

The Law Amending the Seed Law

(Pyidaungsu Hluttaw Law No.5, 2015)

The 1st Waning of Tabaung , 1376. M.E.

(18th February, 2015)

The Pyidaungsu Hluttaw 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/ TheinSein

President

The Republic of the Union of Myanmar

The Union of Myanmar

The State Peace and Development Council

The Seed Law

(The State Peace and Development Council Law No. 1/2011)

The 3rd Waxing Day of Pyatho, 1372 M.E.

(7th , January , 2011)

The State Peace and Development Council hereby enacts the following law:

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called **the Seed Law**.
(b) This Law shall come into force commencing from the day of completion of two years of its promulgation.
2. The expressions contained in this Law shall have the meaning given hereunder:
 - (a) **Seed** means seed obtained from a flower or a fruit and propagable and cultivable plant or all parts thereof;
 - (b) **Grain** means grain and kernel produced to use by any means other than as a seed;
 - (c) **Pure Seed** means seed with varietal purity and that is in conformity with the seed standard;
 - (d) **Plant Variety** means the plant which has morphological, physiological and chemical resemblance with the growing plant and reveals distinctly the other specific characters and when

propagated in various ways the same genetical characters are distinctly shown;

- (e) **New Plant Variety** means the variety which expresses at least one characteristic and feature from the existing variety, reveals uniformity in characters when it is cultivated and there is no change in characters through propagation;
- (f) **Seed Standard** means facts prescribed as standard by the National Seed Committee in relation to seed quality;
- (g) **Seed Quality** means genetical purity, germination percentage, moisture content and purity of the seed;
- (h) **Seed Testing Laboratory** means the place and centre for testing to enable to know the seed quality;
- (i) **Seed Business** means the commercial distribution of seed by producing, importing or obtaining it from the producer or importer;
- (j) **Commercial Distribution** means distribution of seed exceeding the weight or volume stipulated by the National Seed Committee within the stipulated period;
- (k) **Recognition Certificate** means the certificate issued under this Law recognizing to produce or to introduce new plant variety;
- (l) **Registration Certificate** means the certificate issued under this Law permitting to open Seed Testing Laboratory;
- (m) **Licence** means a permit issued under this Law to carry out seed business;
- (n) **Ministry** means the Ministry of Agriculture and Irrigation.

Chapter II

Objectives

3. The objectives of this Law are as follows:
 - (a) to assist the development of agricultural sector of the State by cultivating and producing crops using pure seed;
 - (b) to enable to carry out the seed business commercially and to carry out such business systematically;
 - (c) to encourage for enabling participation in seed production and carrying out seed research of the Government departments, organizations and individuals;
 - (d) to enable the Government departments, organizations, international organizations, internal and external organizations and individuals to co-operate for the development of seed business.

Chapter III

Formation of the National Seed Committee

4. The Ministry, with the approval of the Government:
 - (a) shall form the National Seed Committee comprising the Deputy Minister for the Ministry of Agriculture and Irrigation as chairman, the Managing Director of the Myanmar Agriculture Service as secretary, representatives from the relevant Government departments and organizations, experts and other suitable persons as members.
 - (b) may determine and assign duties to the Vice-chairman and Joint Secretary in forming the National Seed Committee under sub-section (a).

- (c) may reorganize, from time to time, the National Seed Committee formed under sub-section (a).

Chapter IV

Functions and Duties of the National Seed Committee

5. The functions and duties of the National Seed Committee are as follows:

- (a) adopting the seed policy for the development of the agricultural sector by cultivating and producing crops using pure seed;
- (b) prescribing weight and volume of seed distributed within the prescribed period to be able to deem as commercial distribution;
- (c) carrying out for the development of seed research works of the Government departments, organizations and individuals;
- (d) dispatching and receiving necessary seeds to enable to do research according to the bilateral agreement;
- (e) assigning duty to the relevant departments and enterprises under the Ministry to form, as may be necessary, seed quality inspection bodies comprising suitable experts;
- (f) cooperating with the Government departments and organizations, international organizations, internal and external organizations and individuals relating to seed business;
- (g) prescribing, from time to time, the facts to be mentioned on the material in which seed is packed or put;
- (h) carrying out the functions and duties assigned by the Ministry from time to time.

6. The National Seed Committee:
 - (a) shall form the Technical Seed Committee comprising the Managing Director of the Myanmar Agriculture Service as chairman, Deputy Director General of the Department of Agricultural Research as secretary, experts from relevant Government departments, organizations and private enterprises as members, with the approval of the Ministry and determine the functions and duties;
 - (b) may reorganize the Technical Seed Committee formed under sub-section (a) from time to time.
7. The National Seed Committee may form the necessary sub-committees for enabling to assist the Technical Seed Committee for carrying out its functions and duties effectively.

Chapter V

The New Plant Variety

8. Any person desirous of producing or introducing the new plant variety for commercial purpose shall apply to the National Seed Committee in accord with the stipulations 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 introduce.
9. The National Seed Committee shall assign duty to the Technical Seed Committee to scrutinize the requirements and submit in respect of the application under section 8.
10. The Technical Seed Committee:

- (a) shall scrutinize the application under section 9 in accord with the stipulations and scrutinize as to whether or not it is appropriate to produce as new plant variety or to introduce based upon the following facts:
 - (i) whether or not adaptable to cultivate in Myanmar;
 - (ii) whether or not the new plant variety is better than the existing plant variety and it has distinct quality;
 - (iii) whether or not the new plant variety may affect the natural environment and biodiversity.
 - (b) shall submit to the National Seed Committee the finding of scrutiny under sub-section (a) in respect of the new plant variety together with remarks.
11. The National Seed Committee:
- (a) shall decide on the recognition or refusal to recognize of the new plant variety applied to produce or introduce after scrutinizing the seed sample and particulars of the new plant variety recommended and submitted by the Technical Seed Committee.
 - (b) shall issue the recognition certificate to the relevant applicant if it is decided to recognize under sub-section (a).

Chapter VI

The Seed Testing Laboratory

12. Any person desirous of establishing the Seed Testing Laboratory shall apply to the National Seed Committee to obtain the registration certificate in accord with the stipulations.
13. The National Seed Committee:

- (a) may, after scrutinizing the application under section 12, allow or refuse to issue the registration certificate for enabling to establish the Seed Testing Laboratory;
 - (b) shall, after causing the prescribed registration certificate fee to be paid if it is allowed to issue the registration certificate under sub-section(a), issue to the relevant applicant the registration certificate containing the terms and conditions;
 - (c) the term of a registration certificate issued under sub-section (b) shall be three years from the date of issue.
14. (a) The registration certificate holder shall, if he desires to continue to establish the Seed Testing Laboratory when the term of the registration certificate has expired, apply to the National Seed Committee in accord with the stipulations at least 60 days prior to the expiry of the term of such certificate in order to renew the term of the registration certificate.
- (b) the National Seed Committee may allow or refuse to renew the term of registration certificate after scrutinizing the application under sub-section (a). If it is allowed to renew the term of registration certificate, it shall cause the prescribed renewal fees to be paid and renew the term of the registration certificate.
15. The National Seed Committee may suspend for a limited period or cancel the registration certificate of a registration certificate holder who fails to comply with any terms and conditions contained in it.

Chapter VII

Seed Business

16. A person desirous of carrying out the seed business:

- (a) shall apply to the Technical Seed Committee to obtain a licence in accord with the stipulations;
- (b) shall apply for licence separately for each seed category in applying under sub-section (a).

17. The Technical Seed Committee:

- (a) shall assign the relevant Seed Quality Inspection Body to examine and submit as to whether or not it is in conformity with the seed standard relating to the application under section 16;
- (b) may allow or refuse to issue licence after scrutinizing the examination and submission of the relevant Seed Quality Inspection Body under sub-section (a);
- (c) shall issue the licence containing terms and conditions to the relevant applicant after causing the prescribed licence fee to be paid if it is allowed to issue the licence;
- (d) may determine the term of licence for a period not exceeding ten years based on the category and quality of the seed, in issuing the licence under sub-section (c).

18. A licence holder:

- (a) shall abide by this Law and the rules, procedures, notifications, orders and directives issued thereunder;
- (b) shall abide by the terms and conditions contained in the licence;

- (c) shall submit to the examination of the Seed Quality Inspection Body in accord with the stipulations on the seed in the seed growing field or the Seed Testing Laboratory.
 - (d) shall mention correctly the following facts on the material in which the seed is packed or put:
 - (i) trademark;
 - (ii) variety name;
 - (iii) weight and volume of seed;
 - (iv) quality of seed;
 - (v) instruction for use;
 - (vi) date of expiry;
 - (vii) number and date of licence;
 - (viii) warranty for seed quality;
 - (ix) other facts prescribed by the National Seed Committee from time to time.
19. The licence holder shall distribute and sell only the seeds which have undergone seed quality testing.
20. A licence holder shall apply to the Technical Seed Committee in accord with the stipulations at least 60 days prior to the expiry of the term of licence to renew the term of licence if he desires to continue to carry out seed business when the licence term has expired.
21. The Technical Seed Committee:
- (a) may allow or refuse to renew the term of licence after scrutinizing the application under section 20 in accord with the stipulations.

- (b) shall renew the term of licence after causing the prescribed renewal fee to be paid if it is allowed to renew the term of licence under sub-section(a).

Chapter VIII

Taking Administrative Action

22. The Technical Seed Committee may pass any or more of the following administrative orders on the licence-holder who fails to comply with any facts contained in section 18.

- (a) temporary suspension of the seed business which has been permitted;
- (b) permitting to continue to carry out the relevant seed business after causing fine to be paid and the requirements to be fulfilled;
- (c) suspending the licence subject to a limited time;
- (d) cancelling the licence.

Chapter IX

Appeal

23. (a) A person dissatisfied with an order or decision passed by the Technical Seed Committee under section 22 may file an appeal to the National Seed Committee in accord with the stipulations within 30 days from the date of the receipt of such order or decision.

- (b) The National Seed Committee may approve, cancel or amend the order or decision passed by the Technical Seed Committee relating to the appeal under sub-section (a).
- (c) The decision of the National Seed Committee passed under sub-section (b) shall be final and conclusive.

Chapter X

Prohibitions

- 24. No person shall produce for commercial purpose the new plant variety for which the recognition certificate is not issued.
- 25. No person shall carry out seed business without a licence.
- 26. No licence-holder shall distribute seed that is not in conformity with the seed quality warranty or seed that has not yet undergone seed quality testing.
- 27. No person shall open Seed Testing Laboratory without a registration certificate.

Chapter XI

Offences and Penalties

- 28. Whoever violates any prohibition contained in sections 24, 25 or 26 shall, on conviction, be punished with imprisonment for a term not exceeding six months or with fine not exceeding two hundred thousand kyats, or with both. In addition, the exhibits involved in the offence shall also be confiscated.
- 29. Whoever violates the prohibition contained in section 27 shall, on conviction, be punished with imprisonment for a term not exceeding six months or with fine not exceeding one hundred thousand kyats, or with

both. In addition, the exhibits involved in the offence shall also be confiscated.

30. The relevant Court shall transfer the confiscated seeds, packing materials and equipment used in Seed Quality Testing Laboratory to the Myanmar Agriculture Service for disposal.

Chapter XII

Miscellaneous

31. The provisions contained in this Law shall not apply to the following facts:

- (a) distribution and sale of seed produced by any peasant by himself to another peasant;
- (b) distribution and sale of fruit, flower, plant and parts of plant not for multiplication.

32. The peasants and seed researchers who produce seed in co-operation with the departments, services under the Ministry shall be exempted from obtaining licence under this law.

33. The National Seed Committee shall, with the approval of the Ministry, determine the registration certificate fee, registration certificate renewal fee, licence fee, licence renewal fee and other fees.

34. The Technical Seed Committee may, with the approval of the National Seed Committee exempt any Government department and organization from paying the stipulated fee for applying for a licence under this Law to carry out seed business.

35. Any person who is operating the Seed Testing Laboratory on the day of coming into force of this Law and desirous of continuing to operate such testing laboratory shall apply for registration certificate and any person

who is carrying out any seed business and desirous of continuing to operate such business shall apply for licence within 90 days from the date of coming into force of this Law.

36. In an offence prosecuted under this Law, the report of the Technical Seed Committee on the finding of seed quality in respect of seed shall be conclusive proof for such offence.

37. Any person who is issued recognition certificate and desirous of introducing new plant variety shall, in order to obtain permit or licence, submit recognition certificate together with the application in applying to the Government department or organization which has the authority to issue permit or licence. Such department or organization may issue permit or licence only to a person who is able to submit recognition certificate.

38. Any person desirous to import or export the seed:

- (a) shall apply to the Technical Seed Committee in accord with the stipulations to obtain a recommendation.
- (b) shall, in order to obtain permit or licence submit the recommendation of the Technical Seed Committee together with the application in applying to the Government department or organization which has the authority to issue permit or licence. Such department or organization may issue permit or licence only to a person who is able to submit the said recommendation.

39. (a) The office works of the National Seed Committee shall be carried out by the Ministry.

- (b) The office works of the Technical Seed Committee shall be carried out by the Myanmar Agriculture Service.

- (c) The office works of the sub-Committee formed under section 7 shall be carried out by the relevant department and services under the Ministry.
40. The offence under this Law is determined as cognizable offence.
41. If an exhibit involved in any offence prosecuted under this Law is not easily produceable before the Court, such exhibit need not be produced before the Court. However, a report or other relevant documentary evidence as to the manner of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the Court and the relevant Court may dispose of the same in accord with law.
42. The members of the National Seed Committee and the Technical Seed Committee who are not Government employees are entitled to obtain remuneration determined by the Ministry.
43. In implementing the provisions of this Law:
- (a) the Ministry may make rules with the approval of the government and may issue procedures, notifications, orders and directives as may be necessary.
 - (b) the National Seed Committee and the Technical Seed Committee may issue notifications, orders and directives as may be necessary.

Sd / Than Shwe

Senior General

Chairman

The State Peace and Development Council