pesticides sector. Specific Conventions shall define the modalities of such opening.

Article 49: Publication

This Regulation shall be published by the Commission in the Official Journal of the Community within thirty (30) days following signature by the Chairperson of the Council of Ministers. It shall also be published in Member States' Official Gazette within the same timeframe.

Article 50: Entry into Force

This Regulation shall enter into force upon publication.

DONE AT ABUJA,
THIS 18TH DAY OF MAY 2008

.....

H.E. MRS. MINATA SAMATÉ CESSOUMA
CHAIRPERSON
for: COUNCIL OF MINISTERS

REGULATION C/REG.4/05/2008 ON HARMONIZATION OF THE RULES GOVERNING QUALITY CONTROL, CERTIFICATION AND MARKETING OF PLANT SEEDS AND SEEDLINGS IN ECOWAS REGION

THE COUNCIL OF MINISTERS

MINDFUL of Articles 10, 11 and 12 of ECOWAS Revised Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Decision A/DEC.11/01/05 adopting an Agricultural Policy for the Economic Community of West African States;

MINDFUL of Decision C/DEC.14/12/90 on the establishment of a sub-regional Seed Committee;

MINDFUL of Decision C/DEC. 16/12/90 on the establishment of Inter-State Technical Committees to monitor Price Trends for Specific Agricultural Products or Groups of Products;

MINDFUL of Decision C/DEC.1/5/83 relating to the short and medium-term programmes for the implementation of the Regional Agricultural Development Strategy;

MINDFUL of Decision C/DEC.5/5/82 relating to the production of selected basic seeds and the choice of seed production stations;

MINDFUL of Decision C/DEC.1/5/81 relating to common agricultural policy;

CONSIDERING the strategic role of the agricultural sector in the economy of Member States in terms of meeting the food needs of the population and eradicating poverty in rural areas;

CONSIDERING the need to promote in Member States, sustainable agriculture that is more productive and competitive, and capable of ensuring food security and higher living standards for farmers;

CONVINCED that seeds are of crucial importance in promoting sustainable agriculture and for actualization of the Community agricultural policy;

RECOGNIZING that regular supply of quality and affordable seeds to markets of Member States is a prerequisite for achieving food security and improved living standards for farmers;

DESIROUS OF ensuring safe and regular quality seeds supply to Member States' markets and, to this end, harmonizing the rules governing seed production and marketing in these States;

EXPRESSING SATISFACTION AT the active involvement and positive contribution of other sub-regional organisations such as CILSS and UEMOA in the formulation, improvement and finalisation of this draft Regulation;

ON THE RECOMMENDATION OF ECOWAS Member States' Ministers of Food and Agriculture meeting in Ouagadougou on 8 November 2007;

ENACTS:

SECTION I: GENERAL PROVISIONS

CHAPTER I: DEFINITIONS

Article 1: Definitions

For the purposes of this Regulation:

FARMER-MULTIPLICATOR means the category of farmers specialized in seed multiplication.

ALLOGAMY means the cross-pollination mode whereby the two gametes (male and female reproductive cells) are from two different individuals.

SEED ANALYSIS means the range of techniques used in the laboratory to determine the quality of seed sample.

CROPPING HISTORY means cropping undertaken during the planting season immediately preceding the season under consideration.

SELF FERTILIZATION means the fertilization of a pistil by pollen from the same flower or another flower of the same plant.

AUTOGAMY means the fertilization mode whereby the male and female gametes come from the same individual.

PLANT CASTRATION means the removal or destruction of plant male reproductive organs.

CATALOGUE OF SPECIES AND VARIETIES means the official document containing the list of all registered species and varieties.

WEST AFRICAN CATALOGUE OF PLANT SPECIES AND VARIETIES or WACPSV means the catalogue of plant species and varieties common to Member States.

SEED CATEGORY means the class of seeds of the same nature potentially of one or several generations.

PHYTOSANITARY CERTIFICATE means the document that conforms to the models advocated by the International Convention for Plant Protection (ICPP)

CERTIFICATION means the culmination of seed quality control process in the field or in laboratory, leading to assurance that the seeds conform to minimum standards of varietal purity through genealogical parentage and a system of breeder seed maintenance of varietal features, in accordance with the provisions of extant technical regulations.

SEED PRODUCTION FARM means any parcel of land devoted to production and multiplication of seeds of specific variety.

MARKETING means the sale, conservation for the purpose of sale, sale offer and any form of cession, supply or transfer for the purpose of commercial transaction, of seeds or plants with or without remuneration.

COMMISSION means ECOWAS Commission.

COMMUNITY means the Economic Community of West African States.

SEEDS PACKAGING means the operation by which seeds are dried, cleaned, sorted, treated and packaged to avoid physical, chemical or biological degradation and facilitate handling.

SEED MULTIPLICATION CONTRACT means a written agreement between the farmer-seed growers and seed producers accredited by the competent services.

QUALITY CONTROL means the range of activities carried out by the competent services to verify that the varietal or genetic purity of seeds, their physiological and health conditions as well as their technological standards conform to the technical rules applicable in Member States.

SEED CONTROLLER means any technician with

responsibility to inspect standing plants to ensure that location and management of seed multiplication farms conform to the extant technical regulations in Member States.

CROPPING DECLARATION means the document or form filled out by any individual or corporate body whose name features on the list of seed producers.

DISJUNCTION means any plant produced from the descendant of a specie but without the features of that specie given the fact that it has not been genetically engineered.

SEED DISTRIBUTOR means any individual or corporate body other than the seed producer engaged in seed marketing either as a wholesaler, semi-wholesaler or retailer.

COMMUNITY LAW means a law resulting from application of the ECOWAS Treaty and subsequent texts.

SEED SAMPLE means any portion that is representative of seed batch sampled in accordance with extant technical regulations.

SAMPLING means the range of operations used to obtain samples in accordance with an established process.

PACKAGE means any container notably bags, sachet, cartons made of a variety of materials such as cotton, paper, aluminium and polyethlene in which seeds are packaged.

ROGUING means the elimination of off-type plants, diseased plants or any other plants that could alter seed quality.

SPECIE means all individuals that inter-cross and are distinguishable by a number of common features.

GERMINATION TEST OR TRIAL means any laboratory test meant to observe the appearance of a seedling and its development up to the stage where its essential organs indicate that it would be able or unable, in future, to evolve into a normal plant under conducive full soil conditions.

SEED HEALTH STATUS means a condition involving the presence or otherwise of disease occasioned mainly by moulds, bacteria, virus and other parasites such as insects, acarinas and nematodes.

LABEL means any document visibly displaying specific information in readable manner to facilitate seed identification or traceability.

GERMINATING CAPACITY means the ability of a batch of seeds to germinate, evaluated by calculating the percentage of grains that germinate in a given batch of seeds, under normalized conditions within a given time frame.

GENERATION means phylogenesis in successive progenies.

FARM GRAIN AND SEED means any seed or grain produced by a farm meant for the personal use of the farmer and not destined for the market.

WEED GRAIN means any grain produced by herbaceous wild plants.

REGISTRATION means the procedure by which the species or varieties intended to be included in the national catalogue of species, are registered.

HOMOZYGOTE means any individual whose cells contain double the amount of genes of a specific nature.

OFF-TYPE means any plant of given specie that does not conform to the standards of the specie.

DOUBLE CROSS HYBRID means the product of a cross between two single cross involving four lines.

SINGLE CROSS (F_1) means the product of a cross between two pure lines obtained by artificial self fertilization.

THREE-WAY CROSS means the product of a cross between a single female cross and a pure male line.

HYBRID means the product of a cross between two or several genetically different varieties.

INDIVIDUAL means any live specimen of an animal or plant specie produced from one cell.

ISOLATION means measures taken to protect a seed production farm from pollution by foreign pollen.

ISOLATION IN TIME means staggering the planting date of varieties of the same specie such that the flowering periods do not coincide.

ISOLATION IN SPACE means keeping a set distance between the variety meant for multiplication and another variety of the same specie, or between a variety that has been multiplied and the same variety that has not been rogued.

ISTA means International Seed Test Association.

LABORATORY ASSISTANT means any person trained to work in a laboratory.

SEED ANALYSIS LABORATORY means any premises specifically designed to conduct seed tests generally involving special purity, varietal purity, germination, humidity level and health status, with a view to determining seed quality.

PURE LINE means any genetically homozygote and homogeneous line.

LINE means all individuals descendants of one or several parents. In plants, line is the result of successive self-fertilizations over several generations.

SEED BATCH means any quantity of seed defined and identifiable by a number, and is homogenous especially in terms of identity and varietal or genetic purity, special purity, germinating capacity and humidity level.

RAW SEED BATCH means any batch of seeds meant for certification.

MAINTAINER means any person or organization responsible for maintaining a variety featuring in the national catalogue and likely to be sent in for certification

PARENT MATERIAL (G_o) means any initial or zero generation (G_o) material, production of which is based on a well-defined breeder seed maintenance method.

ACTIVE INGREDIENT means the content of a product to which its effectiveness is wholly or partly attributable.

INERT INGREDIENT means any impurities such debris, soil or straw fragments contained in a batch of seeds

STANDARDS means a set of benchmarks for evaluating seed quality

SEED BREEDER means any individual or corporate body who has created or discovered or developed a new variety

ACCREDITED PRIVATE BODY means any private institution empowered by a member state to undertake control and certification activities

BATCH ORIGIN means any venue for production of seed batch such as country, town, village or any other relevant locality.

SEED PRODUCTION FARM means any single holder parcel of land comprising one or several seed farms

ADVENTIVE PLANT means any undesirable plant or weed growing in a farm land

ALLOGAMOUS PLANT means any cross-fertilized plant.

AUTOGAMOUS PLANT means any plant which reproduces through the fertilization of its ovules by its own pollen.

PLANT means any young plant, stem cuttings, leaves or root, grafts and runners meant for plant production.

DISEASED PLANT means any plant showing signs of malformation resulting from infestation.

SHOOT means any young plant resulting from grain germination and still dependent on the same grain for nourishment.

POLLEN means an aggregation of microscopic grains produced by stamens and which constitute the male productive elements of flowering plant.

CONTAMINATION means any contamination of the seed multiplication process by the presence of off-type and adventive weeds and/or dangerous diseases and other cultivated plant species difficult to separate.

SEED PRODUCER means any individual or corporate body specialized in the production of seeds and registered for inspection.

SEED PRODUCER-DISTRIBUTOR means any individual or corporate body specialized in the production of seeds and engaged in their wholesale, semi-wholesale or retail marketing.

SPECIFIC PURITY means the proportion of elements considered in a seed batch.

VARIETAL OR GENETIC PURITY means the

proportion of plants in the field that meet the standards of the variety. In the laboratory, it means the proportion of a given variety in a seed batch.

TECHNICAL REGULATION means the document specifying the characteristics of a product or its production procedures and methods, including the applicable administrative requirements that must be respected. Technical regulation may also partially or fully determine the terminologies, symbols or specifications used for packaging, marking and labelling of a product, service, production procedure or method

PLANT BREEDER means any individual or corporate body engaged in plant improvement with a view to creating new varieties.

SEED means any plant material or organ, or part of plant organ, such as grain, shoot, bulb, scion, rhizome, tuber or embryo, able to reproduce an individual

SEED TUBER means all or any part of a tuber meant for cultivation, as in the case of yam and potato.

CONVENTIONAL SEED means any seed of a variety of which the visual, technological and agronomic characteristics have been stabilized through genetic and biological manipulation

CERTIFIED SEED means any seed obtained from the first or second multiplication of basic seed

ROGUE SEED means any seed of undesirable plants or weeds growing in a farmland.

BASIC SEED OR FOUNDATION SEED (G_4) means any seed from pre-basic or breeder seed produced under the responsibility of a maintainer according to generally accepted maintenance breeding rules for that variety and intended for the production of certified seeds.

INFECTED SEED means any seed penetrated by living pathogens such as bacteria, mycoplasma, viruses, protozoa, fungi or yeasts.

INFESTED SEED means any seed invaded by parasitic animals such as insects or acarids.

PARENT SEED means any seed sown to produce a new generation. Any generation can be used as parent seed, except the generation sold to farmers to produce consumer grains.

NON-CONVENTIONAL SEED means any seed other than conventional seed

PRE-BASIC OR BREEDER SEED means any generation G_1, G_2 or G_3 seed situated between parent material and basic seed. Pre-basic seed is produced directly by the breeder of the variety or his authorized agent

OFFICIAL CONTROL AND CERTIFICATION SERVICE means the national service or body responsible for seed control and certification.

SEED STORAGE means any conservation of seeds in a storage area or warehouse under appropriate temperature and humidity conditions.

MOISTURE OR WATER CONTENT means the percentage of water content in a seed sample.

SEED TECHNICIAN means any seed professional licensed to assist seed producers by the national seed quality control and certification body or service of Member State.

CHEMICAL TREATMENT means the application of one or several chemical agents on seeds for their phytosanitary protection.

PHYTOSANITARY TREATMENT means the application of chemical products on seeds to protect them against disease and parasites.

COMPOSITE VARIETY means any variety obtained by the combination of several lines or populations, of relative genetic variability.

PLANT SPECIE OR VARIETY means the collection of plants of the lowest known botanic taxon i) defined by using the characteristics of some genotype or a combination of genotypes, ii) distinquishable from all other plant collections by at least one of these characteristics and iii) considered as an entity given its capacity for authentic reproduction.

CHAPTER II:
PURPOSE AND FIELD OF APPLICATION

Article 2: Purpose

1. The purpose of this Regulation is to harmonize the rules governing quality control, certification and marketing of plant seeds and agricultural plants in Member States.

2. The harmonization is intended to ensure good quality and determine the origin of the seeds of plant species and varieties listed in the West African Catalogue of Plant Species and Varieties, as defined in Article 9 of this Regulation.

3. More specifically, the purpose of this harmonization is to:

   - facilitate local production of quality seeds;
   - facilitate trade in seeds amongst Member States, through application of regionally agreed principles and rules that minimize trade barriers;
   - facilitate timely and convenient access by farmers to quality seeds;
   - create a climate propitious for private investment in the seed industry;
   - help widen the choice of the seeds available to farmers; and
   - promote partnership between the public and private sectors.

Article 3: Field of Application

1. This Regulation shall apply to all seed related activities, especially those pertaining to seed quality control, certification and marketing.

2. It shall not be applicable to freely used farm grains and seeds, without prejudice to the regulations in force in ECOWAS.

CHAPTER III: GENERAL PRINCIPLES

Article 4: Principle of Harmonization

In pursuance of harmonization as intended by this Regulation, the Community shall help bridge the gap between Member States' legislations in the field of seeds.

Article 5: Principle of Free Movement of Pesticides

For the purpose of organization of a common market as defined in the Community agricultural policy, there shall be free movement of seeds in the territory of ECOWAS Member States as soon as the seeds meet the quality standards applicable in the Community.

Article 6: Principle of Mutual Recognition and Equivalence

Member States shall implement the principle of mutual recognition of certifications based on the technical specifications and Community standards on plant seeds as well as on the registration conditions and procedures applicable in ECOWAS, and shall recognize such conditions and procedures as equivalent.

Article 7: Principle of recognizing International Standards

To ensure the free movement of seeds within Community and foster regional and international trade thereon, Member States shall anchor their seed technical regulations on international standards, directives and recommendations.

Article 8: Principle of Participation and Information

1. Member States shall ensure the full participation of the seed sector players in the process of public decision-making in seed related matters.

2. Member States shall organize public access to the seed related information available to public authorites.

3. Member States shall help train and build the awareness of seed sector players.

CHAPTER IV: SEED MANAGEMENT TOOL AND ORGAN

Article 9: West African Catalogue of Plant Species and Varieties

1. A West African Catalogue of Plant Species and Varieties, hereinafter known as the "WACPSV", is hereby established for more effective management of seed quality control and certification in the Member States.

2. The WACPSV shall be the official document containing the list of all registered varieties in Member States.

3. The WACPSV shall be constituted by all registered varieties listed in Member States' national catalogues. To this end, each Member State shall institute a national catalogue of plant species and varieties.

4. The organizational modalities for WACPSV shall be determined by the Commission in an enabling Regulation.

Article 10: West African Seed Committee

1. A West African Seed Committee hereinafter referred to as WASC is hereby established. This Committee shall implement extant regulations in matters of seed quality control, certification and marketing, with a view to fostering the development of the seed sector in Member States.

2. The West African Seed Committee shall work closely with national seed committees for development of the seed sector. To this end, each Member State shall set up a national seed committee and a seed sector support fund.

3. At the request of WASC, each Member State shall provide information for verification of compliance of national seed quality control and certification systems with Community texts. WASC may conduct investigations in Member States to verify the accuracy of information provided.

4. The functions, organization, operations and financing of the West African Seed Committee shall be defined in due course.

SECTION II: QUALITY CONTROL

CHAPTER V: PRELIMINARY PROVISIONS

Article 11: Purpose of Control

1. The purpose of control shall be to enable the official quality control and certification service or any other accredited private body to ascertain that the seeds submitted to it:
   - are of acceptable varietal or genetic purity;
   - are in good physiological and health condition; and
   - meet technological standards, where appropriate.

2. The requisite standards regarding the above characteristics shall be spelt out in enabling technical regulations as mentioned in Article 58 of this Regulation.

Article 12: Area of Control

Seed quality control shall apply to all stages and venues of production, from the farm to the producer's or distributor's storage facility which must have previously been admitted for control.

Article 13: Quality Control Authority

Seed quality control in each Member State shall be carried out by the official quality control and certification service or any other accredited private body, in accordance with the provisions of this Regulation.

CHAPTER VI: ADMISSION FOR CONTROL

Article 14: Application for Admission for Quality Control

(a) In each Member State, admission for quality control shall be granted to any individual or corporate body who applies accordingly. Admission shall be determined by the official national quality control and certification service or any other accredited private body for one or several of the species listed in the WACPSV and, in regard to each of these species, for one or several categories of seed as defined in Article 22 of this Regulation;

(b) Applications, using the appropriate form, shall be addressed to the official quality control and certification service or any other accredited private body in Member State before the start of the planting season;

(c) The quality control and certification service or any other accredited private body shall examine the application and satisfy itself that the admission requirements under prevailing regional regulations have been meet. The applicant shall be notified of the approval or rejection of the application within fifteen (15) days of its submission;

(d) Where the official quality control and certification service or any other accredited private body deems necessary, it may grant additional period of ten (10) days to the applicant for submission of fresh application or provision of supplementary information.

Article 15: Admission Criteria

(a) General Criteria
Any individual or corporate body wishing to be admitted for quality control, shall meet the following conditions:

I. undetake to observe the enabling technical regulations as mentioned in Article 58 of this Regulation;

II. have sufficient land;

III. have sufficient and qualified technical personnel; and

IV. possess appropriate facilities and equipment.

(b) Special Criteria
The special criteria shall be determined by the enabling technical regulations in accordance with the characteristics of each specie.

Article 16: Professional Card

1. The official quality control and certification service shall issue a professional card to individuals or corporate bodies who have met the admission requirements.

2. Issuance of such card shall be subject to payment of single registration fee in accordance with the type of activity. The amount, payment modalities and allocation of the proceeds of the single registration fee shall be determined by the individual Member State.

3. Professional card shall be issued to the following individuals or corporate bodies:

- Seed/Plant Breeder;
- Producer of basic seeds;
- Producer of certified seeds;
- Plant producer (Nursery farmer)
- Wholesaler;
- Retailer;
- Importer /Exporter;
- Associated operators such as packaging professionals, brokers, transporters and packers.

Article 17: Validity of Professional Card

Professional card shall be issued for three years, renewable at the holder's request, in accordance with the applicable procedures.

Article 18: Suspension of Professional Card

1. Professional card shall be suspended in the following cases, after written notification to the holder:

(a) Where there has been non-observance of the provisions of this Regulation despite the directives of the official quality control and certification service;

(b) Where sanction has been imposed on the holder in accordance with the concerned Member State's legislation on crack down on offenses.

2. In the event of suspension of professional card, the holder shall have a period of thirty (30) days from the date of notification to comply with the provisions of this Regulation. After this deadline, the holder's name shall be deleted from the register of professionals for the specific activity.

Article 19: Withdrawal of Professional Card

1. Professional card shall be withdrawn where:

(a) the holder has not been active for two consecutive years;

(b) the holder commits fresh infringement punishable by suspension within one year of the lifting of a previous suspension;

(c) the holder under suspension has not complied with the provisions of this Regulation within the thirty (30) days time frame granted under Article 18 of this Regulation.

2. The official quality control and certification service shall serve notice of termination to the professional card holder. However, the holder may still have access to the quality control services for crops cultivated prior to the withdrawal decision and, hence, obtain certification for the seeds therefrom produced, where these have met the set standards.

3. Where a professional card has been withdrawn, fresh application may be filed only after three years following the date of withdrawal of the card.

CHAPTER VII: ORGANIZATION OF PRODUCTION

Article 20: Seed Producer and Farmer-Seed Grower

1. A seed producer is any individual or corporate entity duly admitted for quality control.

2. A seed producer may enter into multiplication contract with one or several farmer- seed growers engaged in similar species.

3. A farmer-seed grower shall not be authorized to conclude multiplication contract with several producers. However, exemptions may be allowed where the contract with several producers does not cause prejudice to any one of them.

Article 21: Varieties to be multiplied

1. Only seeds of the varieties registered in national catalogue or the West African Catalogue of Plant Species and Varieties (WACPSV) may be eligible for multiplication, for the purpose of certification.

2. The characteristics of these varieties shall be consistent with those of the samples deposited at the time of registration in the WACPSV and conserved under the responsibility of the national committee in charge of registration in the catalogue.

Article 22: Seed Categories

The seed categories shall be as follows:

(a) Parent Material (G_0)
Parent material G_0 means the initial material, production of which shall be based on well-defined methodology for pedigree seed production.

(b) Pre-basic Seed (G_1, G_2 and G_3)
Pre-basic seed G_1, G_2 and G_3 means the seed generations between parent material and basic seed. Pre-basic seed shall be produced directly by the breeder of the variety or his/her authorized agent.

(c) Basic Seed (G_4)
Basic seed G_4 means the seed derived from pre-basic seed produced under the responsibility of the maintainer according to pedigree seed production rules generally accepted for the variety, and intended for production of certified seed.

(d) Certified Seed
Certified seed means the seed resulting directly from the first or second multiplication of basis seeds.

Article 23: Generations of Certified Seed

1. Certified seed may concern several successive seed generations:
   - First generation or "R_1" certified seed, from basic seed;
   - Second generation or "R_2" certified seed, from "R_1" certified seed;
   - Third generation or "R_3" certified seed, from "R_2" certified seed.

2. For hybrid varieties, certified seeds result from one sole hybridization (F_1) of basic seeds. These are referred to as certified seeds of hybrid varieties.

Article 24: Authorized Generations of Certified Seeds

1. The last authorized generation under this Regulation shall be the certified seeds of the second generation "R_2" which is not likely to produce seeds.

2. However, in case of difficulty of supply of certified seeds owing to force majeure in one Member State, the other Member States may authorize the delivery or marketing of seeds from the last authorized R_2 generation to address the crisis situation. Such seed must comply with the basic standards required for R_2 certified seed and shall be referred to as third generation or "R_3" seed.

3. The required standards relating to the above characteristics shall be defined in the enabling technical regulations mentioned in Article 59 of this Regulation.

CHAPTER VIII: PRODUCTION CONDITIONS

Article 25: Location of Seed Farm

1. Individual or corporate entities admitted for quality control shall abide by the production zones recommended by the breeder of a given variety.

2. The seed farm shall be accessible for inspection at any time throughout the growing cycle.

Article 26: Cultivated Areas

The minimum and maximum areas per crop and per parcel shall be as applicable in each Member State.

Article 27: Number of Varieties and Categories

1. The number of seed varieties and categories authorized for multiplication on the same agricultural holding shall be determined by the species and in accordance with the standards laid down in the enabling technical regulations.

2. The number of varieties shall not be restricted, as far as testing stations or experimental farms are concerned, on condition that the isolation standards defined in the aforementioned technical agreements are observed.

Article 28: Origin of the Parent Seed

1. The official quality control and certification service or any other accredited private body shall ensure that the seed producer or farmer-multiplicator uses only certified parent seed.

2. All seed producers or farmer-multiplicators shall justify the origin of parent seed with documentary evidence such as certification label, invoice, delivery note or any other appropriate document.

CHAPTER IX: PRODUCTION CONTROL

Article 29: Control Periods

Control shall be undertaken at all stages of activity, namely: seed production, conservation, packaging, warehousing, transportation, marketing and utilization.

Article 30: Cropping Declaration

1. Before each certification season, individuals or corporate bodies admitted for control shall transmit, prior to cultivation, cropping declaration to the national quality control and certification service or any other accredited private body within a reasonable timeframe, failing which the declaration shall be rejected.

2. Any subsequent changes to the cropping declaration shall be reported immediately to the quality control and certification service or any other accredited private entity.

3. A model cropping declaration shall feature in the enabling Regulation as defined in Article 57 of this Regulation.

Article 31: Seed Multiplication Contract

1. The seed multiplication contract concluded between the seed producer and one or several farmer-multiplictors shall include:

   (a) a commitment by the farmer-multiplicator to respect existing regulations, allow the quality control agents to inspect his/her crops and not inconvenience neighbouring seed farms; and

   (b) an undertaking by the producer to provide the farmer-multiplicator with all necessary technical instructions and deliver the parent seeds in good time.

2. A model seed multiplication contract shall be presented in the enabling Regulation referred to in Article 57 of this Regulation.

Article 32: Control Agents

1. Throughout their growing cycle, seed crops shall be under the surveillance of sworn agents, hereinafter known as inspectors, drawn from the official national quality control and certification service of the concerned Member State or any other accredited private body.

2. The inspectors shall have the mandate to visit the seed farms to ascertain their characteristics and cropping condition.

Article 33: Field Inspections

1. The inspectors shall carry out extension visits and shall, in this regard, have free access to the seed farms. They shall produce a field inspection report with respect to each visit.

2. At least four inspection exercises shall be undertaken in the course of a cropping cycle.

   (a) First Inspection: Preliminary Inspection

   This first inspection shall take place

before cropping to ascertain whether or not the land set aside by the producer meets the minimum characteristics and standards required for the species to be multiplied.

*(b) **Second Inspection: Pre-Flowering Phase***
The second inspection shall take place during the vegetative phase extending from cropping phase to that start of flowering up to emergence of inflorescence.

*(c) **Third Inspection: Flowering Phase***
The third inspection shall take place when some 50 percent of the plants are in flower; the flowers are open, the stigmas are receptive and the spores release pollen.

*(d) **Fourth inspection: Pre-Harvest Phase***

The fourth inspection shall take place a few days before harvest: the seed is sufficiently firm and has attained physiological maturity.

3. The field characteristics and minimum standards required for each specie shall be defined in the enabling technical regulations mentioned in Article 58 of this Regulation.

Article 34: Factors determining Number of Inspections

1. The minimum number of inspections shall be determined in light of the following characteristics:
   - Seed farm environment;
   - Origin of parent seed;
   - Cropping history;
   - Isolation,
   - Crop condition.
2. All these characteristics shall be spelt out in the enabling technical regulations mentioned in Article 58 of this Regulation.

Article 35: Grounds for Rejection of a Seed Farm

1. A seed farm shall be rejected by the official quality control and certification service or any other accredited private body if it fails to meet the required standards in respect of:
   - Physical purity,
   - Adventive plants,
   - Health status, and
   - Varietal purity.
2. The required standards in regard to the above characteristics shall be spelt out in the enabling technical regulations mentioned in Article 58 of this Regulation.

Article 36: Inspection Report

1. The inspections shall take place in the presence of the seed grower or an accredited representative of the producer, and a report containing observations on the cropping condition of the seed farm issued.
2. The report shall also contain technical recommendations or directives in accordance with the rules governing the specific specie.
3. A model field inspection report shall be presented in the enabling Regulation mentioned in Article 57 of this Regulation.

Article 37: Seed Technicians

1. Any seed producer without the necessary technical competence shall resort to the services of a seed technician whom he shall engage from the stage of production up to that of sale to distributors.
2. The seed technician shall meet the following conditions:
   - be accredited by the official national quality control and certification service;
   - serve only one producer at a time. This requirement may, however, be waived if the contracts concluded with several producers do not cause prejudice to any of them.
3. The seed technician shall:
   - oversee standing crops;
   - be present at each inspection visit;
   - tidy up the sowing, cropping, harvesting and transportation as well as the packaging and storage facilities;
   - identify seed batches; and

- store the seeds in appropriate conditions.

4. The model application for registration as seed technician shall be presented in the enabling Regulation mentioned in Article 57 of this Regulation.

Article 38: Internal Control

Any producer admitted for control may install an internal crop control structure that engages seed technicians.

Article 39: Abandonment of a Seed Farm

A seed farm may be abandoned for climatic or technical reasons at any stage of the vegetative process. In that event, the producer shall accordingly inform the official quality control and certification service or any other accredited private body within the shortest possible time.

Article 40: Classification of Crops

1. The inspectors shall classify the crops on the basis of the outcomes of and the observations made during control visits.

2. A crop may be rejected where the technical recommendations or directives issued during previous visits have not been complied with:

   (a) any rejection shall be notified to the concerned party as soon as possible;

   (b) where there has been multiplication of parent seeds imported from non-ECOWAS Member State, classification of the seed farms shall be predicated on the results of varietal control conducted in the laboratory or in the farm.

CHAPTER X: QUALITY CONTROL OF SEED BATCHES

Article 41: C onstitution of Seed Batch

1. All seed batches shall be physically identifiable by a number which could be in the form of figure or letter or a combination of both.

2. With the authorization of the quality control service, a given batch of certified seeds may be constituted from the products of several farms of the same variety and of the same parent seed.

3. However, with respect to pre-basic and basic seeds, a seed batch shall be constituted by the product of one farm.

Article 42: Size of Seed Batch

The size of a seed batch shall depend on the species. It shall be defined in the enabling technical regulations mentioned in Article 58 of this Regulation.

Article 43: Identification of Raw Seed Batches

From harvest to packaging stage, raw seed batches of all categories, whether bagged or loose, shall be provisionally identified by label, harvest tag or other appropriate document to avoid accidental mix up.

Article 44: Sampling

1. To determine the value of seed batches, the official quality control and certification service or any other accredited private body shall take samples for laboratory testing.

2. Sampling shall be carried out in accordance with the international rules developed by the International Seed Testing Association (ISTA).

3. The sample weight for each specie shall be defined in the enabling technical regulations mentioned in Article 58 of this Regulation.

4. The samples shall be placed in sachets bearing the following information:

   - Official quality control and certification service or accredited private body of the Member State;
   - Name of producer;
   - Specie and variety;
   - Category;
   - Batch number;
   - Batch weight or number of units in the batch;
   - Treatment and products used;
   - Sampling date;

- Name of agent of the official service or accredited private body responsible for quality control and certification or of the laboratory assistant.

Article 45: Laboratory Control

1. Any seed batch submitted for certification shall be tested in a laboratory designated by the Member State or an official laboratory affiliated to the ISTA.

2. Such control shall embrace the five key areas indicated hereunder. The related standards shall be defined in the enabling technical regulations stipulated in Article 58 of this Regulation

   (a) Analytical Purity
   The laboratory control of analytical purity shall seek to determine:

   i. the composition of the analysed sample; and

   ii. the identity of the seed specie and the inert particles that constitute the sample.

   (b) Water Content
   The laboratory control of water content shall seek to determine seed moisture content using appropriate methodology.

   (c) Germination Test
   The germination test shall seek to determine the germinative value of the seeds for sowing in farm and furnish data for comparison of seed batches.

   (d) Health Status Test
   The health status test shall determine the health of a seed sample through examination to detect diseases occasioned by organisms such as fungi, bacteria and viruses and animal parasites including nematodes and insects.

   (e) Varietal Purity
   The laboratory control of varietal purity shall ascertain the varietal identity of a seed batch and compare its varietal purity with that of a reference sample.

   Determination of varietal identity may be morphological, physiological, cytological or chemical.

Article 46: Laboratory Reports

1. All test results shall be consigned in a seed analysis report issued by the competent national seed testing laboratory of Member State.

2. A model seed laboratory report shall be presented in the enabling Regulation mentioned in Article 57 of this Regulation.

3. For the purpose of seed trade in Member States, the national seed testing laboratory of Member State may also issue an International Seed Analysis Certificate in accordance with the applicable rules of the ISTA.

Article 47: A posteriori Control

1. A posteriori control shall be carried out after certification, on a reference sample of seeds of all categories. Such control may extend to parent material and pre-basic seeds in the event of dispute or complaint.

2. As regards pre-basic and basic seeds, the outcomes of such control shall serve to confirm or modify the classification of the seed batches still in stock and the progeny of the controlled batches.

3. The sample used for quality control shall be taken in accordance with ISTA standards and conserved by the official quality control and certification service or any other accredited private body of the Member State.

4. A posteriori control shall be conducted in accordance with a protocol defined by the quality control and certification service in concert with the national research institutions concerned.

5. Quality control during seed marketing shall be carried out by agents of the official quality control and certification service or any other accredited private entity and agents of the Ministry of Trade.

CHAPTER XI: CONDITIONING

Article 48: Seed Treatment

Seeds presented for certification shall be treated in a seed conditioning plant accredited by the

official quality control and certification service of the Member State in which they have been produced.

Article 49: Use of Sorting Sieve

Seed cleaning lines in accredited conditioning plants shall use at least one set of three-grid sieve, with top, middle and bottom sieves, selected according to the species to be conditioned.

Article 50: Maintenance of Facilities

The conditioning facilities shall be cleaned after every use to avoid accidental mix up.

CHAPTER XII: PACKAGING

Article 51: Types of Packaging

The type of packaging used shall be those authorized in each Member State. The packaging shall be clean, resistant and appropriate for seed protection and viability.

Article 52: Marking the Packagings

1. All producers shall mark the packagings of their seeds.

2. The package markings shall indicate in clear and easily legible print:
   (a) name and address of the producer or distributor;
   (b) logo or trade name, where these exist;
   (c) name of the species and of the variety as listed in the WACPSV;
   (d) category, generation and production cycle;
   (e) net weight;
   (f) certification label; and
   (g) name of the product used for treatment

CHAPTER XIII: SPLITTING - REPACKAGING

Article 53: Splitting and Repackaging

Where seed batches have been assembled and labelled, any subsequent splitting and/or repackaging shall be undertaken in the presence of agents of the quality control and certification service, failing which the seed batches concerned shall be rejected.

Article 54: Labelling

In the case of splitting and/or repackaging, the new labels shall bear the same particulars as the original labels, with additional annotation indicating that the batch has been repackaged.

CHAPTER XIV: STORAGE

Article 55: State of Storage Facilities

1. All seed storage facilities must have an appropriate temperature and humidity. They shall kept tidy and well aerated for effective seed conservation.

2. Storage facilities must also be regularly disinfected.

Article 56: Conditions for Bags Storage

Seed bags shall be placed on duckboards or pallets: They must not be kept in contact with the ground or with walls. Seed batches shall be arranged in a way that allows a passage between piles of seeds to facilitate control and sampling.

CHAPTER XV: CONTROL MODALITIES

Article 57: Model administrative documents

An enabling Regulation of the Commission shall define the model administrative documents to be used for seed quality control in Member States.

Article 58: Enabling Technical Regulations

An enabling Regulation of the Commission relating to enabling technical regulations shall complement the modalities of seed quality certification and control in the Member States.

SECTION III: SEED CERTIFICATION

CHAPTER XVI: CERTIFICATION, ELIGIBILITY CONDITIONS AND CERTIFICATION FEE

Article 59: Certification

All plant seed produced for the purpose of marketing shall be certified in accordance with the provisions of this Regulation and its enabling Regulations.

Article 60: Eligibility

Certification shall be applicable only to seed batches from farms normally eligible for control and for the varieties listed in the WACPSV.

Article 61: Certification Fee

1. Any service in respect of certification, be it for control in the field or in laboratory, shall be subject to certification fee.

2. A certification fee shall be collected by the official service or any other quality control and certification body at the time of issue of certification labels or laboratory reports.

3. The fee amount, payment modalities and the conditions for allocation of the proceeds shall be determined by each Member State.

CHAPTER XVII: LABELLING

Article 62: Mandatory Labelling

1. Any packaging containing certified seeds shall bear a certification label issued by the official quality control and certification service or body. The certification label shall be different from the seed producer's label as provided for in Article 52 of this Regulation.

2. The official service or body responsible for quality control and certification shall have the sole authority to print, distribute and affix official certification labels. This responsibility may, however, be delegated to an accredited private body.

3. Certification labels shall be affixed in a way to ensure inviolability of the package.

4. A certification label identical to that affixed to the package shall be placed inside the package, where such package does not bear printed specifications of the seed batch.

5. Model certification labels shall be presented in the enabling Regulation stipulated in Article 57 of this Regulation.

Article 63: Colour of Certification Labels

The colours of certification labels shall depend on seed category. The authorized colours shall be:

(a) white with diagonal violet stripes - for parent material and pre-basic seeds;

(b) white for basic seeds;

(c) blue for "R_1" or first generation certified seeds; and

(d) red for "R_2" or second generation certified seeds and "F_1" hybrid seeds.

Article 64: Specifications on Certification Labels

1. The top side of certification labels shall bear the following indications:

   (a) Name of specie, followed where appropriate by cropping suitability or varietal type; for example:
   Specie: rainfed rice or irrigated rice;
   Hybrid maize or composite maize;

   (b) Name of variety as listed in the WACPSV;

   (c) Batch number;

   (d) Size;

   (e) Minimum germination capacity;

   (f) Year and month of harvest;

   (g) Minimum genetic purity;

   (h) Weight;

   (i) Reference to this Regulation;

   (j) Name of official quality control and certification service or body.

2. The seal of the official quality control and certification service or accredited private body of the country in which the seed was produced, shall be used as a guarantee of the authenticity of the certification label.

3. The back side of the certification label shall bear no annotation.

4. The number of certification labels shall be strictly limited to the number of units that make up each certified batch.

Article 65: Withdrawal of Certification Labels

1. Where a seed batch has been declassified or rejected after testing, for reasons of non-compliance with the set standards, all certification labels already issued shall be withdrawn and recovered by the official quality control and certification service.

2. The seed batch in question shall no longer be used or marketed.

CHAPTER XVIII: CERTIFICATION ATTESTATION

Article 66: Issuance of Certification Attestation

1. Certification attestation is an official document issued in respect of a seed batch by the official control and certification service or any other accredited private body at the request of any person wishing to use the batch in question.

2. A model certification attestation shall be presented in the enabling Regulation mentioned in Article 57 of this Regulation.

CHAPTER XIX: EXEMPTIONS

Article 67: Exceptional Issuance of Certification Labels

(a) Authorization of non-conforming pre-basic and basic seeds

The official service or any other accredited private body responsible for quality control and certification may exceptionally issue certification labels for pre-basic or basic seeds, germination capacity of which falls short of the required standards. In such case, the real germination capacity shall be indicated on the label.

(b) Authorization of non-conforming seeds

The official service or any other accredited private body responsible for quality control and certification may exceptionally issue, in the case of emergency and/or for dormant seeds, certification labels for non-conforming seed batches, after preliminary and summary biochemical evaluation of viability.

CHAPTER XX: CARRY-OVER SEED BATCHES

Article 68: Declaration of Carry-Over Seed Batches

1. Certified seed batches shall be considered as carry-over batches counting from the starting date of the new planting season following the harvest season. Such batches shall be declared to the official quality control and certification service or any other accredited private body.

2. Such seed batches shall be examined to ascertain germination capacity by the national laboratory of the Member State or any other accredited laboratory. The labels of non-conforming batches shall be withdrawn.

CHAPTER XXI: MUTUAL RECOGNITION

Article 69: Mutual Recognition of Certification

Seeds certified by an authorized service of a Member State in accordance with the provisions of this Regulation and its enabling Regulations shall be recognized as such by all other Member States.

SECTION IV: SEED MARKETING

CHAPTER XXII: MARKETING BY PRODUCER-DISTRIBUTORS AND DISTRIBUTORS

Article 70: Variety of Seeds marketed on the Regional Market

Only seeds registered in the West African Catalogue of Plant Species and Varieties shall be marketed in the sub-region.

Article 71: Accreditation

1. The marketing of seeds by producer-distributors and distributors shall be subject to official accreditation.

2. Such accreditation shall be renewable every three years at the request of the holder.

3. The criteria for accreditation shall be determined by each Member State in accordance with the provisions of this Regulation.

Article 72: Stores Accounting

All seed producer-distributors and distributors shall keep detailed account of stock entries and withdrawals in a ledger that shall be available for checking and inspection at all times by the official quality control and certification service or any other accredited private body, and by the competent Departments of the Ministry of Trade.

Article 73: State of Storage Facilities

1. All storage facilities for seeds for marketing must have appropriate temperature and humidity levels. They shall kept tidy and well aerated for effective seed conservation.

2. The storage facilities shall also be regularly disinfected.

Article 74: Conditions for Bags Storage

Seed bags shall be placed on duckboards or pallets. They must not be kept in contact with the ground or with walls. Seed batches shall be arranged in a way that allows a passage between piles of seeds to facilitate control and sampling.

Article 75: Conditions for Transportation

Seeds shall be transported in such conditions as can maintain their intrinsic quality.

CHAPTER XXIII: EXPORT - IMPORT

Article 76: Procedure

1. Without prejudice to Community regulations on external trade, the import and export of conventional seeds shall be subject to prior declaration to the official quality control and certification service or body.

2. The importer or exporter shall provide the following information regarding the seed batch:
   - Individual or corporate name;
   - Name and address of consignee or supplier;
   - Species and variety as registered in the WACPSV;
   - Category and generation;
   - Batch number;
   - Declared batch weight;
   - Number of packages;
   - Unit weight of packages;
   - Number of labels specifying first and last figures; and
   - Chemical treatment with the name of active ingredients used.

3. The import and export of unconventional seeds shall be governed by the legislation applicable in Member States.

Article 77: Issuance of International Certificate

Member States' national seed testing laboratories accredited by the ISTA shall be authorized to issue an International Certificate where this is required.

Article 78: Phytosanitary Certificate

1. All seed export and import shall be accompanied by a phytosanitary certificate issued by the national service or agency responsible for plant protection in the country of origin of the seed.

2. For the purpose of issuance of phytosanitary certificate, Member States shall periodically conduct surveys and exchange information with a view to drawing up comprehensive inventories of the pests existing in the States.

3. Such inventories shall serve to update the list of quarantine and non-quarantine organisms.

4. The list of quarantine and non-quarantine organisms drawn up for the purpose of inter and intra-Community trade and the modalities of seed phytosanitary control shall be determined by ECOWAS Commission.

Article 79: Scientific Research

Exchange of plant material among Member States for scientific research shall not be affected by the provisions of Article 76 of this Regulation. However, the requirement for a phytosanitary certificate shall be applicable.

Article 80: Suspect Seed Batches

1. Any imported or exported seed batch that arouses suspicion of fraud or falsification shall be considered as suspect and provisionally impounded.

2. A sample thereof shall be taken by the official quality control and certification service or any other accredited private body and transmitted to the national seed testing laboratory for investigation of fraud and falsification. Where the results fail to match the specifications on the documents accompanying the seeds, the seed batch shall be seized by the agents or officers of the criminal police or the sworn agents of the customs and plant protection authorities. Thus, utilization of the seeds in such batch shall not be authorized; and the labels shall be withdrawn and destroyed.

Article 81: Batches in Transit

1. Any batch transiting the territory of a Member State shall be declared to the official quality control and certification service or any other accredited private body by the individual or corporate entity responsible for the transit.

2. Information concerning the consignee and the country of destination shall be communicated to the official quality control and certification service or any other accredited private body and to the official plant protection services by the aforementioned individual or corporate entity.

3. Transiting batches shall be accompanied by a phytosanitary certificate indicating the source and destination of the seeds. The batches in question shall not be subject to quality control in the transit countries.

SECTION V: SANCTIONS

Article 82: Sanctions for Infringement

1. The following shall constitute breaches of the provisions of this Regulation and its enabling Regulations:

   (a) production of seeds without professional card;

   (b) marketing of seeds without accreditation;

   (c) misleading information on seed labelling, wilful modification or alteration of labelling and the use of any trickery to mislead third parties as to the quality of the seeds;

   (d) distribution, for animal or human consumption, of seeds treated with substances dangerous to human or animal health and, thus, unfit for consumption;

   (e) failure to keep proper ledger as laid down in Article 73 of this Regulation;

   (f) import or export of conventional seeds without prior declaration;

   (g) import or export of unconventional seeds in violation of applicable legislation;

   (h) obstruction of official inspection or control activities;

   (i) non-compliance with the conditions of admission for control; and

   (j) fraud or attempted fraud in the utilization or marketing of seeds transiting Member States.

2. Member States shall take all appropriate measures to impose sanctions for any breach of the provisions of this Regulation.

Article 83: Empowerment and Powers of Control Agents

1. Member States shall draw up a list of the agents authorized to carry out verifications of compliance.

2. The agents shall be accorded powers of inspection and investigation to enable them to, among other things:

   (a) enter the professional premises including compounds and buildings meant for seed distribution as well as seed warehouses, storerooms and other storage places and depots;

   (b) access and cause to be transmitted to them all documentation relating to the operations of seed producers and seed distributors;

   (c) inspect installations, facilities, works, vehicles, devices and tools used in seed related activities; and

(d) collect samples and ensure that these samples are representative enough and leave open the possibility of alternative evaluation.

3. Inspections during seed production and marketing shall be carried out in the presence of the producer and the distributor or their representative.

SECTION VI: GUARANTEES FOR PERSONS ADMITTED FOR CONTROL AND FOR DISTRIBUTORS

Article 84: Scope of the Guarantees

Individuals or corporate bodies subject to compliance control and inspection at all stages of seed production, certification and marketing shall be accorded the following guarantees:

(a) confidentiality of the information they provide, since the individual or corporate entity concerned are bound to keep the secrets of their profession.

(b) representativeness of the samples used as basis for contested administrative measure;

(c) right to resort to alternative opinion and to lodge an appeal according to applicable procedures;

(d) right to be present or be represented during control exercise;

(e) right to demand disclosure of documents such as notification of measures taken against their person, grounds for such decision, receipts for samples and seed seizure reports, laboratory test results, their statements and any other document that inform the decisions that affect them.

SECTION VII: MISCELLANEOUS PROVISIONS

Article 85: Implementation

In furtherance of its activities, WACPSV shall be open to the sub-regional institutions operating in the seed sector. Specific Conventions shall define the modalities of such opening.

Article 86: Relation with other Community Texts

Seed quality control, certification and marketing activities within the Community shall be exercised in accordance with the applicable ECOWAS texts.

SECTION VIII: FINAL PROVISIONS

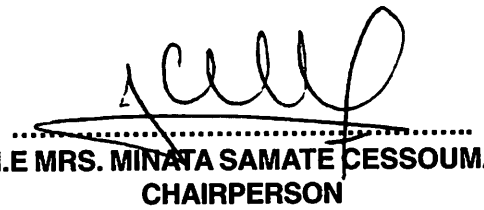
Article 87: Publication

This Regulation shall be published by the Commission in the Official Journal of the Community within thirty (30) days following signature by the Chairperson of the Council of Ministers. It shall also be published in Member States' Official Gazette within the same timeframe.

Article 88: Entry into Force

This Regulation shall enter into force upon its publication.

DONE AT ABUJA,
THIS 18TH DAY OF MAY 2008



H.E MRS. MINATA SAMATE CESSOUMA
CHAIRPERSON
For COUNCIL