

EXTRAORDINARY PUBLISHED BY AUTHORITY

KARACHI, SATURDAY, JULY 3, 2021

PART II

Statutory Notifications containing Rules and Orders issued by all Ministries and Divisions of the Government of Pakistan and their Attached and Subordinate Offices and the Supreme Court of Pakistan

GOVERNMENT OF PAKISTAN

MINISTRY OF NATIONAL FOOD SECURITY AND RESEARCH

NOTIFICATION

Islamabad, the 22nd April, 2021

S.R.O.73 (KE)2021:

In exercise of the powers conferred by Section 29 of the Seed Act, 1976, (XXIX of 1976), the Federal Government is pleased to direct that the following amendments shall be made in the Seed (Business Regulation) Rules, 2016, namely:-

In the aforesaid rules, -

- (1) in rule 2, under the heading "Definitions";
 - (a) after clause '(f)', the following new clause shall be inserted namely:-
 - "(fa) "FSC&RD" means the Federal Seed Certification and Registration
 Department established under Section 5 of the Act;"

(451)

Price: Rs. 40.00

- (b) in clause '(j)', after the words "Pakistan Agriculture Research Council" the expression "PARC" shall be inserted and for words "in coordination with all concerned research Institutes" the words "on a facility acquired or a facility managed in collaboration with public sector research institutes, seed corporations or registered seed business companies shall be substituted";
- (c) after clause '(j)', amended aforesaid the following new clause shall be inserted namely:-
 - "(ja) "National Coordinated Varietal Trials or "NCVT" meanstrials conducted throughout Pakistan by PCCC for determining value of a crop variety on facilities acquired or facilities managed in collaboration with public sector research institutes, seed corporations or registered seed business companies";
- (d) in clause '(k)', for the expressions "by the collaboration of Provincial and Federal research institutes, private seed sector, public seed corporation farms, etc." the expression "on facilities acquired or facilities managed in collaboration with public sector research institutes, seed corporations or registered seed business companies shall be substituted";
- (e) after the clause '(n)' the following new clauses shall be added namely:-
 - "(na) "Performance Bond" means an unconditional, irrevocable and on demand performance bond in the form of a bank guarantee issued by a scheduled bank on behalf of a seed business company in favour of the FSC & RD to cover any contractual default, as defined in rule 4(8)(b) of the rules;
 - (nb) "Performance Contract" means the performance contract as required by rule 4(8)(a) of the these rules;"
 - (nc) "Principal Director" means the person nominated through resolution duly notarized and to act as applicant on behalf of seed business company as referred in Annexure-V under rule 4".
- (f) in clause '(q)', for the expression "public and private seed sector organization and company as submitted to FSC & RD, and" the words "a public seed sector organization or a seed business company shall be substituted;"

- (g) the clause '(s)' shall be omitted;
- (h) after the clause '(s)', omitted as aforesaid, the following new clause shall be inserted namely:-
 - "(t) "Seed Business Company" means any natural or legal entity that is registered by FSC&RD under rule 4 of the rules;"
 - "(u) "Seed Business Regulation Committee (SBRC)" means the committee constituted under rule 4 of these rules; and
 - (v) "rules" means the Seed (Business Regulation) Rules made under Section 29 of the Act."
- (2) for rule (3), the following shall be substituted namely:-
 - "3. Regulation of sale of seed.—(1) The FSC&RD may establish a tracking system to enable growers to verify whether the seed in a bag or a container that he has acquired is of approved variety and duly certified and, for that purpose, the FSC&RD may issue binding directions or orders to any of the seed producing or importing companies to install, construct, establish or maintain such facilities or to follow such procedures for packaging or labelling as may be required by the FSC&RD, in its discretion, to establish such a tracking system.
 - (2) The FSC&RD shall coordinate with and monitor the working of registered persons to ensure that the tracking system mentioned in sub-rule (1) is established and the seed production, packaging and marketing takes place in accordance with the directions, orders, procedure or guidelines that it may notify from time to time.
 - (3) The FSC&RD shall establish a complaint management system, including online and helpline options, to receive and resolve or proceed on complaints regarding the quality of seed or a seed business company.
 - (4) Subject to availability of resources, the FSC&RD shall conduct regular awareness campaigns to inform growers about their rights as buyers of seed.
 - (5) The notified seed inspectors shall use prescribed forms given at Annexure-I to Annexure-IV for seed act enforcement activities".

- (3) for rule 4, the following shall be substituted namely:-
 - "4. Registration to do seed business.—(1) Any person may apply to seek registration for doing seed business, provided that he:-
 - (a) submits a dully filled in application form set out in (Annexure-V) to the FSC&RD including:-
 - a valid name of the proposed business that was provisionally allotted to him by FSC&RD for a specific period and which does not exist in the up-dated list of already registered companies of names reserved by other persons; and
 - the Breeder's Consent Form, except where the applicant is seeking registration only for import or export of seed and is not interested in local seed production;
 - (b) meets at the time of submitting application for registration or furnishes evidence to prove that he has at his disposal adequate resources to meet the terms and conditions of registration that are set out in Annexure-VI regarding availability of land, storage facility, processing unit, laboratory, and technical expertise. Labelling of seed bags or containers, packaging, maintenance and monitoring protocols, tracking system, distribution mechanism or any other aspect that may be relevant for ensuring supply of quality seed to growers may be notified by FSC&RD from time to time;

Provided that the manner and form of furnishing evidence to prove that the applicant is eligible for registration shall be notified by the FSC&RD;

Provided further that the FSC&RD shall separately notify modified terms and conditions of registration for the persons who seek registration exclusively for import or export of seed;

- pays and encloses with his application evidence of payment of fee in accordance with the schedule of fee set out in Annexure-XIV;
- (d) commits that, if registered, the seed business company shall submit to the FSC&RD the annual audit report of its accounts within four months after the end of each financial year that it follows under its own procedures; and
- (e) provides information and documents in accordance with Annexure-VI.

- (2) The application received under sub-rule (1) shall be duly scrutinized within thirty working days of its reciept by an officer designated for the purpose by the Director General of the FSC&RD. The scrutiny process may involve review and verification of submitted documents and inspection of facilities that the applicant claims to own or lawfully possess in order to confirm that the applicant meets the terms and conditions of registration, as required by the Act, rules and the notifications issued there under. If the application is found in order, the designated officer shall submit the application, along with a report based on the scrutiny process, to the secretary of the SBRC for its consideration in its next meeting.
- (3) For the purpose of facilitating seed business companies, it shall be ensured that:
 - (a) information and forms required for allotment of company name, registration or renewal of registration for seed business and filing of appeal against cacellation or non-renewal of registration including, inter alia, regarding eligibility criteria, terms and conditions, process, timelines, performance expectations and monitoring system, are easily accessible through the website and offices of FSC&RD;
 - applications for allotment of company name are promptly processed and, subject to availability, the proposed name is provisionally allotted within seven working days of the reciept of application;
 - (c) the provisionally allotted name of the company remains valid for a period of one month and, if not renewed, it may be allotted to another applicant except in cases where the allottee of provisional name has already applied for registration;
 - (d) the applications submitted for registration that meet the notified terms and conditions are, subject to the satisfaction of SBRC, recommended for approval to the concerned Ministry within a fifteen days of the relevant meeting of the SBRC;
 - the SBRC records reasons in sufficient detail of its decisions or recommendations to demonstrate that its working is based on transparent and consistent application of applicable rules, standards and criteria;

- (f) where the SBRC has decided that an application does not meet the terms and conditions of registration, the concerned officer of the FSC&RD shall, within fifteen days of the relevant meeting of the SBRC, share in writing the decision and the reasons there of with the applicant and, if so directed by the SBRC, require the applicant to submit the missing documents or meet the remaining requirements in order for the application be considered in the next meeting of the SBRC;
- (g) the concerned Ministry shall approve the recommendations made by the SBRC within forty-five working days of their receipt and, where it decides not to approve a recommendation, it shall record the reasons and refer the matter back to the SBRC for further consideration;

Provided that, in a case where the concerned Ministry has not decided on the SBRC recommendations within the timeframe prescribed in this clause, the recommendations of SBRC shall be deemed as approved; and

- (h) the FSC&RD shall establish and maintain online information management system to collect and maintain data, receive applications, cross verify information or documents received for allotment or reservation of company name and registration, facilitate scrutiny and monitoring process, generate reports and meet other requirements of efficient office administration and service delivery.
- (4) The SBRC shall meet at least once in three months and shall consist of the following members namely:-

(a)	Director General, Federal Seed Certification and Registration, Department, Islamabad	Chairperson
(b)	An officer (not less than BPS-19), as nominated by the secretary of the concerned Ministry	Member
(c)	A representative (not less than BPS-19) of the Punjab Seed Corporation	Member

(d)	A representative (not less than BPS-19) of the Sindh Seed Corporation	Member
(e)	Arepesentative (not less than BPS-19) of Intellectual Property Organization, Government of Pakistan	Member
(f)	Member Plant Sciences Division, PARC	Member
(g)	A scientist (seed breeder) of national repute, as nominated by the secretary of the concerned Ministry	Member
(h)	Two farmers of repute, as nominated by the secretary of the concerned Ministry	Members
(i)	An owner or a chief executive of a private seed business company, as nominated by the Minister of the concerned Ministry	Member
(j)	Director (Seed Registration), FSC&RD, Islamabad	Member/ Secretary

- (5) The Chairperson of SBRC may invite any other person with relevant knowledge or expertise to attend a particular meeting of SBRC for providing inputs on the matters under consideration.
- (6) The Functions of the SBRC shall be to consider and :-
 - recommend to the concerned Ministry or reject scrutinized applications for registration;
 - recommend or reject applications for renewal of registration on the basis of performance assessment and other terms and conditions for renewal; and
 - (c) approve or reject applications by the eligible seed business companies for permission to produce basic seed.
- (7) The SBRC shall make decisions or recommendations with simple majority in meetings that meet the quorum of seven regular members.

- (8) Upon the receipt of approval from the concerned Division or, as the case may be, immediately after the expiry of the time limit prescribed in rule 4(3)(g) of these rules for the concerned Division regarding the grant approval, the FSC&RD shall inform the applicant about the acceptance of his application and further requirements that he needs to meet for obtaining the registration certificate including the following:-
 - (a) signing of a performance contract with the FSC&RD, which lists down the performance obligations of the seed business company including the requirement of submission of a performance bond by the applicant and provides, inter alia, that the forfeiture of performance bond due to default on the part of the seed business company shall result in immediate cancellation of registration; and
 - (b) submission of a performance bond of the applicable amount in accordance with Annexure-VI, which shall be forfeited and en-cashed in the government's account if the registered person defaulted on one or more of his performance commitments listed in the performance contract, which may include that the registered person shall:
 - establish within the specified timeframe, where it does not already exist, and maintain the required physical infrastructure in accrodance with the terms and condition and specifications provided in Annexure-VI;
 - upgrade the existing physical infrastructure within the specified timeframe in accordance with the terms and conditions and specifications provided in Annexure-VI;
 - (iii) ensure consistent and full compliance with the requirements and protocols provided in these rules or as notified by the FSC&RD regarding labelling of seed bags or containers, packaging, maintenance, monitoring, tracking system and distribution mechanism;
 - (iv) produce, if it is not a company exclusively registered for import or export of seed, each year at least fifty percent of the quantity of seed of each of the crops and of types e.g., pre-basic, basic certified that the applicant mentioned in its seed business/ production plan at the time of applying for registration:

Provided that the seed business company shall not be liable for default on its seed production commitment if it submits, in accordance with the procedure as the FSC&RD may notify, conclusive evidence to prove that the default was caused due to *force majeure* involving natural disasters or any other circumstances beyond its control;

- (v) establish and implement, on his own cost, a robust tracking mechanism, including a digital printing facility located in his premises but linked with a central database maintained by FSC&RD, to enable traceability and verification of seed produced or offered to the farmers through a unique algorithmic label or a scratchable card, which could be affixed on or put inside each seed bag or container; and
- (vi) not with standing any thing mentioned in clauses (i) to (v) of this sub-rule, a seed business company shall not be liable for a default where it was caused due to delay on the part of the FSC&RD in notifying relevant specifications, terms and conditions, requirements or protocols.
- (9) After a person seeking registration has met all the terms and conditions, including the ones mentioned in sub-rule (8), the FSC&RD shall issue the registration certificate for a period of five years.
- (10) The seed business companies that are already registered shall be required to sign a performance contract and submit the performance bond within one year beginning from the day the FSC&RD issues a circular or a public notice to this effect and in the same manner as required by sub-rule (8) of these rules, and that the registration of companies that fail to meet this requirement shall be deemed cancelled.
- (11) The officers designated for the purpose by the Director General of FSC&RD shall monitor the performance of seed business companies and, in case of observing any violations or default of terms of the performance contract, recommend forfeiture of performance bond to a committee comprising of:-

(a)	Director General, Federal Seed Certification and Registration, Department, Islamabad	Chairperson
(b)	An officer (not less than BPS-19), as nominated by the Secretary of the concerned Ministry	Member

(c)	Director (Seed Act Enforcement), FSC&RD, Islamabad	Member
(d)	Director (Seed Registration), FSC&RD, Islamabad	Secretary

- (12) the committee mentioned in sub-rule (11) shall, after providing an opportunity of hearing to the concerned seed business company, make its decision with consensus regarding the forfeiture of performance bond and, where it decides in favour of forfeiture, the Director General of FSC&RD shall en-cash the bond and cancel registration of the relevant company as soon as possible but not later than fifteen days of the decision of the committee.
- (13) If the FSC&RD finds the performance of a seed business company satisfactory for at least five years following the submission of performance bond, it may return the performance bond that it had received from the concerned company at the time of its registration or in response to the circular or public notice that it had issued in accordance with sub-rule (10).
- (14) The Director General of FSC&RD may, on the recommendation of SBRC, renew the registration of a seed business company if the person holding the registration certificate submits a dully filled in application form (Annexure-VIII) to the FSC&RD including:-
 - a progress report on seed business activities during the earlier period of registration on the prescribed form given as Annexure-IX;
 - the freshly issued Breeder's Consent Form, except for companies that exclusively deal in import or export of seed;
 - evidence of payment of renewal fee equal to the fee applicable
 for registration, as mentioned in rule 4(1)(c) of rules, at the time of
 submission of renewal application;
 - (d) where the application for renewal is submitted after the expiry of the already granted registration, it shall include evidence of payment of additional fee of one thousand rupees for delay of each month or part thereof; and
 - (e) information and documents in accordance with Annexure-VI.

- (15) The application for renewal submitted to the FSC&RD under sub-rule (14) shall be scrutinized and approved or rejected within forty-five days of its receipt, failing which it shall be deemed as approved.
- (16) Unless revoked or cancelled earlier, every registration certificate shall be valid for a period of five years and, upon its expiry, shall be subject to renewal in the same manner as set out in sub-rule (14) and sub-rule (15).
- (17) In addition to any other penalties provided in the Act of rules, the FSC&RD may, after providing an opportunity of hearing, cancel the registration certificate of a person, if he is found involved in violations of the terms and conditions of registration or performance contract.
- (18) The registration certificate of a person for seed business shall be deemed cancelled if:-
 - it has not been renewed within six months after the date of expiry of registration;
 - the holder of registration has not conducted seed business for at least three years during the period it held the registration certificate;
 - the holder of registration is found to be in violation of any provision of the Act; and
 - (d) the FSC&RD has en-cashed the performance bond submitted by the holder of registration.
- (19) A registered private seed company that is interested in the production of basic seed of a particular variety may apply for permission if it:-
 - has entered into agreement with the breeder and has assured access to pre-basic seed of a registered crop variety;
 - (b) commits to enable and facilitate monitoring of the basic seed crop by the FSC&RD;
 - (c) employs a full-time crop specialist having a graduate degree in Agricultue (B.Sc Hons.) or M. Sc., Botany or equivalent with 3 years relevant experience in seed production;

- (d) maintains well equipped and managed facilities including the stores, seed processing facility, laboratory and any other facilities that the FSC&RD may notify from time to time;
- has a good track record of compliance with the terms and conditions of registration and maintenance protocols for quality control;
- (f) has a minimum of five years' experience of certified seed production business without indulging in any malpractices; and
- (g) has transparent record for seed generation advancement "pedigreed system" in seed multiplication.
- (20) An application for permission received under sub-rule (19) shall be scrutinized by an officer designated by the Director General of FSC&RD and forwarded, within thirty working days of its receipt, to the SRBC for decision, which shall be implemented by the Director General of the FSC&RD.

4 in rule 5;-

- (a) in sub-rule (1) in clause (c), for the words "provincial governments" the words "District Officer Agriculture (Extension)," shall be substituted; and
- (b) in sub-rule (3) after the word "shall", the expressions, "at the end of each quarter," shall be inserted;
- 5 after rule 8, the following new rule shall be added namely:- .
 - **"9. Power to amend annexures.**—On the recommendation of its Director General and with the prior approval of the concerned Division, the FS&RD may amend annexures to these rules so as to add entry thereto, omit any entry there from or amend any entry therein:

Provided that the Director General shall ensure that his recommendation is based on reasonable analysis of the seed market, and that it serves the purpose of quality seed production and supply in the market"; and

6 For Annexure-V and Annexure-VI the following shall be substituted namely:-

"Annexure-V [See rule 4]

Government of Pakistan Ministry of National Food Security and Research Federal Seed Certification and Registration Department

APPLICATION FOR REGISTRATION TO DO SEED BUSINESS

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(12) Address and Location of head of	ffice/ sub office(s)
Head Office: Address:	, Contact No
Sub Office 1: Address:	, Contact No
Sub Office 2: Address:	, Contact No

(13) Attach following

Sub Office 3: Address:

- (i) Proof of registration of Brand Name with IPO, Pakistan
- (ii) Specimen Signatures of Principal Director and partners duly verified by Notary Public

____, Contact No.

- (iii) Proof of incorporation as per type of the company mentioned in Sr. 8
- (iv) Bank statement on closing balance of the principle Director and partners of the current year and year preceding to it duly verified by the concerned bank
- (v) Marketing/distribution plan with following details:

Marketing strategy	Name (s)	Location/ Address	Contact info.
Own shops/ outlets			
Sales team/ rep	31		v.
Registered Dealers	*		

(vi) Cost outlay (detail):

(Rs. in million)

Sr.	Component	Unit Cost	Total Cost
1	Human Resource (No.)		
2	Land Resource (acre)	_	
3	Equipment (No.) Machinery (No.)	121	
4	Other		

(14)	Whether the applicant or the partner (s) was ever convicted under the
	Seed Act, 1976: No/Yes (provide details)
(15)	I, Mr./Mshave remitted the
	registration fee of Rs (in words)
	vide Challan No dated:
	in Treasury/ Bank:
(16)	Declaration:
	(i) I, declare that the information given above are true to the best of my knowledge and belief and no part thereof is false;
	(ii) I, have carefully read the terms and conditions given in Annexure-VI and agreed to <i>abide</i> by them and the rules and regulations of FSC&RD
	(iii)I, declare that no license granted earlier to me or has been cancelled/ suspended;
Sions	ature of Principal Director: Dated:

Government of Pakistan
Ministry of National Food Security and Research
Federal Seed Certification and Registration Department

INFRASTRUCTURE, HUMAN RESOURCE AND OTHER REQUIREMENTS

	+			
Resource Type	Local Producer	Importer	Local Producer + Importer	Exporter
	¥	В	ပ	Q
Personnel	One agri, graduate One Lab Technician One technician for processing unit (when owned)	One agri. graduate	As in Column A	As in Column A As in Column A
Land Resources @	Wheat: one acre/ton Cotton: Three acres/ton Paddy: one acre/ton Maize: two acres/ton	At least 5 acre Farm owned or on lease for internal testing/adaptability studies	As in Column A	As in Column A
	Others: land required for one ton		2	

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Exporter	۵	10		
Logal Producer + Importer	ပ	As in Column A		As in Column As e parate targets for local and imported seed to be produced
Importer	a			In addition to Column A, every importing company shall produce at least 10 percent of seed of its imported varieties locally per year reaching a target of 50 percent by fifth year
Local Producer	A	In case of contract growers, provide contract with growers with following details;	Name NIC Acreage Location Land Ownership evidence duly verified by land revenue department	Crop Category Year 1 Year 2 Year 3 Year 4 Year 5
Resource Type		Seed	6 (1) (2) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4	Seed Production/ Import Targets (MT)

Resource Type		Local Producer		Importer	Local Producer + Importer	Exporter
		A		8	ပ	_
Seed Store	i. minimun ii. '1 m' wic iii. keep fol	i. minimum storage space (1.2 to 2.5 m³/ton) ii. '1 m' wide path around the stacks iii. keep following stack heights;		As in Column A	As in Column A	As in Column A
	Crop	Stack height	Seed status		20	
	Wheat	16 bags of 100 kg. each	After processed	i e		*
	Cotton	5 bags of 40 kg. each 10 bags of 40 kg. each	Fuzzy Delinted			
*	Paddy	12 bags of 20 kg. each	After processed			
	Maize	10 bags of 50 kg. each	After processed	đ		
4,	iv. stacking v. raised an	iv. stacking should give access of each bag for sampling v. raised and water proof floor,	or sampling	, No.		
	vi. roof cov vii. walls wi	77	ron or aluminum sheeting,		į	
,	viii. control ix. facilities control,	viii. control measures for rodents'/store pest/pathogens, ix. facilities and mechanism for proper temperature and moisture control,	athogens, ature and moisture			
	x. separate of seed lots	x. separately marked or created compartment of seed lots/varieties/crops,	compartments to avoid admixtures			

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Resource Type		Local Producer	Importer	Local Producer + Importer	Exporter
.**		A	8	S	٥
Seed Testing Lab	i) Facilities to test seed purity, moisture, germination ii) Following equipment be available	ty, moisture, germination available	As in Column A	As in Column A	As in Column A
	Weighing balance Seed divider			***	
	 Seed blower Growth chamber/ germinator 	inator or germination room			
	 Magnifying lenses Moisture tester 		3: 2:		ħ
	 Thermo-hygro meters 			67.0	
			,,		1
Performance Bond	Crop group	Bond value (Rs. In Million	Rs. 2 million	As in Column A	·
-	A (all crops)	4		,	,
	2 crops from A	3			
,	One crop from A	1			
	В	4			
A 14	A + B (whole groups)	5		1	
T.	ပ	1			
	A+B+C (whole groups)	9		31	
	D				4

Resource Type	Local Producer	Importer	Loca® Producer + Importer	Exporter
	A	В	ပ	۵
	Group A: Wheat, Rice, Maize Group B: Cotton Group C: fodders, ollseeds, vegetables, pulses and seed potato (locally produced) Group D: imported seeds of all types			
Seed Processing Plant	 i. may own/hire a registered processing facility ii. Must have own processing unit at the end of second of year of grant iii. Processing plant should have adequate facilitate for; 		As in Column A	As in Column A
	 Reception Drying Cleaning Grading Treatment/ delinting/ ginning 			
	 Weighing Proper post proceeding handling and storage. Proper ventilation, light and hygiene. Record keeping for maintenance and seed processing 			
Labelling	As notified by FSC&RD from time to time	As in Column A	As in Column A	As in Column A
Packaging	As notified by FSC&RD from time to time	As in Column A	As in Column A	As in Column A

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Exporter		G	As in C	As in Column A		"Annexure-XV" (see rule 4)	5				HATTAK, Deputy Secretary.
Local	Producer + Importer	o	As in Column A	As in Column A							QASIM KHAN KHATTAK, Deputy S
Importer		8	As in Column A	As in Column A			search Pepartment SINESS	s company:	(3)		ď
Local Producer		A	As notified by FSC&RD from time to time	As notified by FSC&RD from time to time	7. After the Annexure-XIV, the following new annexure shall be added namely:-	Government of Pakistan	Ministry of National Food Security and Research Federal Seed Certification and Registration Department SCHEDULE OF FEES TO DO SEED BUSINESS	be applicable for fucer (company) er (company)	mporter (company) Rs. 40,000/ d exporter	SC-II/Seed Laws,].	
Resource Type	il a		Maintenance and monitoring	Marketing and Distribution	7. After ti			Following schedule of fee shall I Registration as Local Seed Proc Renewal as Local Seed Produc Registration as Seed importer of	Renewal as seed importer (company) Registration as seed exporter	[No.F.1-10/2012-DFSC-II/Seed Laws,].	

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