

On Seed Production

Unofficial translation

The Law of the Republic of Kazakhstan dated 8 February 2003 No. 385.

Unofficial translation

Footnote. Through the whole text the words “by the authorized state body in the field of seed production”, “of the authorized state body in the field of seed production”, “authorized state body in the field of seed production”, “by the state body in the field of seed production” are substituted respectively by the words “by the authorized body”, “of the authorized body”, “authorized body” by the Law of the Republic of Kazakhstan dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); in all text of a word "have been allowed" and "being allowed" are replaced respectively with the words "have been recommended" and " being recommended" according to the Law of the Republic of Kazakhstan dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication).

This Law determines legal, economic and organizational basis of carrying out the activity in the field of seed production and oriented to regulation of questions of organization and functioning of the system of seed production and state control of production, harvesting, treatment, storage, transportation, the sale and use of seeds of agricultural plants.

Chapter 1. General provisions

Article 1. Basic definitions, used in this Law

The following basic definitions shall be used in this Law:

1) is excluded by the Law of the Republic of Kazakhstan dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2);

1-1) excluded by the Law of the Republic of Kazakhstan dated 04.12.2015 № 435-V (shall be enforced dated 01.01.2016);

2) attestation – establishment (confirmation) of conformity of individuals and (or) legal entities to status of a subject of seed production;

3) certificate of attestation – a document, issued within the competence by the local executive body of oblast (the city of republican significance, the capital), certifying on recognition of the activity of attested subjects in the field of seed production by the state;

4) agricultural plants – cereal plants, leguminous plants , cereals, fodder, oil, essential oil, technical, vegetables, medicines, flower, fruit, berries, potatoes, grapes ;

5) approbator – an individual, notified the relevant local executive body of a district, city of oblast significance, oblast, the city of republican significance and the capital on the beginning of the activity on conducting approbation of varietal crops of agricultural plants;

6) control tests - the establishment of the safety features of a variety of an agricultural plant and the conformity to variety of this class;

7) original seeds – the seeds, produced by the author of a variety of agricultural plant, by the person authorized by him (her) or originator of variety and intended for production of elite seeds;

8) seeds of the first, second and third reproduction – the following elite seed multiplication by years: the first year – the first reproduction, the second year – the second reproduction, the third year – the third reproduction;

9) approbation of sowings – the determination of varietal qualities of crops of agricultural plants: the varietal purity, the varietal typicality, the level of contamination, morbid affection and damage by pests;

10) ground assessment – establishment of accessory of seeds to particular type, variety and their purity of a variety by sowing on special fields and the following verification of varietal qualities basing on plants;

11) laboratory varietal tests – establishment of accessory of seeds to particular variety and determination of seeds' purity of a variety by conducting laboratory analysis;

12) is excluded by the Law of the Republic of Kazakhstan dated 05.10.2018 No. 184-VI (shall be enforced upon expiry of six months after its first official publication).

12-1) state commission on varietal testing of agricultural plants – organization being under supervision of the authorized body, carrying out the expert examination and testing of varieties of plants for patentability and serviceability;

13) strain changing - the replacement by the producers of the old seeds which are cultivated in the production by new varieties recommended to use cultivars, more productive or superior of changeable cultivars on commercial valuable features and characteristics;

14) varieties renovation – change of seeds, varietal and biological qualities of which deteriorated during use in production by the best seeds of one and the same variety;

15) varietal uniformity – the index of varietal purity of cross-pollinated agricultural plants ;

16) originator of variety – an individual or legal entity that ensures the preservation of a variety;

17) varietal control – the control of carrying out of the arrangements on determination of purity of a variety of sowings of agricultural plants and establishment of accessory of the seeds to particular variety;

18) varietal testing – expert examination and testing of selection achievements on patentability and serviceability, conducted in the manner, established by the legislation of the Republic of Kazakhstan;

- 19) purity of a variety – percent ratio of the quantities of plants or stalks of main variety to general quantity of plants or stalks of this agricultural plant;
- 20) super elite seeds– the seeds, belonged to original seeds, received from the harvest of nursery for multiplication, conforming to requirements of the national standards and other regulatory documents in the field of seed production and intended for production of elite seeds;
- 20-1) a certificate for seeds - a document confirming the varietal and sowing qualities of original and elite seeds;
- 21) seeds – generative and vegetative organs of plants, used for reproduction of a variety: seeds themselves, fruits, parts of multiple fruits, collective fruits, spikelets, young plants, bulbs, tubers, quicksets, meristems and others;
- 22) certified seeds – conformity of the seeds to requirements of national standards and other regulatory documents in the field of seed production;
- 23) varietal qualities of seeds – the set of signs, characterizing the accessory of seeds to particular variety of agricultural plant;
- 24) seed lot – particular quantity of homogeneous seeds genetically and basing on quality, confirmed by the relevant document (approbation statement, seeds attestation, seeds certificate, certificate of certified seeds, seeds analysis result, quarantine certificate, phytosanitary certificate);
- 25) seed control – the control of carrying out the arrangements on determination of sowing qualities of seeds, of compliance with requirements of the legislation of the Republic of Kazakhstan for suitability of sowing (planting);
- 28) seed producers – individuals and legal entities, carrying out the activity in the field of seed production in accordance with this Law;
- 29) seed-production farm – economic subject, attested by local executive body of oblast (city of republican significance, the capital), carrying out production and realization of the seeds of the first, second and third reproduction;
- 29-1) seeds realizer – an individual or legal entity, attested by local executive body of oblast (city of republican significance, the capital), carrying out the activity on realization of seed lots of agricultural plants and (or) issuance of the seed loan;
- 30) laboratory on expert examination of the seeds quality – a legal entity, attested to the right of conducting researches of varietal and sowing qualities of seeds in established manner for their compliance with requirements of the national standards and other regulatory documents in the field of seed production;
- 31) seed examination – a set of measures to determine the varietal and sowing qualities of seeds for their compliance with the requirements of technical regulations and documents on standardization in the field of seed production;
- 32) seed expert – the specialist of laboratory on expert examination of the seeds quality, notified the relevant local executive body of a district, city of oblast significance, oblast, city

of republican significance and the capital on beginning of the activity on conducting expert examination of the varietal and seeding qualities of seeds;

33) seed production – the activity, including the set of arrangements on production, harvesting, treatment, storage, transportation, the sale and use of seeds, as well as the state control, including varietal and seed control;

34) state inspector on seed production – a civil servant of local executive body, carrying out the state control in the field of seed production;

35) seed production scheme – a group of interrelated nurseries and seed sowings, in which the process of reproduction of a variety is carried out in particular sequence by selection and multiplication;

36) the authorized state body in the field of seed production (hereinafter – authorized body) – central executive body, carrying out the management and cross-sector coordination in the field of seed production;

37) elite seeds – seeds of agricultural plants that are received from original or super elite seeds and conform to requirements of the legislation of the Republic of Kazakhstan on seed production;

38) elite seed-production farm – economic subject, attested by local executive body of oblast (city of republican significance, the capital), carrying out the production and selling of elite seeds.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); dated 10.01.2011 No. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after the date of its first official publication); dated 04.12.2015 № 435-V (shall be enforced dated 01.01.2016); dated 05.10.2018 No. 184-IV (shall be enforced upon expiry of six months after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 2. Objects and subjects in the field of seed production

1. The objects in the field of seed production shall include:
variety (clone, line, hybrid, population, mixture of varieties);
seeds;
seed and seed-production sowings and plantings.

2. Subjects in the field of seed production shall include:

author of a variety;
originator of a variety;
producers of seeds;
consumers of seeds, with the exception of individuals, engaged in seed production for use at home, garden-variety, suburban and garden fields without the right of their selling;
individuals and (or) legal entities, rendering the services on determination of varietal and sowing qualities of seeds;
seeds realizers;
State commission on varietal testing of agricultural crops;

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); dated 04.12.2015 No. 435 – V (shall be enforced dated 01.01.2016).

Article 3. The legislation of the Republic of Kazakhstan on seed production

1. The legislation of the Republic of Kazakhstan on seed production is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If international treaty, ratified by the Republic of Kazakhstan establishes other rules, than those contained in this Law, the rules of international treaty shall be applied.

Chapter 2. The state regulation and management in the field of seed production

Article 4. The state regulation in the field of seed production

The state regulation in the field of seed production shall be carried out by:

- 1) attestation of subjects of seed production that includes:
 - first attestation of subjects of seed production;
 - re-attestation of subjects of seed production upon expiry of the validity term of certificate of attestation;
 - original seed producers – once every five years;
 - elite seed-production farms – once every three years;
 - seed-production farms – once every three years;
 - seeds realizers – once every two years;
 - post-attestation annual inspection of subjects of seed production with a view to conformance with qualification requirements;
- 1-1) recognition of approbators and seed experts, carrying out the activity on conducting approbation of the varietal sowings of agricultural plants and expert examination of varietal and sowing qualities of seeds;
- 2) maintenance of the State Register of plant varieties recommended for use in the Republic of Kazakhstan, and the list of promising varieties of agricultural plants;

- 3) compulsory expert examination of seeds on varietal and sowing qualities;
- 4) conduct of the state control in the field of seed production;
- 5) permitting control;
- 6) conduct of scientific researches of fundamental and applied nature in the field of seed production and selection on preservation, development and use of the genofond of agricultural plants in accordance with the legislation of the Republic of Kazakhstan;
- 7) production subsidization, sale and purchase of original and elite seeds of varieties recommended for use in the Republic of Kazakhstan;
- 8) state security of varietal testing of agricultural plants, expert examination of varietal and sowing qualities of seeds, as well as the seeds, intended for sowing of domestic agricultural goods producers;
- 9) excluded by the Law of the Republic of Kazakhstan dated 04.12.2015 № 435-V (shall be enforced dated 01.01.2016);
- 10) formation of investment, credit policy in the field of seed production;
- 11) legal protection of interests of subjects of seed production upon carrying out of international cooperation in the manner, established by the legislation of the Republic of Kazakhstan.
- 12) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 13) (is excluded)
- 14) safety ensuring in the field of technical regulation (hereinafter – safety);
- 15) prevention of actions, misinforming consumers in respect of safety in the field of seed production.

Footnote. Article 4 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005); dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); dated 10.01.2011 No. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after the date of its first official publication); dated 04.12.2015 № 435-V (shall be enforced dated 01.01.2016); dated 29.03.2016 No. 479-V (shall be enforced dated 01.01.2018).

Article 5. Competence of the Government of the Republic of Kazakhstan in the field of seed production

The Government of the Republic of Kazakhstan shall:

- 1) develop principal directions of the state policy in the field of seed production;

2) is excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

3) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

4) is excluded by the Law of the Republic of Kazakhstan dated 20.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

5) is excluded by the Law of the Republic of Kazakhstan dated 20.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

6) conclude intergovernmental agreements in the field of seed production, including on the issues of export and import of seeds;

7) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

7-1) - 13) are excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

14) is excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005); dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); dated 10.01.2011 No. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 6. The competence of the authorized body

1. The authorized body shall:

1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

1-1) form and implement state policy in the field of seed production;

- 1-2) carry out coordination and organizational supervision of local executive bodies in the field of seed production;
- 2) develop and implement scientific-technical programs on selection, varietal testing and seed production;
- 3) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).
- 4) excluded by the Law of the Republic of Kazakhstan dated 04.12.2015 № 435-V (shall be enforced dated 01.01.2016);
- 5) predicts the volume of production and sale of seeds of varieties of agricultural plants, recommended for use in the Republic of Kazakhstan;
- 6) develops and maintains the rules of certification of manufacturers of original and elite seeds, the seeds first, second and third reproductions, sellers of seeds;
- 7) (is excluded – dated 10 January 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116);
- 7-1) develop and approve the lists of kinds and types of plants, on which the patentability and serviceability are assessed according to data of state testing or an applicant;
- 7-2) approve:
- procedure of maintenance of the State Register of plant varieties recommended for use in the Republic of Kazakhstan;
 - provision on republican commission on the issues of varietal testing of agricultural plants;
 - methods of conducting varietal testing of agricultural plants;
 - procedure for establishment of annual quotas of producing original and selling of elite seeds, being subject to subsidiary, for attested subjects of seed production;
 - procedure for conducting approbation of varietal sowings;
- 8) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).
- 8-1) develop and approve the rules of carrying out the varietal and seed control, ground assessment, laboratory varietal tests, expert examination of the quality of seeds;
- 8-2) determine directions of state assistance of seed production, the list of agricultural plants, seeds of which are subject to subsidizing at the expense of budget funds and regulations of their subsidies;
- 8-3) develop and approve the rules of subsidizing the development of seed production;
- 8-4) develop and approve the rules of conducting varietal testing of agricultural plants;
- 8-5) excluded by the Law of the Republic of Kazakhstan dated 04.12.2015 № 435-V (shall be enforced dated 01.01.2016);
- 8-6) develop and approve the rules of conducting examination of varietal and sowing qualities of seeds, including the seeds intended for sowing by domestic agricultural goods producers;

9) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

10) (is excluded).

11) develop and approve regulatory legal acts on the issues of varietal testing and seed production and forms of documentation on seeds;

11-1) excluded by the Law of the Republic of Kazakhstan dated 27.11.2015 № 424-V (shall be enforced after six months after the day of its first official publication);

12) consider draft documents on standardization within the competence, as well as makes proposals for the development, amendment, revision and abolition of national, interstate standards, national classifiers of technical and economic information and recommendations for standardization to the authorized body in the field of standardization;

13) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

13-1) agree on the reduction of seed quality indicators for a period of not more than one year, established by national standards and other documents on standardization in the field of seed production, on the basis of appeals of local executive bodies of regions, the cities of republican significance and the capital city in unfavorable weather and climatic conditions;

14) develop and confirm the schemes and methods of maintenance of the first, elite and industrial (mass) seed production;

15) organize state testing of varieties of domestic and foreign selection;

16) register originators of varieties in accordance with the rules of registering originators of varieties, approved by the authorized body;

17) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication);

18) carry out monitoring of seed resources of the republic;

19) carry out international cooperation on selection and seed production within its competence;

20) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

21) approves the State Register of plant varieties recommended for use in the Republic of Kazakhstan, and the list of promising varieties of agricultural plants;

22) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication);

23) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication);

24) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication);

25) (is excluded);

26) request necessary information in the field of seed production of agricultural plants from local executive bodies;

27) compose a balance of seeds in the republic;

28) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015);

29) establish the forms of describing variety with conclusion on patent grant, conclusions on patentability of a variety;

30) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

31) approve the forms of prescription on elimination of the violation of requirements of the legislation of the Republic of Kazakhstan on seed production, minutes on administrative infraction, regulations in the matter of administrative infraction;

31-1) is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

31-2) set prices for goods (works, services) produced and (or) sold by state institutions in the sphere of variety testing;

32) carry out other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

2. The authorized body shall carry out its activity through territorial bodies.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005); dated 10.01.2006 No. 116 (the order of enforcement see Article 2); dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); dated 19.03.2010 No. 258-IV; dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.01.2011 NO. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after the date of its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication); dated 04.12.2015

№ 435-V (shall be enforced dated 01.01.2016); dated 29.03.2016 No. 479-V (shall be enforced dated 01.01.2018); dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.10.2018 No. 184-VI (shall be enforced upon expiry of six months after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 6-1. The competence of local executive bodies of oblasts, cities of republican significance and the capital

Local executive bodies of oblasts, cities of republican significance and the capital shall:

- 1) carry out the state control in the field of seed production;
- 2) implement state policy in the field of seed production;
- 3) submit proposals on the volumes of production and sale by elite seed-production farms of elite seeds to the authorized body;
- 4) carry out certification of subjects of seed farming with issue of the corresponding certificate in the order determined by authorized body;
- 5) maintain state electronic register of permits and notifications;
- 6) compose the balances of seeds of oblast, city of republican significance and the capital;
- 7) ensure representation of necessary information in the field of seed production of agricultural crops to the authorized body in the scope of farm economy;
- 8) assist to formation of insurance funds and financial adjustments of seeds by agricultural goods producers within the competence;
- 9) submit proposals on schemes and methods of maintaining the first, elite seed production and mass multiplication of the seeds of agricultural crops;
- 10) carry out the control of fulfilling the procedure for carrying out of the varietal and seed control, conduct of approbation of the varietal sowings, ground assessment, laboratory varietal testing, expert examinations of the quality of seeds;
- 10-1) excluded by the Law of the Republic of Kazakhstan dated 04.12.2015 No. 435-V (shall be enforced dated 01.01.2016);
- 10-2) carry out monitoring of seed resources in the respective area;
- 11) establish limit price of selling for seeds that are subject to subsidization within the quotas, determined in accordance with subparagraph 12) of Article 6-1 of this Law;
- 12) conform annual quotas on each type of the seeds, being subject to subsidization:
on original seeds – for each attested subject in the field of seed production;
on elite seeds – for each administrative and territorial entity;
- 13) control intended use of subsidized original and elite seeds;
- 14) organize preparation and raising of qualification of the personnel of approbators and seed experts;

15) carry out the control of compliance with regulatory legal acts on conducting expert examination of the varietal and sowing qualities of seeds of agricultural plants;

16) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

17) on the basis of proposal of a state inspector on seed production, it shall be suspended: the validity of certificate on attestation, certifying the right of a subject to carry out the activity in the field of seed production;

activity on conducting the expert examination of the varietal and sowing qualities of seeds ;

18) carry out the other powers, imposed on local executive bodies by the legislation of the Republic of Kazakhstan on behalf of local state management.

Footnote. Chapter is supplemented by Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2); in the wording of the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after the date of its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication); dated 04.12.2015 No. 435-V (shall be enforced dated 01.01.2016); dated 29.03.2016 No. 479-V (shall be enforced dated 01.01.2018).

Article 7. (Is excluded – by the Law of the Republic of Kazakhstan dated 20 December 2004 No. 13 (shall be enforced from 1 January 2005)).

Article 8. State inspectors on seed production and their powers

Footnote. Title of Article 8 is in the wording of the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Akims of oblasts, the city of republican significance and the capital shall have the right to assign additional special name “State inspector on seed production” to the relevant offices of administrative state employees in the manner, established by the legislation of the Republic of Kazakhstan.

2. The state inspectors on seed production shall have the right to:

1) carry out the state control of compliance with schemes and methods of maintaining the first, elite and industrial (mass) seed production by subjects of seed production, approved by the authorized body, methodical and technological requirements in the field of seed production, as well as varietal and seed control;

2) visit the subjects of seed production for the purpose of state control for compliance with the legislation of the Republic of Kazakhstan on seed production and receive information from them on the issues of carrying out the activity in the field of seed production in the manner, established by the legislation of the Republic of Kazakhstan;

3) verify the quality of services, rendered by attested subjects of seed production;

4) carry out inspection of the activity of attested seed producers for their compliance with qualification requirements;

5) issue prescriptions on violation of the legislation of the Republic of Kazakhstan on seed production and draw up the minutes on administrative infractions upon carrying out of the activity in the field of seed production;

6) submit proposals in local executive body of oblast, city of republican significance and the capital on suspension of:

validity of certificate on attestation, certifying the right of a subject to carry out the activity in the field of seed production;

activity on conducting expert examination of the varietal and sowing qualities of seeds;

7) conduct selection of samples from seed lots for carrying out of the state control of the quality of seeds;

8) carry out the control of intended use of subsidized seeds;

9) (is excluded).

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005); dated 10.01.2006 No. 116 (the order of enforcement see Article 2); dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); dated 10.01.2011 NO. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 9. The state control in the field of seed production

1. The state control in the field of seed production shall be carried out by state inspectors on seed production and oriented to ensuring of compliance with the legislation of the Republic of Kazakhstan on seed production, national standards and other regulatory documents in the field of seed production.

2. The state body in the field of seed production shall provide:

1) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

2) varietal and seed control;

3) control of the activity of attested subjects of seed production for compliance with the qualification requirements, established by the Government of the Republic of Kazakhstan;

4) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

5) control of the state testing of varieties of agricultural plants.

3. Varietal and seed control shall include:

1) control of carrying out the arrangements on production, harvesting, treatment, storage, sale, transportation and use of seeds for compliance with the rules and regulations of seed production in the following periods:

sowing period;

period of vegetation of agricultural plants;

harvest period;

period of seeds filing;

period of storage of seeds;

selling period (verification of prepared for selling and sold seed lots, as well as upon export and import for compliance of their quality with confirming documents).

Control of production of seeds from seed producers, attested in established manner shall include the following stages:

verification of fields, prepared for sowing of seeds – once a year before sowing;

verification of varietal sowings in the period of vegetation – three times a year;

control of approbation and field observations of the varietal and hybrid sowings – once in the period of approbation;

control of cropping (harvest), transportation, treatment (clearance) and storage of seeds, availability of seed warehouses – two times a year for every type of control;

2) control over conducting examination of varietal and sowing qualities of seeds by laboratories for examination of the quality of seeds, their compliance with normative legal acts and documents on standardization in the field of seed production:

two times a year during examination of quality of seeds and also as monitoring at exercise of government procurement of services in examination of quality of seeds;

in cases of presentation of claims to producers of seeds and also variances with the results of researches of seeds on high-quality and sowing qualities given by laboratories on examination of quality of seeds;

3) verification in the period of approbation of the work of approbators, as well as seed producers for compliance with the regulations of paragraph 2 of Article 14 of this Law by them;

4) control over observance by the subjects of seed production of normative legal acts, documents on standardization and other normative documents in the field of seed production.

4. State control in the field of seed production shall be carried out in the form of inspection and preventive control in accordance with the Entrepreneurial code of the Republic of Kazakhstan.

5. Is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 No. 125; dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after the date of its first official publication); dated 29.10.2015 No. 376-V (shall be enforced dated 01.01.2016); dated 29.03.2016 No. 479-V (shall be enforced dated 01.01.2018); dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.10.2018 No. 184-VI (shall be enforced upon expiry of six months after its first official publication).

Article 10. The attestation of subjects of seed production

1. Subject to attestation:

1) Excluded by the Law of the Republic of Kazakhstan dated 29.03.2016 No.479 –V (shall be enforced dated 01.01.2018);

2) original and elite seed producers;

3) seed producers of the first, second and third reproduction, intended for selling;

4) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

5) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

6) seeds realizers.

2. Upon expiry of the term of attestation, the subjects of seed production shall be obliged to undergo re-attestation.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2); dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.03.2016 No. 479 – V (shall be enforced dated 01.01.2018).

Chapter 3. The organization of seed production

Article 11. The seed production system

1. The seed production system of agricultural plants represents the set of functionally interrelated state bodies, scientific organizations, subjects of seed production, ensuring breeding, state varietal testing, mass multiplication of varieties for the purpose of variety changing and varieties renovation, production, harvesting, treatment, storage, transportation, selling and use of seeds, approbation of varietal sowings, expert examination of the quality of seeds, state varietal and seed control.

2. The seed production system of agricultural plants shall include:

1) the authorized body and its territorial bodies;

1-1) local executive bodies of regions (cities of republican significance, the capital city);

2) attested individuals and legal entities, carrying out the activity on production, harvesting, treatment, storage, selling and transportation of seeds;

3) laboratories on seed quality testing.

Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.03.2016 No. 479 -V (shall be enforced dated 01.01.2018); dated 28.12.2018 No. 210-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 12. (Is excluded – by the Law of the Republic of Kazakhstan dated 20 December 2004 No. 13 (shall be enforced from 1 January 2005). Chapter 4. The production, harvesting, treatment, storage, transportation, sale and use of seeds

Article 13. The requirements to production and use of seeds

1. The sale and use of seeds of agricultural plants for sowing (planting) shall be prohibited

:

1) infested by quarantine objects;

2) not passed the testing on sowing qualities in the order established by the present law;

3) received on the basis of genetic engineering (genetically modified).

2. Realization and also use for crops (landing) of the seeds which are not conforming on high-quality and sowing qualities to requirements of the legislation of the Republic of Kazakhstan are forbidden.

2-1. Seeds, not conforming to requirements of technical regulations shall not be admitted to the sale and use for sowing (planting).

2-2. Seeds of agricultural plants with the indicators of quality lowered against the established national standards and other documents on standardization in the field of seed

production in coordination with authorized body according to subparagraph 13-1) of paragraph 1 of Article 6 of this Law shall be allowed to realization and use for sowing (landing).

3. Excluded by the Law of the Republic of Kazakhstan dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication).

4. Excluded by the Law of the Republic of Kazakhstan dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication).

5. The personal and legal entities which are not certified in the order established by the present Law can carry out production and use of seeds only for characteristic needs without the right of realization.

Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication); dated 04.12.2015 No. 435-V (shall be enforced dated 01.01.2016); ; dated 05.10.2018 No. 184-IV (shall be enforced upon expiry of six months after its first official publication).

Article 14. The rights and obligations of seed producers

1. Seed producers have the right to determine the amount of seed production.
2. Seed producers shall be obliged to:
 - 1) comply with technological requirements, production schemes, rules of storage and the sale of seeds approved by the authorized body, ensure their quantitative and qualitative safety;
 - 2) Excluded by the Law of the Republic of Kazakhstan dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication).
 - 3) acquire original seeds of varieties and parental forms of the hybrids upon production of elite seeds for the purpose of their following sale, as well as beyond the boundaries of the state;
 - 4) represent the documents, confirming their varietal and sowing qualities, as well as characteristic (description) of variety upon selling the seeds;
 - 5) conduct approbation of the varietal sowings in the manner, established by the authorized body;
 - 6) conduct expert examination of sowing qualities of the seeds, intended for sale, use for sowing and creation of insurance funds and financial adjustments;
 - 7) ensure systematic observation of sowings (plantings), territories, seed dressing machines and mechanisms, storages for detecting quarantine objects and conduct arrangements for a struggle with them;

8) create insurance funds and financial adjustments of seeds of agricultural plants at the expense of own funds;

9) is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2);

10) conduct varietal testing and variety changing in the manner and terms established by the authorized body;

11) guarantee the conformity of seeds that are subject to sale to varietal and sowing qualities, mentioned in the document on seeds;

12) keep record of quantity, origin of the seeds sold and used for own needs, their varietal and sowing qualities.

Footnote. Article 14 as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication).

Article 14-1. Requirements, submitted to the activity on conducting approbation of varietal sowings of agricultural plants and expert examination of varietal and sowing qualities of seeds

1. For carrying out of the activity on approbation of varietal sowings of agricultural plants and expert examination of varietal and sowing qualities of seeds, the individuals shall represent copies of documents with notification, confirming:

1) higher or post-secondary education in the following specialties: agronomy, horticulture, soil science and agrochemistry, plants protection and quarantine - for approbators, agronomy, horticulture, processing technology (agriculture), standardization and certification (agriculture) - for seed experts;

2) undergoing special training (courses of approbators – for approbators);

3) details on work or training on probation (no less than two months) in laboratory on the expert examination of the quality of seeds (for seed experts).

2. Approbators and (or) seed experts shall conform to the following requirements:

1) for approbators – existence of:

higher or post-secondary education in the following specialties: agronomy, horticulture, soil science and agrochemistry, plants protection and quarantine;

document on special training (courses of approbators);

2) for seed experts – existence of:

higher or post-secondary education in the following specialties: agronomy, horticulture, processing technology (agriculture), standardization and certification (agriculture);

document on work or training on probation (no less than two months) in laboratory on expert examination of the seed quality and planting material.

Footnote. Chapter 4 is supplemented by Article 14-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 15. The agro-ecological zones for production of seeds of agricultural plants

Footnote. Article 15 is excluded by the Law of the Republic of Kazakhstan dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2).

Article 16. The sale of seed lots

1. The sale and transportation of seed lots shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

2. Seed lots may be in packaged (packed) or unpackaged condition (in bulk) upon their sale and transportation.

3. Upon the sale and transportation of seed lots in packaged (packed) condition, their tare and pack shall have the standard type labels.

4. The sale and transportation of original and elite seeds shall be allowed only in packaged (packed) condition.

5. Upon sale and transportation of seeds in unpackaged condition (in bulk) it shall be required to draw up accompanying documents on these lots with specification of details on the name of a variety of each lot of seeds, origin and quality of seeds.

6. Seed lots, processed by agricultural chemicals and biological preparations shall be in packaged (packed) condition. Tare and pack of these seeds shall have the relevant inscriptions, determining the procedure for handling with such seeds and containing the details on possible negative effects on health of a human and environment.

7. Upon sale and transportation of seed lots it shall be prohibited to specify details on the name of a variety, origin and quality of seeds on tare and packs, labels and in accompanying documents not conforming to reality, as well as distribute deliberately misleading advertisement on seed lots in mass media.

Article 17. Insurance and passing seed funds

Footnote. The heading of Article 17 in edition of the Law of the Republic of Kazakhstan dated 04.12.2015 No. 435-V (shall be enforced dated 01.01.2016).

1. Excluded by the Law of the Republic of Kazakhstan dated 04.12.2015 No. 435-V (shall be enforced dated 01.01.2016).

2. Excluded by the Law of the Republic of Kazakhstan dated 04.12.2015 No. 435-V (shall be enforced dated 01.01.2016).

3. Insurance seed funds represents the stock of seeds of agricultural plants and shall be formed by agricultural goods producers on an independent basis for ensuring the sowing in case of bad harvest.

4. Financial adjustment of seeds represents stock of seeds of winter agricultural plants and shall be formed by agricultural goods producers on an independent basis.

Footnote. Article 17 with the changes made by the Law of the Republic of Kazakhstan dated 04.12.2015 No. 435-V (shall be enforced dated 01.01.2016).

Article 18. The harvesting, treatment, storage and use of seeds

1. Procedure for organization of the harvesting, treatment, storage and use of seeds of agricultural plants shall be determined by the authorized body.

2. Use of seeds that are the object of exclusive rights of a patent holder shall be allowed in the manner, provided by the legislation of the Republic of Kazakhstan.

Article 19. The import of seed lots in the Republic of Kazakhstan and their export from the Republic of Kazakhstan

1. The import of seed lots in the Republic of Kazakhstan and their export from the Republic of Kazakhstan shall be carried out in the manner, established by the legislation of the Republic of Kazakhstan.

2. Excluded by the Law of the Republic of Kazakhstan dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication).

3. Excluded by the Law of the Republic of Kazakhstan dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication).

4. Is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

5. Imported into the Republic of Kazakhstan and exported from the Republic of Kazakhstan seed consignments must be accompanied by the documents, certifying their varietal and sowing qualities, and meet the requirements established by technical regulations and documents on standardization in the field of seed production.

6. Excluded by the Law of the Republic of Kazakhstan dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication).

7. The lots of seeds, imported into the Republic of Kazakhstan shall be subject to state quarantine phytosanitary control and supervision and seed examination in the manner, established by the legislation of the Republic of Kazakhstan.

8. The lots of seeds, imported into the Republic of Kazakhstan must be accompanied by a document, confirming compliance with the rights of a patent holder (license or sublicense contract).

Footnote. Article 19 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2006 No. 209 (the order of enforcement see Article 2); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.11.2015 No. 424-V (shall be enforced after six months after day of its first official publication); dated 05.10.2018 No. 184-IV (shall be enforced upon expiry of six months after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 20. Guarantees of seed quality

1. Seeds realizers shall guarantee the conformity of varietal and sowing qualities to details, mentioned in accompanying documents, confirming their quality.

2. In case of non-conformance of varietal and sowing qualities of seeds to details, mentioned in accompanying documents, the seeds realizers shall bear responsibility, established by the Laws of the Republic of Kazakhstan.

3. The guarantees on acquired seeds shall be valid within the term, established by regulatory legal acts, national standards and other regulatory documents in the field of seed production.

Footnote. Article 20 as amended by the Laws of the Republic of Kazakhstan dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 5. The procedure for determination of varietal and sowing qualities of seeds

Article 21. The determination of varietal qualities of seeds of agricultural plants

1. Determination of varietal qualities of seeds of agricultural plants shall be carried out by means of approbation of crops, soil assessment and laboratory varietal tests according to the requirements established by normative legal acts, documents on standardization, and shall be obligatory for the certified producers of seeds.

2. Varietal sowings of agricultural plants, the seeds from which are intended for selling or use by the subjects of seed production for own seed sowings shall be subject to compulsory approbation.

3. Original and elite seeds of grades of the agricultural plants included in the State register of the selection achievements recommended for use in the Republic of Kazakhstan are subject to ground assessment.

4. The elite seeds and seeds of the first reproduction of grades of the agricultural plants included in the State register of the selection achievements recommended for use in the Republic of Kazakhstan intended for the subsequent realization are subject to bench high-quality experiments.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2); dated 05.10.2018 No. 184-IV (shall be enforced upon expiry of six months after its first official publication).

Article 22. The determination of sowing qualities of seeds

1. Determination of sowing qualities of the seeds which are subject to realization and use for crops is carried out by means of sample drawing of seeds and the subsequent their analysis in laboratories on examination of quality of the seeds accredited in the order established by the Law of the Republic of Kazakhstan “On accreditation in the field of compliance assessment”.

2. Selection of samples from seed lots, being subject to selling shall be carried out by the state inspectors on seed production of local executive body of oblast, city of republican significance and the capital with the participation of a representative of a seed producer.

3. Sample drawing from batches of the seeds intended only for crops is made by seed experts in the application of producers of seeds and (or) producers of seeds (their representatives) who had the corresponding training in laboratories on examination of quality of seeds.

Footnote. Article 22 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.03.2016 No. 479-V (shall be enforced dated 01.01.2018).

Article 23. Documenting of seeds

1. The sale of seeds at internal market upon export and import, as well as use of seeds for sowing without the relevant documents, certifying their varietal and sowing qualities shall not be allowed.

2. Upon sale and transportation, the original, super elite and elite seeds shall be accompanied by seeds attestation, the seeds of the first and the following reproductions – by seeds certificate.

3. In case of using the seeds of own production by subjects of seed production, the documents confirming their varietal and sowing qualities are the approbation statement and certificate of certified seeds or approbation statement and seeds analysis result.

4. The certificate on seeds is given by producers of seeds on the basis of the seeds of the documents confirming their high-quality and sowing qualities (the act of approbation of high-quality crops, the certificate of quality of seeds, results of the analysis of seeds) given by approbator and laboratories on examination of quality for seeds or the certificate.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.03.2016 No. 479-V (shall be enforced dated 01.01.2018).

Article 23-1. General safety requirements upon utilization and destruction of seeds

1. Seeds, recognized improper for use according to their intended purpose following the result of seed expert examination shall be subject to additional treatment, utilization and (or) destruction in the manner, established by technical regulations.

Seeds for the period, required for conducting expert examination and adoption of decision on possibility of their following use or necessity of destruction shall be subject to storage in separate premises in compliance with conditions, ensuring safety.

2. Expenses linked with transportation, storage, expert examination, use or destruction of seeds, unsuitable for use for their intended purpose shall be compensated by their owner.

Footnote. Article 23-1 is supplemented – by the Law of the Republic of Kazakhstan dated 29 December 2006 No. 209 (the order of enforcement see Article 2).

Article 23-2. Requirements to information on safety and quality of seeds

For the purpose of preventing the actions, misinforming the customers in respect of safety of seeds and processes of their life cycle, the seed producers shall be obliged to represent complete and trustworthy information to customers on indicators of safety and quality of seeds.

Footnote. Article 23-2 is supplemented – by the Law of the Republic of Kazakhstan dated 29 December 2006 No. 209 (the order of enforcement see Article 2).

Chapter 5-1. Varietal testing of agricultural plants

Footnote. The Law is supplemented by chapter 5-1 in accordance with the Law of the Republic of Kazakhstan dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2).

Article 23-3. Examination and testing of varieties for patentability and economic utility

1. Patentability and economic utility of varieties of agricultural plants shall be assessed according to the data of state testing and (or) the applicant in accordance with the lists of genera and species of plants, approved by the authorized body.

2. The methods of conducting variety testing for economic utility, distinctness, homogeneity and stability in the context of crops shall be approved by the State commission for variety testing of agricultural crops.

3. Simultaneously with conducting of the variety testing for economic utility, the State commission for variety testing of agricultural crops shall conduct testing for distinctness, homogeneity, stability and draw up an official description by morphological characteristics.

Footnote. Article 23-3 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 23-4. Financing sources of varietal testing of agricultural plants

Financing of expenses on varietal testing of agricultural plants shall be performed at the expense of:

- 1) budget funds;
- 2) funds, received in the manner of paying the services in the scope of state varietal testing;
- 3) funds from sale of products, received in the result of varietal testing of agricultural plants;
 - 3-1) funds, receiving in the manner of paying the services on conducting laboratory varietal testing of original, elite seeds and seeds of the following reproductions;
 - 3-2) funds from sale of printed publications and information bulletins in the field of varietal testing of agricultural plants;
- 4) other sources, not prohibited by the legislation of the Republic of Kazakhstan.

Footnote. Article 23-4 as amended by the Law of the Republic of Kazakhstan dated 10.01.2011 No. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 6. Resolution of disputes and responsibility in the field of seed production

Article 24. Resolution of disputes upon carrying out of the activity in the field of seed production

Disputes arising upon carrying out of the activity in the field of seed production shall be resolved in accordance with the legislation of the Republic of Kazakhstan.

Article 25. Responsibility for violation of the legislation of the Republic of Kazakhstan on seed production

Violation of the legislation of the Republic of Kazakhstan on seed production shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

Footnote. Article 25 is in the wording of the Law of the Republic of Kazakhstan dated 11.12.2009 No. 229-IV (the order of enforcement see Article 2).

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