer and merchants.

National Seed Policy

Foreword

The adoption of a National Seed Policy gives Myanmar a great opportunity to strengthen the agriculture of the nation and reinforce its contribution to the national economy and food security. Beyond our own efforts in seed development, the global seed industry is undergoing immense changes. While some of these changes can be of benefit to the Myanmar seed sector, others have the potential, if not adequately harnessed, of leading to frustration and wasted investments. Several issues relating to agricultural research, seed production, the private seed sector, seed legislation, plant variety protection, seed marketing, the informal sector, seed extension, seed industry oversight arrangements; international cooperating agencies and many more, pose difficult challenges for which answers must come from carefully formulated seed policies.

A National Seed Policy is a statement of the philosophy and intentions of Government and the required roles of all participating agencies and stakeholders regarding the desired structure, functions and development of the seed sector. Using this policy as a road map, the Ministry of Agriculture and Irrigation will be able to obtain the necessary support and cooperation at all levels in its seed development activities. Further, farmers and the mass of the population will benefit from food security arising out of enhanced farm productivity.

The Ministry of Agriculture and Irrigation has ensured the maximum participation of all stakeholders in the seed policy formulation process and this should ensure a wide sense of ownership and foster close collaboration among colleagues of the seed industry during implementation.

The Ministry of Agriculture and Irrigation will shortly start consultation with all stakeholders to revitalize the National Seed-related Committee which will be given additional responsibility to oversee the National Seed Policy and be accorded a high degree of autonomy and freedom to carry out its functions.

It is my hope that all stakeholders in the seed sector will be guided in their work by this policy and gain from it. I thank all of you for your individual efforts in the formulation and adoption of the National Seed Policy and look forward to your cooperation in its implementation.

Myint Hlaing

Union Minister

Ministry of Agriculture and Irrigation

National Seed Policy [Download Here (ဒေါင်းလုပ် ရယူရန်)]
(<http://myanmarseedportal.gov.mm/sites/default/files/upload-files/National-Seed-Policy-English-8.11.pdf>)