

ON PERMISSION FOR THE DISTRIBUTION OF AGRICULTURAL PLANT SPECIES SUBJECT TO MANDATORY
CERTIFICATION, AND ON SEED PRODUCTION

Article 1 - Purpose and scope of the Law

1. The purpose of this Law is to define the unified principles of state regulation in the area of permission for the distribution of agricultural plant species subject to mandatory certification ('species') and the protection of their seeds and planting material with a view to ensuring the placement of quality seeds and planting material on the Georgian market.
2. This Law regulates relations associated with the production, reproduction, processing, storage, certification, sale and traceability of seed and planting material of species, and with local and imported seed and planting material.
3. This Law shall not apply to:
 - a) the production, reproduction, processing, storage, certification, transportation, traceability, sale and use of seed and planting material of plant species obtained by genetic engineering techniques;
 - b) the seed and planting material of species intended for personal consumption;
 - c) imported seed and planting material intended for breeding activities in Georgia;
 - d) seed and planting material subject to customs supervision;
 - e) legal relations regulated by the Law of Georgia on New Breeds of Animals and Varieties of Plants and the Law of Georgia on Vine and Wine.

Article 2 - Definitions of terms

For the purposes of this Law, the terms used herein shall have the following meanings:

- a) native (indigenous) species - a species that has developed in a long historical process through the coexistence of natural and artificial selection, or controlled natural selection;
- b) testing for the value for cultivation and use - a set of field and laboratory tests carried out to test the species for adaptability in an agro-climatic zone of a country and its value for cultivation or use;
- c) distinctness - the distinction of the main characteristics of a plant species from the characteristics of a commonly known plant species. A plant species is deemed to be commonly known if data about it are entered in the register or an official catalogue of new plant species, and if the species is described and data about it are published in special literature or if the species is used in agricultural production. An application for acquiring breeder's rights submitted in another country, with a view to ensuring the legal protection of the plant species or permission for its distribution, recognises the species as commonly known if the species is legally protected or permitted for distribution;
- d) species permitted for distribution - a species subject to mandatory certification that has been tested for its value for cultivation and use and is entered in the National Catalogue;
- e) plant obtained by genetic engineering techniques - a plant whose genetic characteristics have been modified as a result of modification with a modified or another organism's gene by the use of genetic engineering techniques;
- f) uniformity - the uniformity of the main characteristics of a species taking into account the variation characteristic of the process of propagation of the plant;
- g) National Catalogue - a list of species permitted for distribution in the territory of Georgia and/or species tested for their value for cultivation and use;
- h) label - information, a trademark, a name, an illustration or a symbol related to seed and planting material, placed on the package and/or a document accompanying it;
- i) seed - part of a plant used for its preservation and reproduction;
- j) certification of seed and planting material - a set of particular activities aiming to assess the compliance of seed and planting material with the requirements of the legislation of Georgia;
- k) seed production - activities ensuring the production, reproduction, processing, storage, sale and traceability of seeds of species and planting material permitted for distribution by preserving their varietal characteristics and qualitative indicators;
- l) plant species - a plant grouping within a single botanical taxon of the lowest rank which, regardless of whether the conditions for the grant of breeder's rights are fully met, can be defined by the exposure of characteristics caused by a given genotype or combination of genotypes, and which is distinguished from any other plant grouping by the exposure of at least one of those characteristics, and which may be considered as a unit with regard to its suitability for being reproduced without change;
- m) person - a natural or legal person whose activities involve the provision of services in the area of permission for the distribution of species and the protection of their seed and planting material, and who is responsible for the compliance of these activities with the requirements of the legislation of



Georgia;

- n) field inspection - a set of activities aimed at determining the degree of varietal identity, varietal purity and weed infestation of seed and planting material in the field;
- o) field inspector - an authorised person of the certification body carrying out inspections and approbations of seed plots in accordance with the established procedures and requirements;
- p) check trial – the determination of the quality of the seed and plant material of species by sowing and planting them in the field and on special sections of soil and by examining them;
- q) planting material - a plant and its vegetative parts intended for the propagation of the plant;
- r) agricultural plants - a group of plants that unites several plant species and is cultivated for producing food, technical raw materials and animal feed, and for decorative purposes;
- s) value for cultivation and use (VCU) - a combination of the characteristics of an economically beneficial species entered in the National Catalogue, which includes the quality of products produced from such species, the use of the harvest received and its importance for one or more areas of Georgia. The above data are assessed according to the coexistence and compensation principle;
- t) stability - a property of a plant species where the main characteristics of the species remain unchanged irrespective of repeated propagation or a particular cycle of propagation;
- u) certificate - an official document confirming the compliance of the seed and planting material of the species with the requirements of the legislation of Georgia;
- v) certification body - an authorised body within the Ministry of Environment Protection and Agriculture of Georgia, a person accredited in accordance with procedures established by the legislation of Georgia, or an internationally accredited compliance assessor;
- w) official description of a species - a set of varietal characteristics accompanying the species entered in the National Catalogue;
- x) varietal identity - a set of biological features, according to which the seed belongs to a particular species and which is defined by an official description of varietal characteristics exposed in a given genotype or a combination of genotypes;
- y) varietal characteristics - a set of characteristics defining varietal identity, varietal purity, and the quality of seed;
- z) varietal purity - the share of a species or seed and planting material in a population, which corresponds to the official description.

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Article 3 - Purpose of permission for the distribution of species

The purpose of permission for the distribution of species is to:

- a) identify species, establish the value for cultivation or use of the characteristics of particular species, control the quality of species permitted for distribution with a view to preventing the distribution of poor quality seeds and planting material on the Georgian market and the sowing and planting thereof;
- b) ensure access to information on the value for cultivation or use of particular species for their intended use.

Article 4 - Procedure for permitting the distribution of species in the territory of Georgia

1. The species permitted for distribution in the territory of Georgia shall be entered in the National Catalogue by an order of the Minister of Environment Protection and Agriculture of Georgia ('the Minister') based on the satisfactory results of testing for their value for cultivation and use.
2. The Government of Georgia shall, by an ordinance, approve an organisational and methodological scheme for the testing/assessment of species for their value for cultivation and use.
3. The species permitted for distribution may be removed from the National Catalogue by an order of the Minister.
4. The Ministry of Environment Protection and Agriculture of Georgia shall update the National Catalogue on a regular basis and publish it once a year and/or as necessary.
5. The seed and planting material of species subject to mandatory certification that are not entered in the National Catalogue may not be sold.

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Article 5 - National Catalogue

1. The species permitted for distribution shall be entered in the National Catalogue.



2. The following may be entered in the National Catalogue in accordance with the National Catalogue of Agricultural Plant Species Permitted for Distribution in the Territory of Georgia and the Procedure for Maintaining the National Catalogue approved by an order of the Minister:

- a) species registered in the catalogue of another country (after having been tested for their value for cultivation or use);
- b) native (indigenous) species that have been adapted to local soil and climate over a long period of time to protect and preserve their genetic resources.

3. It shall be inadmissible to enter in the National Catalogue:

- a) species that do not comply with the criteria of distinctness, uniformity and stability;
- b) species whose value for cultivation or use has been assessed as unsatisfactory;
- c) species that are not identified by their original name in accordance with the established requirements.

4. The National Catalogue and the Procedure for Maintaining the National Catalogue shall be approved by the Minister.

Article 6 - Certification of seed and planting material of species

1. The seed and planting material of species may not be placed on the Georgian market without a certificate.

2. A certificate shall be issued by an ordinance of the Government of Georgia for particular batches of seed and planting material defined in the Procedure for the Certification of Seed and Planting Material of Agricultural Plant Species Subject to Mandatory Certification.

3. The seed and planting material of species whose certification is mandatory shall be subject to field inspections and laboratory tests to establish their compliance with the requirements of the legislation of Georgia.

4. The certification body may carry out check trials of the batches of seeds and planting material of species to verify their varietal identity and varietal purity in accordance with the Procedure for the Certification of Seed and Planting Material of Agricultural Plant Species Subject to Mandatory Certification approved by an ordinance of the Government of Georgia.

5. A person producing seed and planting material of species for the purpose of sale shall:

- a) submit to the certification body an application on the results of the field inspection and the laboratory test of the seed and planting material;
- b) produce seed and planting material in accordance with the requirements of the legislation of Georgia;
- c) keep documentation on the amount and origin of the seed and planting material produced, sold and used within the last five years;
- d) assist the field inspector in performing his/her duties.

6. The following shall be determined by an ordinance of the Government of Georgia:

- a) a list of agricultural plants subject to mandatory certification;
- b) a procedure for the certification of seed and planting material of agricultural plant species subject to mandatory certification.

Article 7 - Certificate

1. A certificate shall be issued by the certification body.

2. The seed and planting material of species entered in the National Catalogue, with conformity assessment documents (certificates) of another country recognised by national and/or Georgian legislation, may be placed on the Georgian market.

Article 8 - Certification fee

The amount of fee for the certification of seed and planting material of species by the authorised body within the system of the Ministry of Environment Protection and Agriculture of Georgia shall be determined by an ordinance of the Government of Georgia.

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Article 9 - Determining the quality indicators of seed and planting material of species

The quality indicators of seed and planting material of species shall be determined based on the results of field inspections and laboratory tests.

Article 10 - Field inspection



The procedures for carrying out field inspections shall be determined by the Procedure for the Certification of Seed and Planting Material of Agricultural Plant Species Subject to Mandatory Certification approved by an ordinance of the Government of Georgia.

Article 11 - Labelling seed and planting material of species

1. The seed and planting material of certified species intended for sale shall be labelled in accordance with the Procedure for Labelling Seed and Planting Material of Agricultural Plant Species Subject to Mandatory Certification approved by an ordinance of the Government of Georgia, and shall comply with data in the registration documents of the seed and planting material of species.

2. Biologically and chemically treated seed and planting material of species shall be stored, transported and sold in packaged form. The packages shall bear a respective warning. The packages shall be accompanied by instructions for the safe use of the seed and planting material, as well as information on likely effects on human and animal health and the environment.

Article 12 - Grounds for liability

1. In the case of violations of the requirements established by this Law, an authorised person of the National Food Agency, a legal entity under public law within the governance of the Ministry of Environment Protection and Agriculture of Georgia, shall have the right to review administrative offence cases and impose administrative penalties.

2. An authorised person of the National Food Agency, a legal entity under public law within the governance of the Ministry of Environment Protection and Agriculture of Georgia, shall issue a fine receipt, which at the same time shall be an administrative offence report, against the offender for violating the requirements established by this Law.

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Article 13 - Liability

1. The sale of seed and planting material of species without a certificate -

shall be subject to a fine in the amount of GEL 500.

2. The same act committed repeatedly within one year -

shall be subject to a fine in the amount of GEL 1000.

3. The violation of the procedure for labelling seed and planting material of certified species and/or the sale of them without labels -

shall be subject to a fine in the amount of GEL 200.

4. The same act committed repeatedly within one year -

shall be subject to a fine in the amount of GEL 500.

Article 14 - Transitional provisions

1. The Government of Georgia shall, on the recommendation of the Ministry of Environment Protection and Agriculture of Georgia:

a) within one year after the entry into force of this Law, adopt:

a.a.) a list of agricultural plants subject to mandatory certification;

a.b) a procedure for the certification of seed and planting material of agricultural plant species subject to mandatory certification;

a.c) a procedure for labelling seed and planting material of agricultural plant species subject to mandatory certification;

a.d) an organisational and methodological scheme for the testing/assessment of species for their value for cultivation and use;

b) by 1 January 2019, approve the amount of fee for the certification of seed and planting material of species by the authorised body within the system of the Ministry of Environment Protection and Agriculture of Georgia.

2. Within one year after the entry into force of this Law, the Ministry of Environment protection and Agriculture of Georgia shall approve a national catalogue of agricultural plant species permitted for distribution in the territory of Georgia and a procedure for maintaining the national catalogue.

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Article 15 - Entry into force of the Law



1. This Law, except for Article 4(5), Article 6(1), Article 8, Article 11(1) and Article 13, shall enter into force on the 30th day after its promulgation.
2. Article 4(5), Article 6(1), Article 11(1) and Article 13 of this Law shall enter into force on 1 May 2018.
3. Article 8 of this Law shall enter into force on 1 January 2019.

President of Georgia

Giorgi Margvelashvili

Kutaisi

1 June 2017

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