

**THE MINISTRY OF AGRICULTURE AND RURAL
DEVELOPMENT**

**DECISION No. 52/2006/QĐ-BNN OF JUNE 23,
2006, PROMULGATING THE REGULATION ON
CERTIFICATION OF QUALITY STANDARD
CONFORMITY OF PLANT VARIETIES**

**THE MINISTER OF AGRICULTURE AND RURAL
DEVELOPMENT**

*Pursuant to the Government's Decree No. 86/2003/
ND-CP of July 18, 2003, defining the functions, tasks,
powers and organizational structure of the Ministry of
Agriculture and Rural Development;*

*Pursuant to the National Assembly Standing
Committee's March 24, 2004 Ordinance No. 15/2004/
PL-UBTVQH11 on Plant Varieties;*

*At the proposal of the directors of the Cultivation
Department and the Science and Technology
Department,*

DECIDES:

Article 1.- To promulgate together with this
Decision the Regulation on certification of standard
quality conformity of plant varieties.

Article 2.- This Decision takes effect 15 days after
its publication in "CONG BAO."

Article 3.- The directors of the Ministry's Office,
Cultivation Department, and Science and Technology
Department and provincial/municipal Services of

Agriculture and Rural Development as well as heads of concerned units, organizations and individuals shall have to implement this Decision.

**For the Minister of
Agriculture and Rural Development
Vice Minister
BUI BA BONG**

REGULATION ON CERTIFICATION OF QUALITY STANDARD CONFORMITY OF PLANT VARIETIES

(Promulgated together with Decision No. 52/2006/QĐ-BNN of June 23, 2006, of the Minister of Agriculture and Rural Development)

Article 1.- Scope of regulation and subjects of application

1. Scope of regulation

This Regulation provides the order and procedures for registration; field expertise; sample taking and preservation; quality testing and certification; and post-inspection of seed lots on the List of plant varieties subject to certification of quality standard conformity, promulgated by the Ministry of Agriculture and Rural Development, and assigns responsibilities for implementation of the said contents.

2. Subjects of application

Domestic and foreign organizations and individuals involved in production and/or trading of plant varieties mentioned in Clause 1 of this Article.

Article 2.- Interpretation of terms

In this Regulation, the terms below are construed as follows:

1. *Plant variety-certifying organizations* mean organizations capable of inspecting and evaluating the quality of plant varieties, which satisfy the conditions specified in Circular No. 02/2006/TT-BKHCN of January 10, 2006, of the Ministry of Science and Technology, and other requirements set by the Ministry of Agriculture and Rural Development in this Decision.

2. *Seed field plot* means a specific seeding area, covering one seeding field (plot) or two or more adjoining fields (plots) which have the same land characteristics, irrigation conditions and on which seeds of the same type and grade are sowed in the same planting season according to the same technical process.

3. *Seed lot* means a specific quantity of seeds of the same origin and grade, which are produced, processed and preserved according to the same process, identifiable and of a weight not exceeding the permitted level.

4. *Code of a seed lot* means the sole code given to a seed lot according to regulations in order to identify and distinguish it from other seed lots, and used for management and inspection of the origin of seed lots when necessary.

Article 3.- Registration of certification of quality standard conformity

1. Organizations and individuals involved in the production and/or trading of plant varieties on the List of plant varieties subject to certification of quality standard conformity shall, before producing or importing such plant varieties, have to register with one of the plant variety-certifying organizations.

2. Dossiers of registration for certification of plant variety quality shall be made according to the form

provided in Appendix I, applicable to locally produced seed lots or in Appendix II, applicable to imported seed lots.

Article 4.- Expertise of seed fields (applicable to locally produced seeds)

1. Seed fields shall be expertized by accredited experts.

2. Experts shall strictly follow inspection steps of the seed field-expertise method prescribed for the plant variety concerned and shall be answerable for the expertise results.

3. Only those expertized seed fields which meet the set quality standards shall be harvested for seeds and testing.

Article 5.- Taking and preservation of seed samples

1. Sample taking

a/ Seed samples shall be taken by accredited sample takers.

b/ For each seed lot, two samples shall be taken by the sample-taking method provided together with branch standard 10 TCN 322-2003. One sample shall be sent to the quality-certifying organization and the other kept at the establishment of the owner of the seed lot.

c/ With regard to seed lots of hybrid rice's parental varieties, one more sample shall be taken and sent to the Central Center for Plant Variety Assay and Test for post-inspection.

2. Preservation of seed samples

a/ Seed samples for preservation must be kept under appropriate conditions for at least 6 months from the date the concerned seed lot is granted a quality certificate.

b/ With regard to imported seeds, importing units shall send standard samples thereof to a quality-

certifying organization for preservation and comparison in case of necessity.

Article 6.- Test and grant of quality certificates

1. Test

a/ With regard to locally produced seeds, only those seed lots that have field expertise records evidencing their conformity with the set standards shall be tested. For imported seeds, customs declarations are required.

b/ Tests shall be conducted by accredited testing laboratories.

c/ Test results shall be presented in test tickets made according to the form in Appendix III.

2. Grant of seed lot- quality certificates

a/ Based on the test results, quality-certifying organizations shall grant quality standard conformity certificates for concerned seed lots. Each seed lot shall be granted a certificate according to the form in Appendix III.

b/ The duplication of seed lot-quality certificates must be carried out by the organizations that have granted such certificates.

Article 7.- Post-inspection

1. Post-inspection

a/ Post-inspection must be conducted in the subsequent crop of the concerned plant variety.

b/ The ratio between seed samples to be taken for post-inspection and the number of quality-certified seed lots shall be 100% for super-prototypal pure rice seeds, parental hybrid rice and corn seeds and F1 hybrid rice and corns; and shall be at least 5-10% for prototypal pure rice seeds.

c/ Within 15 (fifteen) days after the end of post-inspection, post-inspection conducting units shall send post-inspection results to owners of seed lots and

organizations that have granted quality certificates for such seed lots.

2. Assignment of post-inspection responsibilities:

a/ The Central Center for Plant Variety Assay and Test shall directly conduct post-inspection of all parental hybrid rice seeds and F1 two line-crossing rice seeds; and take part in the post-inspection of seeds of different grades and other types of plant varieties at the request of organizations or individuals producing and/or trading in plant varieties.

b/ Organizations or individuals registering for quality certification shall conduct post-inspection by themselves or hire quality-certifying organizations to conduct post-inspection of seeds other than parental hybrid rice seeds and F1 two line-crossing rice seeds.

Article 8.- Codes of seed field plots and seed lots and labels of seed packages

1. Codes of seed field plots:

a/ Each seed field plot shall be given a code for monitoring in the production, harvesting and processing process. Such codes shall also be used as codes of post-harvest seed lots.

b/ Seed-producing organizations and individuals shall give codes to seed field plots according ordinal numbers (01, 02, 03...). Where the harvested quantity of seeds of a seed field plot exceeds the permitted weight of a seed lot, such quantity shall be divided into lots each with a permitted weight. The code of such a seed lot shall be the code of the seed field plot, followed by letter a, b, c ..., e.g., 01a, 01b...

2. Codes of seed lots:

a/ Each seed lot shall be given a code for monitoring and unified management, which shall be used throughout the course of preservation and circulation of such seed lot.

b/ Codes of seed lots shall be given by

organizations and individuals producing and/or trading in plant varieties according to the provisions of Point c, Clause 2 of this Article.

c/ The code of a seed lot shall have 6 components: the provincial (or municipal) code; the code of the production/business unit; the code of the plant; the code of the seed grade; the code of the crop and year of production or import; the code of the seed lot produced or imported in the year.

d/ Provincial/municipal codes; codes of plants and seed grades shall be provided by the Ministry of Agriculture and Rural Development according to the forms in Appendices IV and V. Codes of 100% foreign-owned production/business units shall be given by the Cultivation Department; codes of other production/business units shall be given by the provincial/municipal Services of Agriculture and Rural Development of localities where the units are headquartered and shall be notified to the Cultivation Department (the Central Center for Plant Variety Assay and Test) according to the form in Appendix VI. Other components of seed lot codes shall be decided by concerned production/business units according to Appendix IV.

e/ Codes of seed lots must be shown on packing or labels of seed packages.

3. Labels of seed packages

Labels of seed packages shall be made according to Circular No. 75/2000/TT-BNN-KHCN of July 17, 2000, of the Ministry of Agriculture and Rural Development, promulgating the Regulation on goods labeling and be additionally pointed with seed lot codes according to the provisions of Article 8 of this Regulation.

Article 9.- Reporting on quality certification results

1. Documents related to certification of seed lot quality such as registration dossiers, expertise records, sample-taking records, customs declarations (if any),

test tickets and copies of seed lot-quality certificates shall be gathered into dossiers of seed lots and kept at quality-certifying organizations.

2. Plant variety-certifying organizations shall send reports on the results of quality standard conformity certification of plant varieties to the Cultivation Department (the Central Center for Plant Variety Assay and Test) according to the form in Appendix VII.

3. Deadline for sending reports: By June 20 and December 20 annually; when necessary, reports shall be sent at the request of the state management agency in charge of certification of quality standard conformity of plant varieties.

Article 10.- Quality certification costs

Costs of certification of quality standard conformity of plant varieties shall be paid by quality certification-registering organizations and individuals according to state regulations. Where relevant regulations are not available, concerned parties shall reach agreement on a contractual basis.

Article 11.- Examination, inspection, settlement of complaints and denunciations

1. The examination and inspection of quality standard conformity of plant varieties shall comply with the provisions of the Inspection Law and relevant legal documents.

2. Organizations and individuals shall have the right to complain about or denounce acts of violation in the domain of certification of quality standard conformity of plant varieties. The settlement of such complaints and denunciations shall comply with the Complaint and Denunciation Law.

Article 12.- Assignment of responsibilities

1. The Cultivation Department shall perform the

state management of quality standard conformity of plant varieties throughout the country, having the responsibility:

a/ To formulate and submit to the Ministry plans and policies for management of certification of quality standard conformity of plant varieties;

b/ To submit to the Ministry for promulgation or promulgate according to its competence, and direct the implementation of, legal documents, procedures, standards, economic and technical norms related to the certification of quality standard conformity of plant varieties;

c/ To join in the evaluation and monitoring of operating conditions of testing laboratories and plant variety-certifying organizations; to recognize and manage activities of experts and takers of samples of plant varieties countrywide.

d/ To direct the Central Center for Plant Variety Assay and Test to act as the principal unit in guiding and overseeing professional operations of plant variety-certifying organizations throughout the country;

e/ When necessary, to designate units to conduct examination, evaluation and certification of the quality of plant varieties in accordance with the provisions of law;

f/ To examine, inspect, handle violations, settle complaints and denunciations in the domain of certification of quality standard conformity of plant varieties.

2. The Central Center for Plant Variety Assay and Test shall have the responsibility:

a/ To assist the Cultivation Department to oversee professional activities of accredited sample takers, experts and testing laboratories, and report to the Cultivation Department thereon;

b/ To guide the registration order and procedures, carry out the certification of quality standard conformity

for plant variety-certifying organizations, sum up and monitor the code registration by organizations and individuals producing and/or trading in plant varieties countrywide;

c/ To organize professional training and retraining for managerial and professional personnel of quality-certifying organizations, as well as training for plant variety sample-takers, experts and testers;

d/ To organize post-inspection of seed samples according to the provisions of Point a, Clause 2, Article 7 of this Regulation;

e/ To directly evaluate and certify the quality of plant varieties as designated by competent state agencies or requested by organizations or individuals producing and/or trading in plant varieties;

f/ To sum up and report to the Cultivation Department results of certification of quality standard conformity of plant varieties by quality-certifying organizations.

3. Provincial/municipal Services of Agriculture and Rural Development shall perform the state management of certification of quality standard conformity of plant varieties in their respective localities, having the responsibility:

a/ To make and submit to provincial/municipal People's Committees plans and policies for management of certification of quality standard conformity of plant varieties in their respective localities;

b/ To manage activities of accredited sample takers and testers;

c/ To give codes to organizations and individuals producing and/or trading in plant varieties in their localities and notify the Cultivation Department (the Central Center for Plant Variety Assay and Test) thereof according to the provisions of Point d, Clause 2, Article 8 of this Regulation;

d/ To organize examination and inspection, settle complaints and denunciations about certification of quality standard conformity of plant varieties.

4. Plant variety-certifying organizations shall have the responsibility:

a/ To certify the quality of seed lots strictly according to the provisions of Circular No. 02/2006/TT-BKHCN of January 10, 2006, of the Ministry of Science and Technology, and other provisions of this Regulation;

b/ To send reports on results of certification of the quality of plant varieties according to the provisions of Article 9 of this Regulation.

5. Organizations and individuals producing and/or trading in plant varieties shall have the responsibility:

a/ To register for certification of quality standard conformity of plant varieties according to the provisions of Article 3 of this Regulation and comply with the registered quality standards;

b/ To pay costs for certification of the quality of plant varieties according to the provisions of Article 10 of this Regulation.

Article 13.- Implementation provision

The Cultivation Department shall act as the principal unit to oversee and guide the implementation of this Decision. Any difficulty or problem arising in the course of implementation should be reported by concerned organizations or individuals to the Cultivation Department for timely amendment and/or supplementation.

**For the Minister of
Agriculture and Rural Development
Vice Minister
BUI BA BONG**

Note: All appendices are not printed herein.