

Minutes of the Seeds Working Group Meeting: Providing Changes to Legislation on Seeds and Planting Stock

Wednesday, October 15, 2008, 4PM
Chamber Conference Facilities

Attendees: Myhailo Kozyura, Dow Europe GmbH Representative Office in Ukraine; Natalia Litostanska, DuPont Ukraine LLC (Pioneer); Svetlana Vinnichenko, Monsanto Ukraine; Sergey Zabolotnyi and Sergiy Feofilov UkrAgroConsult, Anna Pustovgar, "Kyiv-Atlantic Ukraine"

In August the Ministry of Agrarian Policy of Ukraine made public the Draft Law "On Amendments to the Law of Ukraine "On Seeds and Planting Stock" that shall be submitted to the Parliament for consideration. A properly drafted Seed Law is very important for all seed companies operating in Ukraine and enhancement of regulatory legal framework as well as introduction of new definitions to the Law shall fill the gap and improve the Seeds legal environment in general to facilitate the business growth and adhere to the international standards.

Due to the importance of this piece of legislation for the agricultural business and further development of seeds business in Ukraine, the Chamber is assembling a special Seeds Working Group. The Chamber has engaged all interested Chamber Members, who are professionals in their respective fields, to contribute positively in the process of reviewing the draft legislation to ensure that the concerns of the legitimately operating business community are taken into account during the process of adoption. The Chamber Policy Team is responsible for taking the recommendations and amendments developed by the Working Group forward and monitoring the process in the Parliament ensuring that the Chamber Member's viewpoint is taken into consideration.

The first meeting of the working group was devoted to the problem of import of seeds and planting stock as well as the issue of seeds registration in Ukraine. Participants of the meeting discussed provisions of the Regulation on Import of Patterns of Plants for Expertise on Suitability for Proliferation in Ukraine adopted by the Order of Ministry of Agrarian Policy of Ukraine (# 512, dated August 15, 2008). (Наказ Міністерства аграрної політики України, № 512 від 15.08.2008 «Про затвердження Порядку ввезення в Україну дослідних зразків сортів рослин для цілей експертизи на придатність на поширення сорту та вивезення з України посадкового матеріалу сортів рослин»). This Regulation will come into force on 30.10.2008.

Currently the import of new varieties of plants is stopped (by the Protest of the [Prosecutor-General's Office](#) of Ukraine dd 26.06.2008) and this situation hampers development and dissemination of the new varieties of plants in Ukraine as well as negatively impacts the business

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of companies providing agricultural products and producing seeds brands in Ukraine. For today seeds and planting stocks material can be imported only for the state researches.

The problem appeared after the Public Prosecutor's Office suspended the Order of the Ministry of Agrarian Policy on Import of Patterns of Plants for Expertise on Suitability for Proliferation in Ukraine. Procedures for seeds and stock materials import to Ukraine presupposed two types of permits: permit for state researches and special permits for scientific researches. In result of numerous abuses related with issuance of these permits state authorities imposed a ban for these activities. The State Service for Plants Protection was the state authorities responsible for permits issuance. Up today they intended to refuse from this function or maybe they were put aside from this function execution.

Myhailo Kosyura from Dow Europe GmbH proposed to advocate adoption of special decision which will approve the list of plants and their quantity for import for researches. Participants of the meeting also discussed the possibility to implement the legislation of European Union in this regards. The EU legislation defines the percentage for import of plants for researches based on acreage planted.

Members of the Working Group took a decision to prepare a relevant letter with proposals from the American Chamber of Commerce regarding the measures which should be taken on this issue.

Also, the Members of the Group proposed to include the Ukrainian Research Institutes to this lobbying.

Another problem with registration and DUS-test of parent lines was discussed. It was agreed to push the State commission on protection of plants varieties to recognize and accept the UPOV DUS-tests without requiring samples of parent lines for storage at their site.

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