

Proclamation No. _____/2022**Seed Proclamation**

WHEREAS, Ethiopia's seed sector is vital to ensure the country's agricultural economic development, food, nutrition, feed and forest products security;

WHEREAS, it has become necessary to supply improved varieties and their seed in required amount and quality to producers by putting in place a sustainable seed system with purpose of enhancing its contribution to ecosystem;

WHEREAS, it is essential, through ensuring private & public seed companies' participation and global competitiveness, to strongly enhance the seed sector's contribution to research, technology shopping, adoption, production, productivity and product quality;

NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE**GENERAL****1. Short Title**

This Proclamation may be cited as the "Seed Proclamation No.-----/2022".

2. Definitions

In this Proclamation, unless the context otherwise requires:

- 1/ "plant" means a living organism excluding the animal kingdom and micro-organisms that are capable of re-production;
- 2/ "seed" means any botanical seed, bulbs, tubers, cuttings, rhizomes, roots, seedlings, scion, root stock or any other plant part intended for propagation of plants.
- 3/ "variety" means
 - a. defined by the expression of the characteristics of a given genotype or combination of genotypes;
 - b. distinguished from any other plant grouping by the expression of at least one of the said characteristics; and
 - c. considered as a unit with regard to its ability for being propagated unchanged;

- 4/ “genotype” means the genetic constitution or genetic make-up of a particular plant;
- 5/ “variety release” means a process whereby a plant variety, after completion of research process, has satisfactorily undergone trials for variety performance and characterization and authorized by Authority for further multiplication or production or sale for domestic/ foreign market or utilization for other purposes;
- 6/ “National Performance Trial (NPT)” means testing a candidate variety to assess its economic, social and environmental value by comparing it against recently released and local variety before permitting its utilization;
- 7/ “Varietal examination” is a test conducted on a candidate variety to confirm whether it fulfills the distinct, uniform and stable (DUS) variety requirement set for various plant species;
- 8/ “local variety” means a variety that has been used by farmers or pastoralist for a long time and has not been released before;
- 9/ “seed class” means breeder, pre-basic, basic and certified seeds of the first, second and third generations;
- 10/ “breeder seed” means seed of the first seed class;
- 11/ “pre-basic seed” is a seed class that is descent from breeder seed;
- 12/ “basic seed” means seed class that is descent from pre-basic seed;
- 13/ “certified seed” means a seed that is a direct descent from basic or the first, second or third class of certified seed;
- 14/ “Approved seed” means locally produced or imported seed certified by eligible authority for compliance with quality standards;
- 15/ “emergency seed” means seed of a known source that is intended to meet an acute seed shortage;
- 16/ “reserve Seed” means seed that is stored in advance to avoid seed shortage;
- 17/ “quality declared seed” means seed supplied being 90% is certified by the producer and 10% is by regional authority;
- 18/ “restricted seed” means seed prohibited from being marketed locally, imported into, or exported from, Ethiopia;
- 19/ “modified organism” means any biological entity which has been artificially synthesized, or in which the genetic material or the expression of any of its traits has been changed by the introduction of any foreign gene whether taken from another organism, from a fossil organism or artificially synthesized;
- 20/ “certificate of Competency” is issued when a person fulfills requirements set for seed production, processing, wholesale or retail sale.
- 21/ “seed quality standards” means the minimum field and laboratory quality requirements for a given seed class;

- 22/ “seed quality approval” means the process of evaluating and deciding on quality of a seed for compliance with seed quality standards;
- 23/ “pre-control” is the test applied to verify the varietal purity of early generation seed before engaging further multiplication;
- 24/ “post-control” is test applied to verify the varietal purity of certified seed which is not further multiplied;
- 25/ “seed inspector” means a person who is assigned by an authority to approve seed quality on field and in laboratory;
- 26/ “small holder farmer or pastoralists” means a farmer or pastoralist who is officially granted a certificate of possession of land not more than 10 hectares and engaged in agricultural development using predominantly his own and family labor and his livelihood is predominately dependent on agriculture;
- 27/ “farmers` or pastoral` variety” means variety which is:
- a. traditionally cultivated and developed by farmers or pastoral communities in their fields; or
 - b. predominantly breed or selected by farmers or pastoral communities from various plant source;
- 28/ “self-seed quality certification” means, a licensed seed producer, by an authority, sell its produced & processed seed certifying by its own based on to seed quality standards;
- 29/ “third party seed certification” means a seed certification process done by non-seed producer who is licensed by an authority;
- 30/ “Authority” means the Ethiopian Agriculture Authority;
- 31/ “Regional Authority” means an Eligible body responsible to approve seed quality at region level;
- 32/ “Ministry” means the Ministry of Agriculture;
- 33/ “Region” means any region established according to Article 47 of the constitution.;
- 34/ “Bureau” means Regional Bureau of Agriculture;
- 35/ “person” means any natural or juridical person;
- 36/ any expression in the masculine gender includes the feminine.

3. Scope of Application

- 1/ this proclamation shall be applicable to any seed.
- 2/ Without prejudice to the provision of sub-article (1) of this Article, the Proclamation shall not be applicable to:
 - a) the use, by any person, of farm-saved seed;
 - b) the exchange or sells of farm-saved seed among smallholder farmers or agro-pastoralists;
 - c) seed for research and education purpose.

PART TWO

VARIETY RELEASE AND REGISTRATION

4. Release of Varieties

- 1/ As desired, with particulars to be described in directives, the Authority shall employ the following variety release and registration systems;
 - a) conducts candidate variety performance and variety examination trial by itself, evaluation by evaluation committee and final approval by National Variety Release Committee;
 - b) empower the applicant of the candidate variety to conduct either variety performance or examination trials or both; and evaluation is done by evaluation committee; and final approval by National Variety Release Committee;
 - c) accepts a DUS report done by an authorized regulatory body for a variety registered abroad and an adaptation trial report conducted locally by the applicant;
- 2/ The Authority shall determine the species that need to be released & registered under each system; and publicize them using an appropriate media;
- 3/ Without prejudice to the provision of sub-article (1) of this article, as desired the Ministry in consultation with the Authority
 - a) Shall permit the production of selected foreign registered varieties with special national interest without undergoing adaptation trial;
 - b) Without prejudice of the above, a written justification shall be submitted on the special National importance of the variety;
- 4/ Prior to registering a variety in a variety registry book in accordance with sub-Article 3 of this Article, the Authority shall ascertain:
 - a) submission of DUS report;
 - b) fulfillment of biodiversity and quarantine requirements of this country;
- 5/ A variety owner or his legal representative shall take full responsibility for any damage caused by production of a variety according to sub-Article “1/c”, “3” & “4” of this Article;
- 6/ Unregistered variety intended exclusively for export market may be imported and multiplied in the country without undergoing adaptation trial as long as it meets, biodiversity and quarantine requirements of the country; details shall be prescribed in a directive;
- 7/ The Authority:
 - a) shall set up technical committees responsible for evaluation of candidate variety;
 - b) shall set up a technical committee responsible to evaluate varieties that need to be out of production;
 - c) shall set up a National Variety Release Committee that decides, based on the reports of the evaluation committees, on candidate and obsolete varieties;
 - d) The composition and operations of the committees shall be prescribed under the variety release and registration directive.
 - e) shall assign variety performance examiner.

5. National Variety Register

The Authority:

- 1/ shall register varieties in the national variety registry book, in accordance with the provision of Article 4 of this proclamation;
- 2/ shall register a variety in its registry book, if it is listed in a variety catalogue of international agreements for which the country has ratified and is a member;
- 3/ Shall cancel varieties that are obsolete due to various reasons from the registry book.

PART THREE

SEED PRODUCTION, ROCESSING AND MARKETING

6. Seed Production Plan

- 1/ Any person who wants to engage in commercial seed production shall make known his production plan to Authority or regional authority, in a pre-set time;
- 2/ The Authority shall keep a National seed production database containing:
 - a) annual production plan and specific responsibilities of implementers;
 - b) annual seed production by type, by producers and an aggregate;
 - c) land, infrastructure and other inputs used to produce seed; and
 - d) any other data relevant to national seed production;
- 3/ The seed production database shall be part of, or attached to, the registry of seed producers and distributors.

7. Seed Production

- 1/ Any person who intends to engage
 - a) in annual crop seed production;
 - b) in forest & fruit seed production and serve as source of seed for other perennial crops shall register his parent seed source tree and production site; and acquire a certificate of competency.
 - c) in production & marketing of certified or basic seed or both shall acquire certificate of competence specific to those seed classes;
 - d) in multiplication of breeder and pre-basic seed shall acquire a certificate of competency specific to multiplication of those seed classes from the Authority or Regional Authority;
 - e) shall not be prohibited from acquiring the two kinds of certificates of competency, described under c” and “d” of this article of sub article 1, as far as he is able to fulfill requirements to be prescribed by directive under with this proclamation;
 - f) Other implementations details shall be described in a directive.
- 2/ Any person who engaged in commercial seed production shall establish an internal seed quality control system;
- 3/ Any seed producer possessing a certificate of competence, subject to any other applicable laws, has a right to access breeder seed, pre-basic seed and basic seed of registered varieties from any entity that produces them; Details shall be prescribed by a directive;

- 4/ Any seed producer shall be responsible to ascertain and describe to the Authority or regional authority about eligibility of seed source, seed class and other quality requirements;
- 5/ Any person who wants to engage in seed production as producer can produce seed either on his own farm or entering into contractual agreement with other land holders; Details shall be prescribed in a directive.

8. Seed Processing

Any person who wants to engage in seed processing shall bear certificate of competency; Details shall be prescribed by directive.

9. Seed Marketing

- 1/ Types of Seed marketing, under provisions of this proclamation include:
 - a) Seed Import and Export;
 - b) Wholesale and retail sale for local market;
 - c) Forest and Fruit seed collection;
 - d) Seed Treatment, distribution, transport and storage service; and
 - e) Other marketing types to be prescribed by a directive;
- 2/ Any person:
 - a) who intends to engage in seed marketing in two and more regions shall acquire a certificate of competence from the Authority;
 - b) who intends to engage in seed marketing within one region shall acquire a certificate of competency from respective regional Authority;
 - c) shall conduct promotion of new public varieties that have not yet been popularized, if he produces seed using public varieties` Early Generation Seed and markets;
- 3/ Seed marketing can be run by private, cooperative or public firms or any other forms of suppliers;
- 4/ Implementation details of the seed marketing system shall be prescribed by a directive.

10. Expanding seed Market boundaries

When a region level seed producer, processor or wholesaler wants to operate in more than one region, he shall first return the regionally issued certificate of competency to the respective regional authority and shall acquire a new one from Authority upon fulfilling requirements.

11. Seed Reserve system

To alleviate seed shortages, the Ministry in collaboration with other eligible bodies shall put seed reserve system in place; details shall be prescribed by council of Ministers regulation.

12. Data Management

The Authority or Regional Authority shall document, organize and, as required make accessible any seed related data.

PART FOUR

SEED QUALITY INSPECTION AND ASSURANCE

13. Seed Quality Standards

The Authority shall develop seed quality standards in collaboration with Ethiopian standard Institute; and shall perform inspection to ascertain implementation.

14. Seed Testing Laboratories

1/ The Authority shall:

- a) facilitate adaptation of internationally recognized seed quality control system, within all seed laboratories of the country;
 - b) promote requirements and support accreditation of seed laboratories by an appropriate national or international body;
 - c) establish or designate an internationally recognized seed laboratory;
 - d) recurrently approves whether seed laboratories, owned by regional states or private entities or cooperatives, are in conformity with standards;
 - e) collaborates with regional authority towards national harmonization; and draws duplicate samples to evaluate testing proficiency;
- 2) Seed laboratories shall perform Quality and health tests based on samples submitted by inspectors; details shall be prescribed in directives.

15. Seed Quality inspection

1/ Seed Quality inspection activity

- a) at production site or processing plant shall be done by the Authority for seed produced locally for export purpose;
 - b) at production or processing or selling sites shall be done by regional authority for seed produced locally for domestic market;
- 2/ the Authority and each regional authorities may assign private or public variety examiners, seed inspectors or laboratory analysts to ensure compliance with this proclamation and regulations and directives to be issued hereunder;
- 3/ any seed inspector assigned pursuant to sub-article (2) of this Article may:
- a) draws seed sample and submit to seed laboratory to test its conformity to seed standards;

- b) inspect certificates, permits, records and other documents relevant to ensure compliance with this proclamation and regulations and directives issued hereunder, and make copies thereof;
 - c) enter, at working hours, any field, store or seed processing plant, or at any time stop a vehicle which carries seed, and undertake inspection to verify compliance with this proclamation and regulations and directives issued hereunder.
 - d) shall show, to the concerned person, the identity card issued to him by the Authority or the regional authority to undertake seed inspection pursuant to sub-article (2) of this article;
 - e) The concerned person shall cooperate with a seed inspector in the course of seed inspection undertaken;
- 4/ Any seed analyst shall conduct seed quality testing, based on submitted samples, to verify compliance with this proclamation, regulations and directives issued hereunder;
- 5/ The Authority shall ensure harmonized inspection procedures throughout the country and provide inspection training and support to regional authorities where deemed necessary.

16. Seed Quality Certification

- 1/ shall be applied on breeder seed, pre-basic seed, basic seed, quality declared seed, certified seed one, two, three, and emergency seed classes.
- 2/ may be carried out:
- a) fully by the Authority or Regional Authority; or
 - b) by quality declared seed certification System; or
 - c) by self-seed certification; or
 - d) by third-party seed certification;
- service provides.
- 3/ Regional Authority:
- a) may issue certificate of competency for self-seed certification or for a person who apply for a third-party seed certification services;
 - b) certify seed regionally produced, processed, stored and supplied for domestic market;
- 4/ The Authority:-
- a) shall prescribe in a directive about seed quality certification service providers, illustrated under sub-article 2 of this article, and their implementation details;
 - b) shall approve the compliance of imported seeds to seed quality standards;
 - c) shall approve the quality of seed produced for export market is in conformity with the standards of the recipient country; or as desired to international quality standards;

- d) may recognize any foreign competent seed certification agency and the results of its tests when it ascertains that they are in conformity with the Ethiopian seed quality testing system;
- e) shall provide, upon request, seed laboratory testing service for seed produced in one region but stored in another region; and issue certificate of seed quality and label to a seed regarding its conformity to seed quality standards.

17. Certificates of seed quality Approval

- 1/ Each regional authority shall issue a seed quality certificate for seed produced, processed & approved carryover seed stored in the respective region to be supplied to domestic market confirming that:
 - a) the variety is listed in the national variety registry book;
 - b) the seed has been produced and processed by a person holding a certificate of competence;
 - c) the seed has been inspected and tested in accordance with this proclamation and found to be in conformity with the applicable seed standards; and
 - d) the seed fulfills any other requirement as may be prescribed by regulations and directives issued following this proclamation;
- 2/ The Authority shall issue a certificate of seed quality assurance for imported seed, after ascertaining that the seed:
 - a) is produced from a variety listed in the national variety registry book;
 - b) is imported by a seed importer holding a certificate of competence;
 - c) has been quality tested in accordance with this proclamation and found to be in conformity with seed quality standards; and
 - d) the seed fulfills any other requirement as may be prescribed by regulations and directives issued following this proclamation;
- 3/ the Authority shall issue a certificate of quality to a seed for export market after ascertaining that the seed:
 - a) is produced from a variety listed in the National variety registry book;
 - b) is produced and processed by a person holding a certificate of competence; and
 - c) the seed fulfills any other requirement as may be prescribed by regulations and directives issued following this proclamation;
- 4/ Any certificate of seed quality assurance may be revoked if:
 - a) it is obtained on the basis of false, misleading or incomplete information; or
 - b) the seed doesn't not meet seed quality standards following a pre or post control trial or any other seed laboratory re-testing;
- 5) Prior to revoking a certificate of seed quality, the Authority or regional authority shall notify the holder of the certificate and give him an opportunity to be heard.

18. Labeling

No seed may be supplied to domestic or export market unless labeled with seed quality assurance certificate label of the Authority or Regional Authority.

19. Pre and Post-Control

The regional authority may carry out:

- a) a pre-control test, on any approved seed, to collect enough data on its quality before permitting further multiplication to produce the next seed class; and rejects the non-conforming approved seed from further multiplication
- b) a post control test, on any approved seed, taking sample from market, if there is a reason to suspect issuance of seed quality certificate for non-conforming approved seed or adulteration; and order pending of further distribution and use; and facilitate compensation procedures for affected non-conforming seed users.

20. Non-conforming seed

- 1/ If a seed fails to meet seed quality standards, it shall be either downgraded or rejected;
- 2/ Any person whose seed has been rejected shall be given the option to:
 - a) use it for planting on his own fields; verifying that it has no harmful effect on humans, Animals, environment or neighboring other plants;
 - b) sale it for use as food or feed, unless the seed is found to be treated with chemicals, contaminated or otherwise unfit for such use;
- 3/ Where a rejected seed cannot be used pursuant to above sub-articles, it shall be disposed of in accordance with provisions stated in directive.

21. Import and Export of Seed

Any person:

- 1/ shall hold certificate of competency from Authority to engage in import for wholesale or export seed;
- 2/ shall not import or export without an import or export permit issued by the Authority;
- 3/ import of any variety of seed for multiplication purposes shall be done in accordance with article 4 of this proclamation;
- 4/ shall not be expected to hold certificate of competency for importing seed for other uses other than for seed production and marketing;
- 5/ to import seed with modified organism shall get the approval of Authority about its compliance to applicable laws;
- 6/ shall not import or export restricted seed; or
- 7/ shall not import any seed containing terminator gene technology.

22. Supply of Emergency Seed

In case of an acute seed shortage in Ethiopia, the Ministry have the power to officially declare a seed emergency and authorize the supply of emergency seed to affected areas of the country; Details shall be stated in a directive.

PART FIVE

CERTIFICATE OF COMPETENCE

23. Issuance of Certificate of Competence

- 1/ The Authority or regional authority shall issue certificate of competency examining an application submitted for obtaining a certificate of competence ascertaining that the applicant satisfies the requirements prescribed by a directive.
- 2/ When any application for a certificate of competence is rejected, the Authority or regional authority shall communicate the applicant by stating the reasons thereof.
- 3/ The duration of validity of certificates of competence and conditions of their renewals shall be prescribed by a directive.

24. Suspension and Revocation of Certificate of Competence

- 1/ Where any person holding a certificate of competence:
 - a) fails to maintain the conditions for which the certificate of competence was issued; or
 - b) contravenes with any provision of this proclamation or regulation or directive issued hereunder.

The Authority or the Regional authority may suspend the certificate of competence and instruct the holder to rectify the irregularities within a specified period.

- 2/ The Authority or the Regional authority may revoke any certificate of competence where the holder of the certificate:
 - a) is found to have obtained the certificate of competence upon presentation of false evidence;
 - b) in the case of suspension under sub-article (1) of this Article, fails to rectify the irregularities within the specified time limit; or
 - c) has committed an offence against this proclamation;
 - d) The Authority or the Regional authority, upon revoking a certificate of competence, shall notify, in writing, to the eligible body that issued a business license based on the certificate in question.

25. Data Documentation and Access

Any holder of a certificate of competence shall:

- 1/ document and keep particular data of each field and seed produced, processed, imported, exported, wholesaled or retailed, as the case may be;
- 2/ provide such data upon request by Authority or Regional Authority.

PART SIX

MISCELLANEOUS PROVISIONS

26. Cooperation

- 1/ The regional authorities shall collaborate with the Authority and among themselves to ensure harmonized application of this proclamation and regulations and directives issued hereunder with.

- 2/ The Ministry and the Bureau may establish their respective seed advisory and coordination bodies to ensure full implementation of this Proclamation, regulations and directives issued hereunder; details shall be prescribed by a directive;
- 3/ The Federal & Regional Governments shall in collaboration
 - a) put an incentive mechanism in place for already engaged seed producers and marketers and for those to engage hereafter;
 - b) operate to establish trial stations for National Variety Performance testing, for variety examination, pre and post control tests.

27. Grievance Procedure

Grievance procedures shall be executed according to the Federal Administrative Procedure Proclamation No. 1183 /2020.

28. Offences and Penalties

Any person, who contravenes the provisions of this proclamation and regulations and directives issued hereunder, shall be made accountable by an eligible crime law.

29. Power to Issue Regulation and Directive

- 1/ The Council of Ministers may issue regulations necessary for the implementation of this proclamation.
- 2/ The Ministry may issue directives necessary for the implementation of this proclamation and regulations to be issued hereunder.

30. Repealed Laws

The seed proclamation No. 782/2013 is hereby repealed.

31. Effective Date

This proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Addiss Ababa, Date_____/2022

Sahilewerk Zewidie

President of the Federal

Democratic Republic of Ethiopia