

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Voluntary Public

Date: 1/19/2016

GAIN Report Number: UP1603

Ukraine

Post: Kiev

Changes in Seed Legislation

Report Categories:

Planting Seeds

Approved By:

Dwight Wilder, Agricultural Attaché

Prepared By:

Denys Sobolev, Agricultural Specialist

Report Highlights:

In January 2016 Ukraine amended national legislation by easing domestic administrative procedures for seed registration and imports.

General Information:

The Parliament of Ukraine has adopted the Law of Ukraine # 864-VIII “On Amendments to Certain Laws of Ukraine intended for harmonization of Ukrainian Legislation for Seeds and Seedlings in line with European and International Norms and Standards” ([in Ukrainian](#)). This Law introduces a number of changes both to the Laws of Ukraine “On Protection of Rights for Plant Varieties” ([in Ukrainian](#)) and “On Seeds and Seedlings” ([in Ukrainian](#)).

The major changes include:

1. Government authorities delegate the right for certification of seeds and seedlings produced in Ukraine to state-accredited private contractors.
2. Appraisal of applications for registration of plant varieties could be performed by state-accredited private testing companies. Their conclusions will be taken into consideration by the Competent Authority for making decisions regarding state registration of plant varieties and issuing patents.
3. The Law contains detailed qualification requirements for mentioned contractors and for testing companies in terms of personnel and equipment at their disposal.
4. Introduced simplified procedures for registration of domestic seed producers that do not require complex accreditation procedures anymore.
5. Ukraine recognizes OECD and ISTA certificates for imported seeds. This makes redundant the additional certification process for such seeds that was performed earlier in Ukraine.
6. Decreased administrative burden as well as timing for issuing papers certifying the legal right for a plant variety.
7. Ensured public access to a number of registries (seed producers, auditors performing seed certification, seed certificates and conformity assessment authorities) via Internet.
8. Eased quantitative and administrative import restrictions for seeds intended for selection and research purposes.

The whole Law will enter into force on June 30, 2016 with the exception of item 5, which is effective immediately.

According to Post’s estimates, these amendments should ease the administrative pressure for domestic seed producers. This will likely result in decreased costs for registration of plant varieties in Ukraine, which are currently peaking in accordance with the narrative included the [Enabling the Business of Agriculture 2015 Report](#) by The World Bank Group.

The actual economic effect of the liberalization measures for seed producers suggested by the Law will largely depend upon the administrative procedures that are still to be developed and included in the respective sub-legislation by the Government of Ukraine.

The decreased costs for domestic seed production might have an impact on seed imports into the

country, including the following commodities:

- Corn Seeds (HS Code 100510): 55.5 thousand metric tons (MT) (incl. 2.5 thousand MT from USA) for local marketing year (MY)2013/14; 28.7 thousand MT (incl. 142 MT from USA) for MY2014/15;
- Soybean Seeds (HS Code 120110): 2.1 thousand MT (incl. 60 MT from USA) for MY2013/14; 2.5 thousand MT (incl. 60 MT from USA) for MY2014/15;
- Sunflower Seeds (HS Code 120600): 12.8 thousand MT (incl. 4 thousand MT from USA) for MY2013/14; 12.7 thousand MT (incl. 3 thousand from USA) for MY2014/15;
- Wheat And Meslin Seed (HS Code 120110): 1.8 thousand MT for MY2014/15;
- Seeds Of Forage Plants For Sowing (HS Code 120929): 1.4 thousand MT for calendar year 2013; 1.3 thousand MT for 2014;
- Sugar Beet Seeds(HS Code 120910): 537 MT for calendar year 2013; 719 MT for 2014;

The likelihood of decreasing seed imports might be boosted by farmers switching to domestically produced varieties in order to retain their economic efficiency. Cost-cutting for Ukrainian agricultural producers became a priority during recent years due to the deteriorating economic situation inside the country, combined with lower commodity prices on the international markets.