

**Law no. 2003/5**

## **SEED LAW OF KOSOVO**

**The Assembly of Kosovo,**

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) regulation no. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo, as amended,

Pursuant to the authority vested through UNMIK Regulation No. 2001/9 dated May 15 2001 in the Constitutional Framework for Provisional Self-Government,

For the purpose of regulating the production and marketing of seeds of agricultural crop varieties hybrids and seed potatoes.

**Hereby promulgates the following:**

### **I GENERAL PROVISIONS**

#### **Article 1**

#### **The Kosovo legislation on the production and marketing of seeds of crop varieties, seedling and seed potatoes in agricultural production**

This law regulates the issues regarding production and marketing of seeds of crop varieties and seed potatoes in agricultural production

#### **Article 2**

#### **Scope of the Law**

This law is applicable to the seeds of agricultural crop varieties and seed potatoes, both national and imported of the kinds listed in Schedule 1 of this law, intended for production and marketing in Kosovo.

#### **Article 3**

#### **Definitions of fundamental terms used in this law**

The terms used in this law have the following meaning:

- (a) Variety - means a plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of breeder's right are fully meant, can be:
  - (i) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes
  - (ii) distinguished from any other plant grouping by the expression of at least one of the mentioned characteristic
  - (iii) considered as a unit with regards to its suitability for being propagated in unchanged manner

- (b) Open pollinated variety - means a sufficiently uniform and stable variety.
- (c) Inbred line - means a sufficiently uniform and stable line, obtained either by artificial self-fecundation together with selection of several successive generations or by relevant actions.
- (d) Single cross hybrid - means the first generation of a cross between two inbred lines.
- (e) Double cross hybrid - means the first generation of a cross between two single cross hybrids, defined by the maintainer.
- (f) Three way cross hybrid - means the first generation of a cross between either an inbred line or a single cross hybrid, defined by the maintainer.
- (g) Top cross hybrid - means the first generation of a cross between either an inbred line or a single cross hybrid and an open pollinated variety, defined by the maintainer.
- (h) Inter-varietals hybrid - means the first generation of a cross between plants grown from Basic Seeds of two open pollinated varieties, defined by the maintainer.
- (i) Distinctness - a variety is distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of the filing of the application or, where relevant, at the priority day.
- (j) Uniformity - a variety is uniform if, the subject to the variation of features that may be expected during propagation, it is uniform in its relevant characteristics.
- (k) Stability - a variety is stable if its main characteristics remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.
- (l) Kosovo seed list - a seed list of varieties permitted for marketing in Kosovo.
- (m) Plant breeder's rights - the holder of plant breeder's rights in a plant variety shall have the exclusive right to do and to authorise others to do, as follows:
  - (i) to sell the reproductive material of plant variety in Kosovo.
  - (ii) to produce the reproductive material of the plant variety in Kosovo for the purpose of selling it.
- (n) Value for cultivation and use - the positive qualities of the plant variety that in comparison with the qualities of existing plant varieties included in the Kosovo Seed List of Varieties, brings profit from cultivation of crops or products produced from them. For this purpose the quality of new variety shall be taken as a whole with all the favourable qualities and not only one positive feature.
- (o) Breeder - means the person or organisation, who has bred or discovered and developed a variety.

- (p) Seeds - the seeds of cereals, oil plants, fodder plants, vegetables, industrial crops, medicinal plants, aromatic plants, seedlings of vine, trees, forest seedlings and seed potatoes.
- (q) Maintainer - the natural or legal entity who is included in the Kosovo Seed List as being responsible for maintaining a variety in accordance with the basic characteristics to which regard was when that variety entered in the Kosovo Seed List.
- (r) Breeder's seed - means seeds of a generation earlier than that of Pre-basic seed which have been produced by or under the responsibility of a maintainer carrying out in Kosovo the duties of a maintainer set out in definition (q) of this law.
- (s) Pre-basic seed (Super elite) - means seeds of a generation earlier of than that of Basic seed (Elite seed) which have been produced by or under the responsibility of the maintainer from Breeders seed.
- (t) Basic seed (Elite seed) - means seeds which have been produced by or under the responsibility of the maintainer from Pre-basic seed (Super elite).
- (u) Certified seed of the First Generation (C1) - means seeds which have been produced directly from Basic seed (Elite seed).
- (v) Certified seed of the Second Generation (C2) - means seeds which have been produced directly from Certified seed of the First Generation, which are intended mainly for production of plants or parts of plant for human or animal consumption.
- (w) Certified seed- means seeds which have been produced directly from Basic seed (Elite seed) which are intended mainly for production of plants or parts of plant for human or animal consumption. Certified seeds includes hybrid seed of the types of hybrid set out in definitions (d), (e), (f), (g) and (h) of this law.
- (x) Standard seed - means seeds of vegetables, which are intended mainly for production of plants or parts of plant for human or animal consumption.
- (y) Seed quality - means quality specification of the seed quality (purity, germination, percentage of sprouting, percentage of content of other plant species, seed health) certified by the official certificate.
- (z) Field inspection of the seed crops - for determining the varietal identity and varietal purity of seed crops.
- (aa) Official certificate - official document certifying that the quality of the seeds is such that the seeds satisfy the seeds marketing standard.
- (bb) Seed test Report - official document certifying the results of laboratory analyses for determining the quality of the seed.
- (cc) Seed Lot - means an identifiable consignment of seed of a weight not exceeding the specified in the seeds marketing Sub-legal act.

- (dd) The Minister - means Minister of Ministry of Agriculture, Forestry and Rural Development (MAFRD)
- (ee) Seed producer - means a person engaged in the production of seeds and registered in accordance with a Seed Registration and Licensing Enforcement Sub-legal act.
- (ff) Seed merchant - means a person engaged in the business of trading in seeds and registered in accordance with a Seed Registration and Licensing Enforcement Sub-legal act.
- (gg) Seed Packer - means a person engaged in the business of packing and repackaging seeds and registered in accordance with a Seed Registration and Licensing Enforcement Sub-legal act.
- (hh) Seed processor - means a person engaged in the business of cleaning, treating or otherwise processing seeds intended for marketing and registered in accordance with a Seed Registration and Licensing Enforcement Sub-legal act.
- (ii) Sub-legal act - means Ministerial sub-legal acts promulgated in accordance with this law by the Minister or promulgated by the Government upon the recommendation of the Minister.
- (jj) Seeds division - means the Seeds division of the Department of Plant Production and Protection of Ministry of Agriculture, Forestry and Rural Development responsible for all matters relating to the production, certification, testing and marketing of seed.
- (kk) Plant Variety Rights Office - means the Plant Variety Rights Office of MAFRD responsible for all matters relating to the granting of Plant Breeder's Rights and Kosovo Seed Lists.
- (ll) UPOV - means the International Union for the Protection of Varieties of Plants.

## **II KOSOVO SEEDS LIST AND PAN BREEDER`S RIGHTS**

### **Article 4**

#### **Variety application for Kosovo Seeds List and the granting of Plant Breeder's Rights**

The Ministry of Agriculture, Forestry and Rural Development (MAFRD) respectively Department of Production and Plant Protection shall be responsible for handling all applications for entry of varieties in Kosovo Seeds List and shall also be responsible for the granting of Plant Breeder's Rights.

Plant Variety Rights Office shall be established by MAFRD to administer all matters relating to the Kosovo Seeds List and the granting of Plant Breeder's Rights.

## **Article 5** **Functions and the duties of the Plant Variety Rights Office**

The Plant Variety Rights Office shall receive and consider all applications for the addition of agricultural crop varieties to the Kosovo Seeds List and all application for the granting of Plant Breeder's Rights

DPPP shall take the final decision to grant Plant Breeder's Rights regarding the presentation of a variety.

The Plant Variety Rights Office shall be entitled to charge fees to the applicants for the following services:

- (i) fees for application and registration of plant varieties in the Kosovo Seeds List.
- (ii) fees for testing of plant varieties for Distinctness, Uniformity and Stability (DUS) and for Value for Cultivation and Use (VCU)
- (iii) fees for appeals against the decision taken Committee of Kosovo Seeds List.

## **Article 6** **Filing an application for Kosovo Seeds List**

1. Filing of an application for Kosovo Seeds list of a plant variety shall be the right of a breeder of the plant variety or his/her legal successors. Such application shall be filed with the Plant Variety Rights Office.

2. The application for Kosovo Seeds List shall include:

- (a) a completed application form for the Kosovo Seeds List of Variety;
- (b) a plant variety technical questionnaire given details of the agronomic and morphological characteristics of the variety;
- (c) A receipt showing payment of the fee for the formal review of the application for Kosovo Seed List within a period of one month from the date of filing the application.

3. The application for Kosovo Seeds List of agricultural crop variety shall refer to one plant variety only.

4. The application shall be filed in the official spoken languages of Kosovo.

5. The Plant Variety Rights Office shall publish on a regular basis in the Official Gazette details relating to all applications received for the addition of plant varieties to the Kosovo Seeds List.

**Article 7**  
**Requirements relating to the Application for Agricultural Crop Varieties for Kosovo Seeds List**

1. The application for Kosovo Seeds List of an agricultural crop variety shall be accepted if the variety:
  - (a) has an approved name.
  - (b) is different from all the known varieties.
  - (c) is uniform in terms of composition.
  - (d) is stable with generations.
  - (e) if the species to which the plant variety belongs is entered in the list of botanical families and species governed by the law (see Schedule 1).

**Article 8**  
**Test of a Plant Variety for inclusion in the Kosovo Seed List**

1. Testing a plant variety for distinctness, uniformity and stability (DUS) is conducted by the entity authorized by MAFRD.
2. The DUS test shall be conducted over two growing seasons (two years) and shall be conducted according to the International Union for the Protection of New Varieties of Plant (UPOV) guidelines.
3. In the case of a plant variety that is already included in a National List of another country that is member of UPOV, the Plant variety Rights Office shall obtain the official DUS report from the Registration Authority that carried out the DUS test on the plant variety.
4. The Plant Variety Rights Office has the right to enter into bi-lateral arrangements with other UPOV member countries in order to carry out the DUS tests on plant varieties that have been bred in Kosovo.
5. The value for cultivation and use (VCU) of a plant variety shall be determined by performance testing its agronomic characteristics over two years and comparing its performance with appropriate existing "control" varieties.
6. The value for cultivation and use (VCU) of a crop variety shall not apply to:
  - (a) varieties of vegetables.
  - (b) varieties of grass not intended to feed animals, or
  - (c) any plant variety intended for ultimate sale only in another country, which has already accepted it, having regard to its value for cultivation and use.
7. Testing a plant variety for its value for cultivation and use (VCU) is conducted on two separate trial sites, by the entity authorized by MAFRD.
8. For the purposes of carrying out VCU trials and DUS tests, the applicant shall:
  - (a) supply the required quantity of seeds free of charge.
  - (b) ensure supply of seeds at a specified address by the appropriate closing date.

9. If a plant variety is determined by the results of the testing as having acceptable value for cultivation and use, when its overall performance is compared with existing “control” varieties, the proposed decision with attached documentation, shall be submitted, by the Plant Variety Rights Office to the Kosovo Seeds List Committee for the final decision to be taken whereas the proposal will be published in the official gazette.
10. The Kosovo Seeds List Committee shall consist of 5 members appointed by the Ministry of Agriculture, Forestry and Rural Development. Two of its members should be from government agencies and three members from non-government organizations. All members must have substantial experience in agriculture. The Kosovo Seeds List Committee shall be competent for taking the final decision which varieties are to be qualified for Kosovo Seeds List.
11. Applicants or their authorised representatives will be allowed to inspect registration plots of their candidate varieties at the DUS and VCU trial locations during the growing season.
12. The Kosovo Seeds List of Agricultural Crop Varieties shall be published annually by the Plant Variety Rights Office.
13. The Kosovo Seeds List shall be published in the official gazette and will include the main agronomic characteristics of each plant variety.
14. The Kosovo Seeds List Committee has the right to restrict the number of varieties of each crop kind that shall be included in the Kosovo Seeds List Committee.
15. Only those varieties that are included in The Kosovo Seeds List shall be eligible to be marketed in Kosovo. The Seeds Marketing sub-legal act promulgated by the Minister shall set out the requirements for the marketing of kinds of seeds for the time being produced and marketed in Kosovo.

#### **Article 9** **Removal of a variety from the Kosovo Seeds List**

1. The Kosovo Seeds List Committee shall be entitled to remove a plant variety from the Kosovo Seeds List if:
  - (a) of the variety is likely to affect adversely the health of any persons, animals or plants.
  - (b) the maintainer is no longer willing to maintain the variety.
  - (c) a variety fails to retain its distinctness, uniformity and stability (DUS).
  - (d) the maintainer fails to supply seeds for a repeat set out of VCU trials, which shall be conducted at least once every 10 years.
  - (e) the approved name of a variety is cancelled without proposing a new one.

(f) if a payable fee in respect of the retention of that variety in the Kosovo Seeds List has not been paid.

(g) the scale of cultivation of the variety is such that the retention of the variety in Kosovo Seeds List could not be justified, taking into account the length of time for protection of the variety in Kosovo Seeds List.

(h) the Kosovo Seeds List Committee shall consider that the variety has been surpassed in terms of its value for cultivation and use compared with the performance of other varieties of the same kind.

2. The Kosovo Seeds List Committee may, if it appears necessary or desirable, allow a period expiring not later than 30 June of the third year following the removal of a plant variety from the Kosovo Seeds List during which seed of that variety, being seed which was in course of being produced or which was produced before the date of such removal, may be marketed in such a manner as would have been lawful had the variety remained in the Kosovo Seeds List during such period.

3. The Plant Variety Rights Office shall publish a notice in the official gazette stating whether or not there is a period during which seed of a plant variety which has been removed from the Kosovo Seeds List may be marketed in accordance with paragraph 2 of this Article, and, if there is such period, the date on which that period expires.

#### **Article 10**

#### **The Kosovo Seeds List decisions, publications and records to be kept by the Plant Variety Rights Office**

1. The Plant Variety Rights Office shall be responsible for:

(a) receiving applications for the legal protection of the candidate varieties, considering the applications and decision taking and issuing protecting documents for the candidate varieties.

(b) receiving applications for the Kosovo Seeds List of the candidate of varieties, considering the applications and implementing the testing procedures.

2. All matters relating to plant variety applications and proposed decisions, after the completion of the DUS tests and VCU trials, shall be published in the gazette of the Plant Variety Rights and the Kosovo Seeds List.

3. The Plant Variety Rights Office shall publish annually the results of the VCU trials, at the end of each registration listing year, if the applicants give their agreement.

4. The Plant Variety Rights Office shall keep in respect of each of the plant varieties entered in the Kosovo Seeds List a record of:

(a) the name of the variety and any other name under which the variety is marketed in another country.

(b) the kind to which the variety belongs



- (c) an indication of the characteristics of the variety including (except in the case of vegetables and of grasses where the maintainer of the variety has declared that seeds of that variety are not intended for fodder production) those determining its value for cultivation and use.
  - (d) the date of the entry of the variety in the Kosovo Seeds List and the date of any renewal of such entry.
  - (e) the date of the expiry of such entry, and
  - (f) the name and the address of the maintainer of the variety, or, where there is more than one maintainer, an indication of the source from which these names and addresses may be obtained.
5. The record kept in accordance with paragraph 4 of this Article, shall be available for inspection by any person at the offices of the Ministry of Trade and Industry.
6. The Plant Variety Rights Office shall maintain a file for each plant variety entered in the Kosovo Seeds List.
7. The file shall include a description of a plant variety and a summary of the facts in reliance on which such variety was entered in the Kosovo Seeds List.
8. The authorized entity shall maintain a collection of reference samples of all varieties included in the Kosovo Seeds List.

### **Article 11** **Appeals procedure**

1. All decisions, made by the Department of Plant production and Protection in respect of the granting of Plant Breeders' Rights to a crop variety can be the subject of an appeal by written representations, submitted to the Plant Variety Rights Office.
2. All decisions, made by Kosovo Seeds List Committee in respect of an application for Kosovo Seeds List of a crop variety can be the subject of an appeal by written representations, submitted to the Plant Variety Rights Office.
3. Written appeals shall be considered initially by Kosovo Seeds List Committee. Kosovo Seeds List Committee shall consider the written representations and shall either confirm the original decision or find in favor of the written representations. The decision of Kosovo Seeds List Committee shall be published in the gazette.
4. An interested party who is not satisfied by the decision may appeal to an Appeal Board.
5. The Minister shall appoint an Appeal Board for each appeal consisting of three independent members, who are not employees of government agencies; including on expert in legal issues and administrative law, and two experts qualified in agricultural science.
6. An Appeal Board shall have the power to prescribe its own rules of procedures.

7. The Appeal Board may appoint one or more persons with expert knowledge to serve in an advisory capacity, either generally or with regard to a specific case or cases.
8. The Appeal Board may conduct investigations if it deems it necessary to do so, and may hold a hearing of the appeal or decide based on written submissions, in its discretion.
9. The Appeal Board may confirm or vary any decision or action of DPPP and Kosovo Seeds List Committee.
10. The Appeal Board shall give the reasons for its decision in writing, and copies thereof shall be furnished to the applicant, the Plant Variety Rights Office and Kosovo Seeds List Committee and any other interested party.

### **III PRODUCTION, CERTIFICATION, TESTING AND MARKETING OF SEED**

#### **Article 12**

#### **Control of Production, Certification, Testing and Marketing of Seed**

1. The control of Seed Production, Seed Certification, Seed Testing and Seed Marketing shall be carried out by MAFRD.
2. The Department of Plant Production and Protection established by MAFRD shall have responsibility for:
  - (a) ensuring that reliable and adequate information is afforded as to the nature, condition and quality of seeds which are marketed or are being offered for marketing.
  - (b) Preventing the marketing of seeds which are deleterious and preventing the marketing of seeds have not been tested purity and germination or which are of a variety which is not included in Kosovo Seeds List.
  - (c) Preventing the spread of plant disease by the marketing of seeds.
  - (d) Regulating the description under which seeds are marketed.
  - (e) Anything which is regulated under Part III of this Law, may be defined by sub-legal acts on seeds.
  - (f) Enforcement of all sub-legal acts on seeds drafted under this Law and informing the Department of Plant Production and Production of any breaches of these sub-legal acts.
  - (g) The production of seed certification statistics relating to the quantities of seed certified by variety and by species from each harvest year.
  - (h) The keeping the records for all seed lots that are being multiplied for further seed production in Kosovo.

- (i) The keeping of records for all crops that are being entered for certified seed production in Kosovo.
- (j) Ensuring that all the seed crops are inspected at the appropriate stages of growth by suitably qualified crop inspectors.
- (k) Ensuring that crop inspection reports forms for the crop that have been inspected are properly completed and duly lodged at the Department of Plant Production and Protection of MAFRD by appropriate closing dates.
- (l) Taking decisions as to whether or not the seed crops can be approved for certified seed production and conveying those decisions to the applicants who entered the crops into the certification scheme.
- (m) Defining rules for the labeling and sealing of packages of certified seed.
- (n) Defining the rules for the sampling and testing of seed lots.
- (o) Scrutinizing the results of the seed tests to ascertain whether the seed lots meet the standards for certification and marketing.
- (p) Issuing official certificates for seed lots complying with the standards prescribed in the sub-legal acts.
- (q) Issuing official rejection notices for seed lots not complying with the standards prescribed in the seeds marketing sub-legal acts.
- (r) Making arrangements with the authorized entity for the sowing of representative samples, in post control plots, of all seed lots that are being multiplied for further seed production in Kosovo.
- (s) Defining the rules for keeping the records of post control plots.
- (t) Comparing the post control plot findings, in terms of varietal identity and varietal purity, with the findings in crops sown with the same seed lot and if necessary rejecting the crops on the basis of the plot findings overriding the results of crop inspections.
- (u) Keeping records of all seed lots certified by the Department of Plant Production and Protection of MAFRD.
- (v) Maintaining a computerized data base of all crops and all seed lots certified and marketed in Kosovo.

### **Article 13** **Crop Inspection of Seed Crops**

1. Crops entered for the production of Pre-basic Seed and Basic Seed shall be inspected by the officers of MAFRD.

2. Crops entered for the production of Certified Seed, Certified Seed of the First Generation and Certified Seed of the Second Generation shall be inspected by officers of MAFRD and if necessary may be inspected by licensed crop inspectors. Such persons are to be licensed in accordance with sub-legal acts.

3. Crop inspectors shall be carried out in accordance with sub-legal acts.

#### **Article 14 Labeling of Seed Packages**

A package of Breeders Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation and Certified Seed of the Second Generation shall have affixed on the outside an official label, containing as appropriate to the seeds, particulars of the matters specified and being of at least the size and color as specified in sub-legal acts.

#### **Article 15 Sealing of Packages**

No person shall market a package of Breeders Seed, Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, unless it has been, not later than at the time of sampling, sealed by or under the supervision of a person authorized by DPPP in such a manner that when a package is opened, the sealing device will be broken and can not be re-used.

#### **Article 16 Sampling of a Seed Lot**

A sample of seeds taken for the purposes of an official examination shall be taken in accordance with the criteria foreseen in sub-legal acts on Seed Marketing in Kosovo.

#### **Article 17 Seed Testing**

1. The testing of samples to determine whether or not the seed quality standards prescribed for a particular kind or category of seed have been satisfied, shall be undertaken by an authorized entity in accordance with sub-legal acts.

2. The seed tests shall be carried out according to the International Seed Testing Association methods.

3. A copy of the seed test report, for each sample tested, shall be made available to the processor of the seed and the Department of Plant production and Protection of MAFRD.

4. In the event that the test results indicate that the seed lot does not meet the seed quality standards prescribed for a particular kind or category of seed, as defined in the Seeds Marketing sub-legal acts in Kosovo; MAFRD may give permission for the seed lot to be re-sampled and to be re-tested.

5. The residue of the sample that remains after the appropriate seed tests have been carried out shall be used to sow the post control plots.

#### **Article 18**

#### **Records to be kept by seed producers, seed merchants, seed packers and seed processors**

1. Only persons registered in accordance with sub-legal acts shall be permitted to produce seeds, pack seeds, re-pack seeds, process seeds and market seeds in Kosovo.
2. A person registered as a seed producer, a seed merchant, a seed packer or a seed processor shall keep and maintain proper records of his transactions in seeds and of the treatment, testing and other operations undertaken by them or on their behalf in relation to any seeds; and their continued registration shall be conditional upon his giving to the Department of Plant Production and Protection such information as it may reasonably require and to his permitting at any reasonable time, an officer or team to inspect and take copies of any such records and to inspect the premises, machinery, equipment and facilities available for the carrying on of the business in respect of which he is registered.

### **IV CONTROL OF IMPORTED SEED AND SEED POTATOES**

#### **Article 19**

#### **Seeds Permitted Importation into Kosovo**

1. Seeds of a variety that is included in Kosovo Seeds List shall be permitted for importation and marketing in Kosovo. The importation of seeds of a variety that is not included in Kosovo Seeds List shall not be permitted.
2. Seeds, which have been produced and packaged in a country other than Kosovo, certified under the relevant Organization for Economic Co-operation and Development (OECD) Seed Scheme and which have satisfied the European Union Rules and Standards, in respect of the physical quality of the seed shall be permitted for importation into Kosovo. The standards that must be met by the imported seeds shall be defined in a sub-legal act promulgated by the Government upon the recommendation of the Minister.
3. The seeds shall be in sealed packages, labeled with OECD labels, according to the category of seed and the labels shall be over marketed with the words "EC Rules and Standards".
4. All separate seed lots within a consignment of seeds must be accompanied by:
  - (a) an OECD Seed Lot Certificate.
  - (b) an International Seed Lot Certificate issued under the Rules of the International Seed testing Association (ISTA).
  - (c) a Phytosanitary Certificate issued by the Plant Health requirements of Kosovo.
5. Seeds used or to be used for research or experiment and seeds used or to be used in the course of a process of selection shall be permitted to be imported, providing that written

notification has been sent, in advance, to the Department of Plant Production and Protection of MAFRD. MAFRD may impose restrictions on the amount of seeds permitted to be imported in a particular case.

## **Article 20**

### **Seed Potatoes permitted for importation into Kosovo**

1. Seed Potatoes of a variety that is included in Kosovo Seeds List shall be permitted for importation and marketing in Kosovo. The importation of seed potatoes of a variety that is not included in Kosovo Seeds List shall not be permitted.
2. The standards that must be met by imported seed potatoes shall be defined in a sub-legal act promulgated by the Government upon the recommendation of the Minister.
3. All consignments of seed potatoes shall be in sealed containers, labeled with the labels and accompanied by information conforming to the requirements specified in sub-legal acts.
4. The Department may decide to permit the importation of certified seed potatoes from a country that participates in the International Seed Potato Certification Scheme under auspices of the United Nations/ Economic Commission for Europe (UN/ECE), providing that seed potatoes in question have met the quality standards prescribed by European Union in all respects.
5. Seed potatoes used or to be used for research or experiment and seed potatoes used or to be used in the course of a process of selection shall be permitted to be imported, providing that written notification has been sent, in advance, to the Department of Plant Production and Protection of MAFRD. MAFRD may impose restrictions on the amount of seed potatoes that are imported.

## **Article 21**

### **Inspection of consignments of seed and seed potatoes at the border crossing points into Kosovo**

1. Government Officials, at the border crossing points into Kosovo, shall inspect the documentation accompanying all consignments of seed and seed potatoes.
2. Having confirmed that the consignments is of seed or seed potatoes, Government Officials shall pass the documentation to officials of the Seed and Plant Health Inspectors who shall examine that documentation to ensure it complies with the standards specified in sub-legal acts.
3. A consignment of seed or seed potatoes that is accompanied by satisfactory documentation shall be permitted to proceed to its final destination in Kosovo; provided that the Seed and Plant Health Inspectors officials are satisfied that the prescribed quality standards have been met for all the individual lots making up the consignment.
4. A consignment of seed or seed potatoes that is not accompanied by the satisfactory documentation or is found not to have satisfied the prescribed quality standards shall be refused entry into Kosovo.

## Article 22

### Inspection of consignment of seed and seed potatoes at the final destination in Kosovo

1. Upon the arrival at the final destination, the consignment of seeds shall be unloaded and separated into individual seed lots and checked to ensure the individual Seed Lots comply with the standards specified in sub-legal acts.
2. An inspection of each package of each individual seed lot shall be made by an official of the Department of Plant Production and Protection of MAFRD to ascertain that the seed packages are correctly sealed and labeled in accordance with the relevant sub-legal acts.
3. Packages that have been damaged in transit, packages that have not been correctly labeled, packages that have not been sealed, and any packages of seed found to have a different seed lot reference number from relevant reference number shall be removed and shall not be permitted to be marketed in Kosovo.
4. Upon arrival at the final destination, the consignment of seed potatoes shall be unloaded and separated into individual lots and checked to ensure that the individual lots comply with the standards specified in sub-legal acts.
5. In inspection of each package of each individual lot of potatoes shall be made by the official of the Department of Plant Production and Protection of MAFRD to ascertain that the packages are correctly sealed and labeled and that the label numbers agree precisely with the relevant label numbers set out in the Certificate on inspection of seed potatoes.
6. Packages of seed potatoes found to have a different producer's identification number from the relevant number shall be removed and shall not be permitted to be marketed in Kosovo.
7. In the case of a seed lot that is to be multiplied in Kosovo for further seed production, the official of the Department of Plant Production and Protection of MAFRD shall draw a representative sample of the seed lot, and forward it to the authorized entity for sowing in post control plots.
8. In the case of a seed lot or a lot of seed potatoes where there is doubt as to the quality of the seed or the seed potatoes, as a result of the final destination inspection, the official of the Department of Plant Production and Protection of MAFRD shall draw a representative sample of the seed lot or the lot of seed potatoes and forward it to the authorized entity for testing.
9. A seed lot or a lot of seed potatoes found not to have satisfied the quality standards prescribed in sub-legal acts shall not be permitted to be marketed in Kosovo and the importer of the seed shall be required to pay for the seed lot or lot of seed potatoes to be returned to the country of origin.

**Article 23**  
**Export of seeds and seed potatoes from Kosovo**

1. Consignments of seeds and seed potatoes exported from Kosovo shall be certified by the seed Division of the department of Plant production and protection of MAFRD.
2. Individual seed lots and individual lots of seed potatoes shall be certified in accordance with a sub-legal act.

**Article 24**  
**Penalties**

1. A natural or legal person who produces seeds, packs seeds, re-packs seeds, processes seeds or markets seeds in Kosovo and is not registered pursuant to this Law shall be subject to a fine of up to 15,000 Euro for the first offence and 50,000 Euro for any subsequent offenses.
2. In addition to any other penalties that may be applied under this Law, the court may impose upon a natural or legal person registered or eligible to be registered under this Law a fine of up to 50,000 Euro for failing to comply with the procedures and standards specified in this Law or sub-legal acts issued pursuant to this Law.
3. In addition to any other penalties that may be applied under this Law, the court may impose upon a natural or legal person not registered or not eligible to be registered under this Law a fine of up to 15,000 Euro for failing to comply with the procedures and standards specified in this Law or sub-legal acts issued pursuant to this Law.

**V FINAL PROVISIONS**

**Article 25**  
**Revenues generated**

Revenues generated, fees collected or penalties shall be forwarded to the Ministry of Economy and Finance for depositing in the Kosovo Consolidated Budget.

**Article 26**  
**Entry into force of this Law**

This Law shall enter into force after its approval by the Assembly of Kosovo, signature of the President of the Assembly and promulgation by the Special Representative of Secretary General.

**UNMIK/REG/2003/10**  
**15.04.2003**