

Seed Regional Harmonization: Country Case Studies and Regional Test Cases

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Outline

- Why regional harmonization
- What progress has been made?
- Our observations and findings by region
- Summary and outlook

Harmonization helps create a larger and more intergrated market

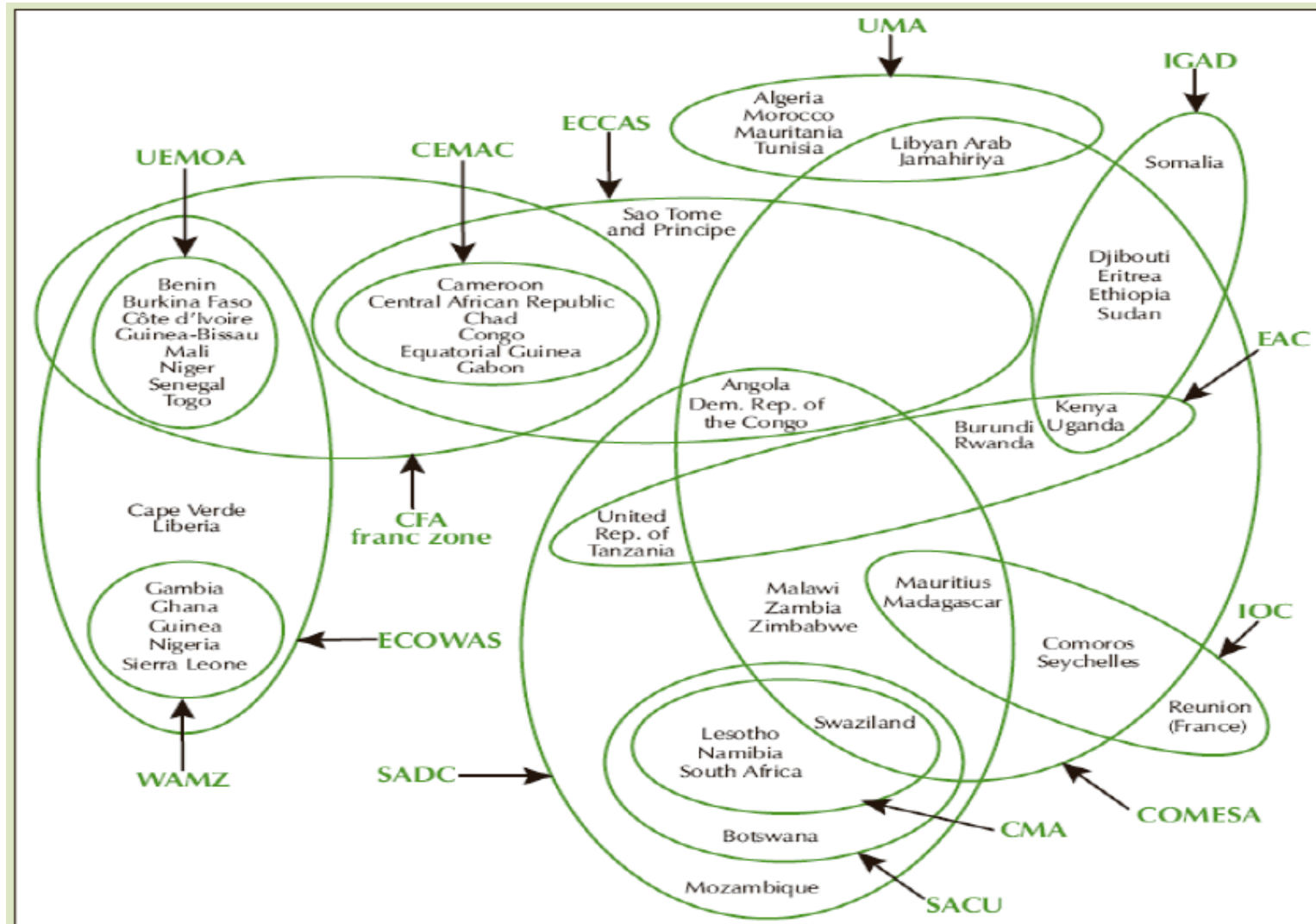
- Fragmented market, slow variety registration, high costs
- Mutual recognition of variety registration, easier seed movement, simplified custom procedures, access to seeds

	Actual time to variety release (years)			Time from release to time seed is available to farmers in significant quantities (years)
	Mean	Min	Max	Mean
Kenya	3.1	1.5	6	2.4
Malawi	3	2	7	1.9
Tanzania	2.2	1	3	2
Uganda	2.2	1	4	2.1
Zambia	2.1	1	3.5	2.5
Zimbabwe	2.2	1	3	2.4
South Africa	2	2	2	2.5
Ghana	2	2	2	2
Nigeria	3	4	3	0.03

Source: DTMA seed sector survey, 2007/2008

How to integrate and harmonize at sub-regional level?

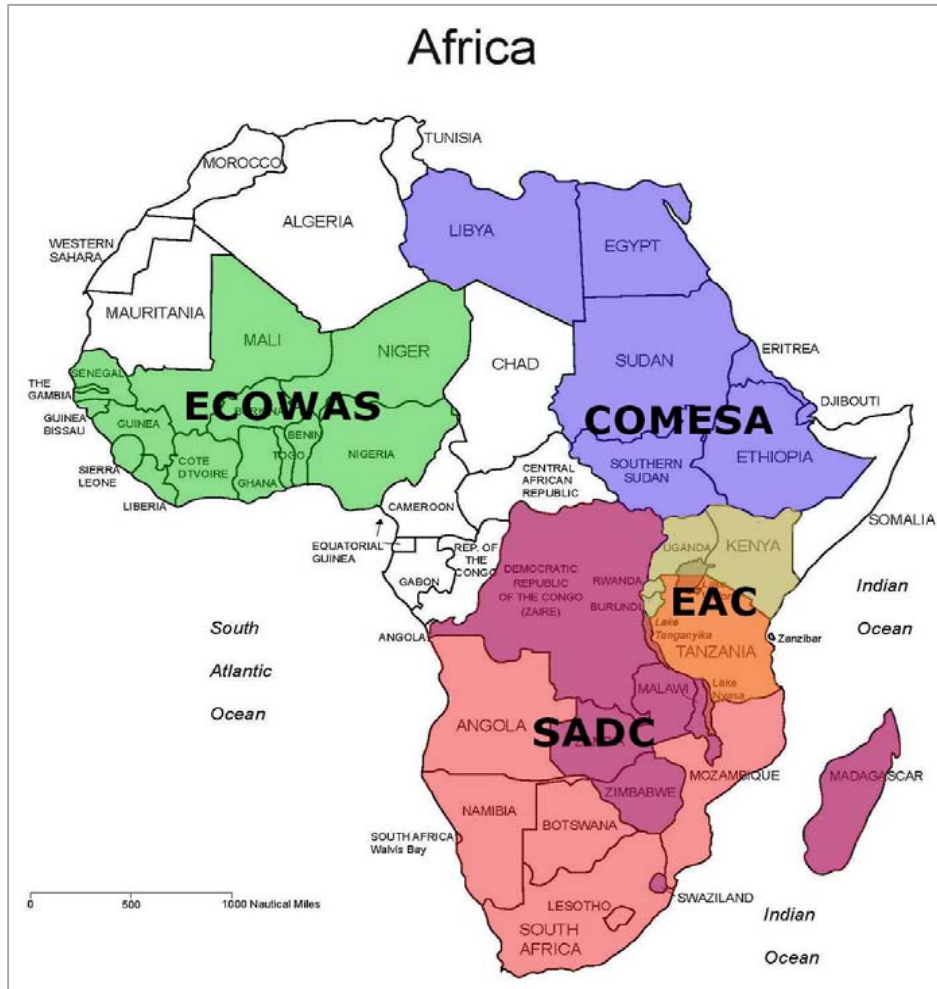
Overlapping Sub-Saharan African Regional Blocks



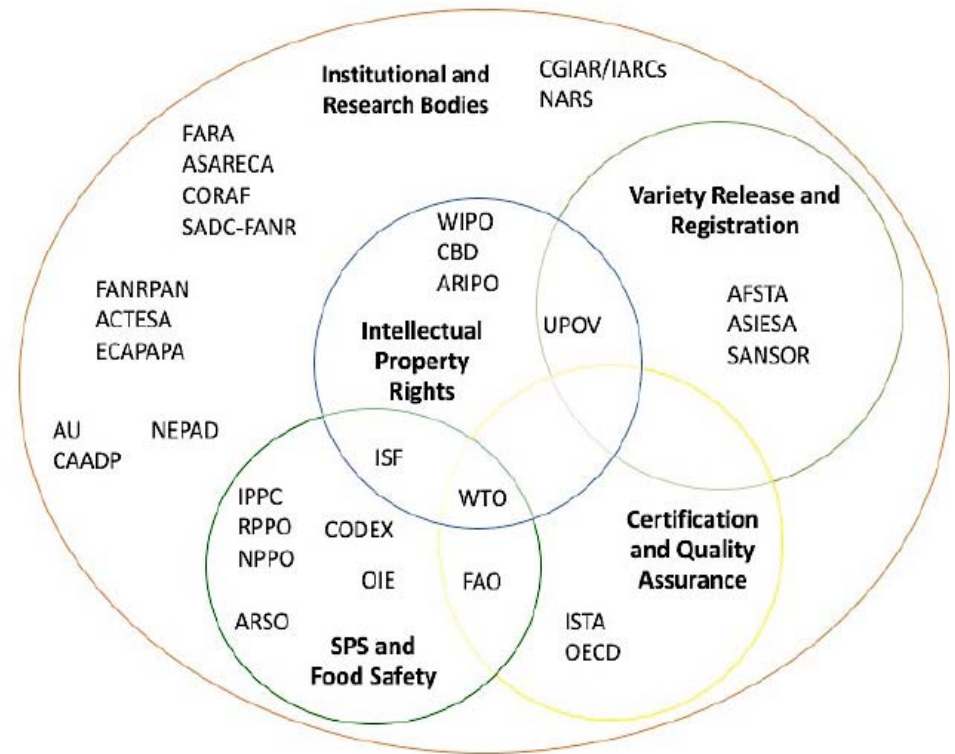
Source: NML, 2014

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Seed policy harmonization – SFSA focuses on 4 major RECs



Interrelationship among institutional Actors



Source: NML, 2014

ECOWAS (15), COMESA (19), EAC (5), SADC (15)
The latter three have joined the Tripartite Free Trade Area.

What have we done?

- **Harmonizing Regional Seed Regulations in Sub-Saharan Africa: A Comparative Assessment, 2014**

- **Country case studies to assess the implementation of regional harmonization at national level, 2015**

- Kenya
- Zimbabwe
- Ghana

- **Regional test cases with seed companies and breeding institutes, 2016-17**

Main observations at the REC level

- Each REC has notable efforts underway. The four RECs (ECOWAS, COMESA, the EAC, and SADC) are in varying stages of harmonizing seed variety release and registration, certification, and SPS measures.
- The most significant factor affecting implementation is domestication; changes in national level legislation or regulation are required in order for harmonization to take full effect.
- The RECs overlap to a significant degree, which will make implementation increasingly difficult over time.
- Notable differences across RECs: the EAC's legal instruments are automatically binding upon member states, while SADC's measures are largely voluntary

East African Community (EAC)

The ASARECA / EAC system

- allows for expedited variety release: after one season of NPT/VCU in a second (or third) EAC country
- Kenya, Uganda, and Tanzania have streamlined regional variety release and registration, certification, SPS processes

Challenge: differences in institutional capacity within different countries

Third Country Data Use in Variety Release in East Africa

Country Accepting Variety Data	Crop/Variety	Country of Origin	Year Variety Release
Tanzania	Seed Potato (4 varieties from International Potato Center)	Kenya	2012
Rwanda	Maize (Pannar 618)	Kenya, Tanzania	2011
Uganda	Sunflower	Kenya	TBD
Kenya	Sweet Potato (4 varieties)	Uganda	TBD
Kenya	Rice	Tanzania	TBD

Source: Authors' research and interviews.

Common Market for Eastern and Southern Africa (COMESA)

- COMESA Variety Catalogue up and running
- A variety registered in one COMESA member country can be entered into the COMESA Variety Catalogue following **one season of NPT/VCU** testing in the **second member** state's market
- A variety registered in two COMESA member states can be entered into the COMESA Variety Catalogue with an application containing the appropriate DUS and VCU data.

Challenges: marketing consent for varieties on regional catalogue institutional and technical capacities vary; different levels of harmonization under UPOV; Third Country Data Sharing

Country/Region for Variety Release	Crop/Variety	Country of Origin	Year Variety Release
COMESA (Test Case)	Seed Potato (3 varieties)	Egypt, Zambia, and Kenya	2016 in COMESA Catalogue
COMESA	Maize (11 varieties)	Zimbabwe, Zambia etc.	2016 in COMESA Catalogue

Kenya case study highlights

- Kenya – a member of both EAC and COMESA, a signatory to WTO and UPOV, has ISTA accredited labs
- Well-developed seed laws and regulatory institutions
- Some view the variety release and certification process lengthy and burdensome
- Efforts underway to allow private inspection

Going forward

- Accreditation process for inspection & testing: self- regulation
- Streamlining processes for variety release & certification
- Strengthening enforcement of counterfeit seed
- Clear reference to regional protocols

Southern African Development Community (SADC)

- A variety released in two member countries within SADC will be allowed to enter the regional variety catalogue and be marketed in the rest of the countries with similar agro-ecological conditions.
- 12 maize varieties are currently on SADC catalogue
- SADC MOU on the Harmonized Seed Regulatory System is not legally binding
- South Africa and Tanzania are UPOV members; South Africa, Malawi, Zambia, and Zimbabwe have ISTA-accredited laboratories
- It is important to align different Regional Processes: e.g. through **Tripartite Free Trade Area (TFTA)**

Challenges: regulatory collaboration; Implementation of regional standards for cross-border seed trade

Zimbabwe case study highlights

- Zimbabwe – a member of both SADC and COMESA, a signatory to WTO and initiated the process of acceding to UPOV
- Good variety release and registration and seed certification processes:
 - only requires one season of DUS testing, unless problems occurred during first season of testing (in line with SADC)
 - The private sector conducts NPT testing, field inspections and houses ISTA accredited laboratories .
- The process for cross-border trade is less smooth.
- ISTA certificates are not always honored.

Economic Community of West African States (ECOWAS)

- Countries have made strides in bringing their legal framework in line with ECOWAS rules.
- West Africa Seed Catalogue is the sum of country national catalogues
- Varieties that are registered nationally in accordance with **regional protocols** are automatically included in the regional catalogue and marketable in the region

Challenges:

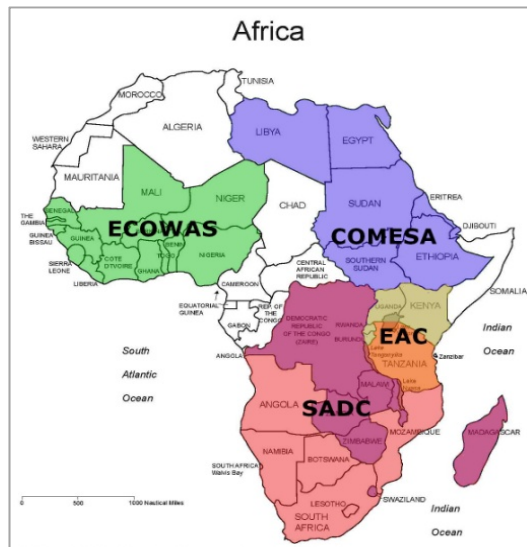
- This system is not yet operational.
- It is not clear that any member state has yet registered a new variety using the ECOWAS procedure
- It's not clear if marketing consent will be granted in a second country without registration in that country
- Regional standards for cross-border seed trade

Ghana case study highlights

- Ghana – a member of ECOWAS
- Several seasons of both on-station and on-farm trials for variety registration, consumer preference & economic data; need to benchmarked against the ECOWAS Seed Regulation
- Plant variety protection (PVP) under significant discussion
- Ghana's current seed law contains a provision tying commercialization of seed to importation and the approval of import licenses, quite uncommon in countries' seed laws :
- Regulatory changes underway, incl. official launch of the National Seed Trade Association of Ghana in 2015
- Capacity challenges exist throughout the seed value chain. Needs include increased training, accreditation of seed inspectors, better laboratory facilities, and facilities for storage.

Regional test cases, 2016 -17

- We work with seed companies and public breeders to assist them navigate through regional seed protocols:
 - ❑ COMESA regional seed catalogue (potatoes, soybean)
 - ❑ SADC regional seed catalogues (potatoes, maize)
 - ❑ EAC fast track registration (beans)
 - ❑ ECOWAS, marketing consent from member countries (sorghum)



Summary and outlook

- The four RECs are in varying stages of harmonizing seed regulations
- Implementation of seed harmonization is still at an early stage; regulatory collaboration important.
- Country best practices should be applied more broadly
- RECs overlap to a significant degree; regional collaboration is important (e.g. Tripartite Free Trade Area)
- Much deeper analysis of national / regional level legal and regulatory systems will be required to fully assess regional harmonization
- Seed companies play a critical role in testing the regional systems and making them improve and work





Thank you very much!